

contract covers the construction and completion of general contract for new boiler house (exclusive of stack and stack foundation) at the State School for the Blind, Columbus, Ohio, and calls for an expenditure of \$16,475.00.

You have submitted the certificate of the Director of Finance to the effect that there are unencumbered balances legally appropriated in a sum sufficient to cover the obligations of the contract. There has further been submitted a contract bond upon which the Indemnity Insurance Company of North America appears as surety, sufficient to cover the amount of the contract.

You have further submitted evidence indicating that plans were properly prepared and approved, notice to bidders was properly given, bids tabulated as required by law and the contract duly awarded. Also it appears that the laws relating to the status of surety companies and the workmen's compensation have been complied with.

Finding said contract and bond in proper legal form, I have this day noted my approval thereon and return the same herewith to you, together with all other data submitted in this connection.

Respectfully,
C. C. CRABBE,
Attorney General.

3426.

APPROVAL, BONDS OF SALEM TOWNSHIP RURAL SCHOOL DISTRICT,
WASHINGTON COUNTY, \$13,000.00.

COLUMBUS, OHIO, June 9, 1926.

Department of Industrial Relations, Industrial Commission of Ohio, Columbus, Ohio.

3427.

APPROVAL, BONDS OF WYANDOT COUNTY, \$4,810.51.

COLUMBUS, OHIO, June 9, 1926.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.

3428.

BONDS—PROVISION IN BOND ORDINANCE APPROPRIATING PROCEEDS FROM SUCH BOND SALE FOR THE PURPOSE FOR WHICH BONDS ARE ISSUED SUFFICIENT—FURTHER LEGISLATION NOT NEEDED.

SYLLABUS:

Where provision is made in the bond ordinance appropriating the proceeds from such bond sale for the purpose for which the bonds are issued it is not necessary that the legislative authority pass further legislation appropriating such proceeds.

COLUMBUS, OHIO, June 9, 1926.

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

GENTLEMEN:—I am in receipt of your communication as follows:

“Ordinances of the city of _____, authorizing bond issues contain the following provision, ‘Sec. 4, that the proceeds of the sale of said bonds except the premium and accrued interest thereon shall be placed in the city treasury to the credit of _____ fund and shall be disbursed on proper vouchers for the purpose (purpose stated) and for no other purpose, for which purpose said money is hereby appropriated; and the premium and accrued interest received from said sale shall be transferred to the trustees of the sinking fund.’

Section 5660 G. C., 111 O. L. 375, provides in part that ‘no expenditure excepting from the proceeds of bonds shall be made unless authorized by appropriation both as regards purpose and amount, nor shall any expenditure be made from the proceeds of bonds unless duly authorized or directed.’”

Question: Is the provision in the bond ordinance above referred to sufficient authorization for the expenditure of the proceeds of the bonds by an executive officer or must council pass an additional measure authorizing and directing such expenditure?”

Section 5660 of the General Code, 111 Ohio Laws, page 371, in part provides as follows:

“No expenditure, excepting from the proceeds of bonds, shall be made unless authorized by appropriation, both as regards purpose and amount, nor shall any expenditure be made from the proceeds of bonds unless duly authorized or directed.”

As the ordinances authorizing bond issues contain the provision:

“that the proceeds of the sale of said bonds, except the premium and accrued interest thereon shall be placed in the city treasury to the credit of blank funds, and shall be disbursed on proper vouchers for the purpose (purpose stated) and for no other purpose, for which purpose said money is hereby appropriated; and the premium and accrued interest received from said sale shall be transferred to the trustees of the sinking fund,”

it is believed that it is not necessary that the municipal council or legislative authority need make any further appropriation.

It is therefore my opinion that where provision is made in the bond ordinance appropriating the proceeds from such bond sale for the purpose for which the bonds are issued that it is not necessary that the legislative authority pass further legislation appropriating such proceeds.

Respectfully,

C. C. CRABBE,
Attorney General.