

**OPINION NO. 70-162****Syllabus:**

Any library board of trustees created under Sections 3375.06, 3375.10, 3375.12, 3375.15, 3375.22 and 3375.30, Revised Code, may lawfully sell unneeded real property without advertising for bids.

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**To: David M. Griffith, Trumbull County Pros. Atty., Warren, Ohio**  
**By: Paul W. Brown, Attorney General, December 15, 1970**

Your request for my opinion is stated as follows:

"The Warren Public Library is a School District Library and is about to abandon its old Library site as it is moving into a new library building. It

will have no use for the abandoned property and plans to sell it.

"Question: Is the Board of Trustees of the Library required to advertise for bids preliminary to making a sale and executing a deed?"

Section 3375.33, Revised Code, reads as follows:

"The boards of library trustees appointed pursuant to sections 3375.06, 3375.10, 3375.12, 3375.15, 3375.22, and 3375.30 of the Revised Code are bodies politic and corporate, and as such are capable of suing and being sued, contracting, acquiring, holding, possessing, and disposing of real and personal property, and of exercising such other powers and privileges as are conferred upon them by law." (Emphasis added.)

Accordingly, the school district library board of trustees may sell the old library site.

With respect to the necessity of advertising for bids before making the sale, there is no case precedent or Attorney General's Opinion directly in point. There are many opinions, however, holding that there are no statutes requiring a library board of trustees to advertise for bids to let construction contracts or purchases made by them prior to the enactment of Section 7630-2, General Code (Section 3375.41, Revised Code, 1951), which requires any construction or repair of library buildings exceeding the cost of \$5,000 to be advertised for competitive bids. The General Assembly did not include any other subject matter such as purchases and sales of property in the act. Many of these opinions are cited in the case of Miller vs. Akron Public Library et Defendants, 60 Abs. 364 (1951). The pertinent point of law in that case is stated:

"The primary purpose of the judiciary in the interpretation or construction of statutes is to give effect to the intention of the legislature, as gathered from the provisions enacted, by the application of well settled rules of interpretation, the ultimate function being to ascertain the legislative will."

"My conclusion is that the Ohio Legislature intended to commit to the boards of library trustees wide discretion in the making of contracts for buildings and equipment, etc. where deemed necessary, and that it did not provide any requirement of said

boards of trustees, that they advertise for bids preliminary to making contracts."

The statutes have not been amended materially since and precedent has not been altered. I am unable to find any statute requiring a library district board of trustees to advertise for bids to sell unneeded real property.

It is, therefore, my opinion and you are advised that any library board of trustees created under Sections 3375.06, 3375.10, 3375.12, 3375.15, 3375.22, and 3375.30, Revised Code, may lawfully sell unneeded real property without advertising for bids.