

2387.

APPROVAL—BONDS, CITY OF AKRON, SUMMIT COUNTY,
OHIO, \$5,000.00, PART OF ISSUE DATED APRIL 1, 1920.

COLUMBUS, OHIO, April 26, 1938.

*Retirement Board, State Public School Employes' Retirement System,
Columbus, Ohio.*

GENTLEMEN:

RE: Bonds of City of Akron,
Summit County, Ohio, \$5,000.00.

The above purchase of bonds appears to be part of an issue of bonds of the above city dated April 1, 1920. The transcript relative to this issue was approved by this office in an opinion rendered to the Industrial Commission under date of September 5, 1935, being Opinion No. 4616.

It is accordingly my opinion that these bonds constitute valid and legal obligations of said city.

Respectfully,

HERBERT S. DUFFY,
Attorney General

2388.

APPROVAL—BONDS, CITY OF CLEVELAND, CUYAHOGA
COUNTY, OHIO, \$5,000.00, PART OF ISSUE DATED MARCH
1, 1919.

COLUMBUS, OHIO, April 26, 1938.

*Retirement Board, State Public School Employes' Retirement System,
Columbus, Ohio.*

GENTLEMEN:

RE: Bonds of City of Cleveland,
Cuyahoga County, Ohio, \$5,000.00.

The above purchase of bonds appears to be part of an issue of bonds of the above city dated March 1, 1919. The transcript relative

to this issue was approved by this office in an opinion rendered to the Teachers Retirement System under date of August 21, 1935, being Opinion No. 4565.

It is accordingly my opinion that these bonds constitute valid and legal obligations of said city.

Respectfully,

HERBERT S. DUFFY,

Attorney General

2389.

FIREMEN'S PENSION FUND—LEVY REQUIRED BY SECTION 4605 G. C. MANDATORY—TRUST FUND—BENEFICIARIES HAVE VESTED RIGHT—IMMUNE FROM SEIZURE UNDER PROCESS LEGAL OR EQUITABLE—PENSION FUND --TAX LEVY UNDER SECTION 4605, G. C.

SYLLABUS:

1. *The levy required under Section 4605, G. C., in municipalities of Ohio, for the benefit of the Firemen's Pension Fund is mandatory.*
2. *The fact that the Trustees of such fund have created a trust fund out of moneys received from sources other than taxation affords no excuse for refusal or failure to make the levy by the authority upon whom such duty devolves.*
3. *The funds that go to make up the corpus of such Trust Fund are not immune from the payment of firemen's pensions, if the Trustees see fit to use them for such purpose, but there is no authority in law whereby the municipality can compel the Trustees so to do.*
4. *A fireman's pension is no longer a gratuity under the laws of Ohio, Sections 4612-1 and 4612-2, G. C., providing in effect that subsequent beneficiaries of such fund have a vested right thereto and such pensions are immune from seizure under any process legal or equitable.*
5. *The proceeds of such Trust Fund should be applied to the payment of firemen's pensions as such Trust Fund could subservise no other purpose, and the taxing authority has the right to consider this augmentation when making its levy for such pension fund.*