

465.

CONTRACT—STATE WITH THE WEISS HEATING AND PLUMBING COMPANY, PLUMBING WORK, COTTAGE NO. 9, HAWTHORNDEN STATE HOSPITAL, MACEDONIA, OHIO.

COLUMBUS, OHIO, April 24, 1939.

HON. CARL G. WAHL, *Director, Department of Public Works, Columbus, Ohio.*

DEAR SIR: You have submitted for my approval the contract between the State of Ohio acting through you as Director of the Department of Public Works for the Department of Public Welfare and The Weiss Heating and Plumbing Company, an Ohio corporation for Plumbing Work for a project known as Cottage No. 9, Hawthornden State Hospital, Macedonia, Ohio, as set forth in Item 2, Plumbing Contract, for Cottage No. 9 (including Tunnel) of the Form of Proposal dated March 21, 1939, all according to Plans and Specifications, which Plans, Specifications and Proposal are made a part of this Contract. The contract calls for an expenditure of \$9,490.00.

You have submitted the following papers and documents in this connection: Contract encumbrance record No. 80; Division of contract; Notice to bidders and estimate of cost; Proof of publication; Workmen's Compensation certificate, showing that The Weiss Heating and Plumbing Company have complied with the laws of Ohio relating to Workmen's Compensation; Form of proposal dated March 21, 1939, containing contract bond form signed by the Hartford Accident and Indemnity Company, its power of attorney for the signer, together with its financial statement and certificate of compliance with the laws of Ohio relating to surety companies; Recommendation of the State Architect; Request of the Department of Public Welfare for letting of the contract; Controlling Board's release; Approval of P. W. A.; Tabulation of bids; Letter from the State Auditor, stating that all necessary papers are on file in his office.

Finding said contract in proper legal form, I have noted my approval thereon, and same is transmitted herewith, together with all papers and documents submitted in this connection.

Respectfully,

THOMAS J. HERBERT.
Attorney General.

466.

VACANCY — VILLAGE — BOARD OF PARK TRUSTEES — BOARD OF SINKING FUND TRUSTEES — VILLAGE TREASURER—VILLAGE COUNCIL—WHERE FAILURE TO FILL VACANCY, MAYOR SHALL FILL SAME—SECTIONS 2295-14, 4252, ET AL., G. C.

SYLLABUS:

The Board of Sinking Fund Trustees of a village having been abolished upon the retirement of all bonds issued previous to January 1, 1922, as provided for in Section 2295-14 of the General Code of Ohio, the village treasurer succeeds to only those duties specifically set out in Section 2295-14, supra, and, by virtue of Section 4356 of the General Code of Ohio, the village council is required to provide by ordinance the method by which the board of park trustees is appointed, and also the method by which vacancies arising during an unexpired term are filled.

However, in the event that the village council fails to provide for the filling of vacancies for an unexpired term, such vacancies are filled by the mayor as provided for in Section 4252, General Code of Ohio.

COLUMBUS, OHIO, April 25, 1939.

Bureau of Inspection and Supervision of Public Offices, Columbus, Ohio.

GENTLEMEN:

This will acknowledge receipt of your recent communication, which reads as follows:

“We are enclosing herewith a letter from the Solicitor of the Village of Glendale, Ohio, in which he makes inquiry as to the appointing authority of Park Trustees in a municipality, which board is established under favor of Section 4068, G. C., when the board of Sinking Fund Trustees is abolished under the provisions of Section 2295-14, G. C.

A diligent search through our files and index cards having failed to reveal any definite ruling on this question, may we request that you examine this correspondence and advise us in answer to the following question:

Under the provisions of Section 4068, G. C., the members of the Board of Park Trustees are appointed by the Board of Sinking Fund Trustees, which latter board is abolished by the provisions of Section 2295-14 G. C., when all bonds issued prior to January 1, 1922, have been paid and redeemed.