

1828.

APPROVAL, BONDS OF DELAWARE CITY SCHOOL DISTRICT IN
AMOUNT OF \$4,000.

COLUMBUS, OHIO, January 29, 1921.

Industrial Commission of Ohio, Columbus, Ohio.

1829.

ROADS AND HIGHWAYS—STATE AID IMPROVEMENT—BIDS ON
SEVERAL TYPES OF IMPROVEMENT OF VARYING COSTS—
WHERE COUNTY COMMISSIONERS OF NECESSITY ISSUE BONDS
ON MOST COSTLY TYPE OF IMPROVEMENT—SURPLUS SUBJECT
TO PROVISIONS OF SECTION 5654 G. C.—SINKING FUND.

Where the state highway commissioner, in response to application of county commissioners for state aid on a highway improvement project, proposes to call for bids on several types of improvement of varying costs, the county commissioners, if they issue bonds to provide for the share of cost over and above that assumed by the state, are under the necessity of basing the bond issue on the most costly type of improvement. If there is a surplus of bond proceeds due to the non-adoption of the most costly type, such surplus is subject to the provisions of section 5654 G. C.

COLUMBUS, OHIO, January 31, 1921.

HON. HARLAN F. BURKET, *Prosecuting Attorney, Findlay, Ohio.*

DEAR SIR:—You have recently submitted for opinion an inquiry made of you by your board of county commissioners, as follows:

“The state highway commissioner has the right to receive bids for the construction of inter-county highways on any type and at different prices, according to the type. The law says that the county must have their portion of the cost and expense of such improvement either in the county treasury or same shall be in the process of collection before the state highway commissioner can receive bids on said improvement.

Inasmuch as the county commissioners cannot sell bonds to exceed in amount the cost of the improvement for which the bonds are being sold, and as the state highway commissioner may sell the cheaper type, in some cases making the difference in the highest and lowest type as high as fifty thousand dollars, just what amount of bonds shall the county commissioners sell for such improvements?

During the year 1920, the county commissioners tried to sell the bonds for the highest type of improvement with the right to reduce the amount of the issue in case the cheaper type was sold, but we found that this was very impractical as the bond buyers do not care to wait any length of time after buying said bonds before same are delivered.”

To the inquiry above stated, you say that the commissioners have added another,