

3176.

APPROVAL, BONDS OF VILLAGE OF NORTH CANTON, \$15,000 FOR STREET IMPROVEMENTS.

COLUMBUS, OHIO, June 6, 1922.

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

3177.

APPROVAL, BONDS OF VILLAGE OF NORTH CANTON, \$9,300, FOR STREET IMPROVEMENTS.

COLUMBUS, OHIO, June 6, 1922.

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

3178.

DISAPPROVAL, BONDS OF VILLAGE OF COOLVILLE, ATHENS COUNTY, IN AMOUNT OF \$13,000.

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

Re: Bonds of the Village of Coolville, Athens County, Ohio, in the sum of \$13,000, for the improvement of Main Street in said village.

GENTLEMEN:—I have examined the transcript submitted of the proceedings of the council of the Village of Coolville relating to the above issue of bonds and find that said issue of bonds should be disapproved for the following reasons:

(1) The resolution of council submitting the question of this bond issue to the vote of the electors of said village was published by posting the same five days only instead of for the period of fifteen days as required by section 4232 G. C.

(2) The notice of election on the question of said bond issue was given by newspaper publication as required by section 3946 G. C. but not by posting as required by said section.

(3) By the provisions of section 3945 G. C. an election on the question of a bond issue of this kind is required to be canvassed in the manner provided by section 5114 G. C. It does not appear that any canvass of this election was made, the result of the same being evidenced only by the certificate of the clerk of the board of elections.

(4) The transcript does not show that any certificate was made by the clerk of the village as the fiscal officer thereof to the council with respect to the estimated life of the improvement for which these bonds were issued prior to the passage of the ordinance providing for this issue. It does not appear from the transcript that any certificate by the clerk of the village as the fiscal officer thereof

was made to the council with respect to the maximum maturity of the bonds covering said issue prior to the passage of the resolution providing for this issue of bonds.

(5) The ordinance providing for this issue of bonds was published by posting the same five days only instead of for a period of fifteen days, as required by section 4232 G. C.

In my examination of this transcript other objections have been noted, but inasmuch as the objections above noted require the rejection of this issue, it will serve no useful purpose to extend this opinion by a recital of other objections.

This department is of the opinion that this issue of bonds is invalid and you are advised not to purchase the same.

Respectfully,
 JOHN G. PRICE,
Attorney-General.

3179.

DISAPPROVAL, BONDS OF WELLINGTON CITY SCHOOL DISTRICT,
 \$23,650.44, FOR FUNDING DEFICIENCY OF SCHOOL DISTRICT FOR
 CURRENT YEAR.

COLUMBUS, OHIO, June 6, 1922.

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

Re: Bonds of Wellington City School District in the sum of \$23,650.44, for the purpose of funding a deficiency in the revenues of the school district for the current year.

GENTLEMEN:—The above issue of bonds is one for the purpose of funding a deficit in the revenues of said school district, in that sufficient money is not coming to the district with which to pay its indebtedness within the current school year. This bond issue is one under the assumed authority of section 5656 of the General Code. It is to be observed that this section contains no authority for a bond issue of the kind here attempted.

The bond resolution contains no recital that this issue is one for the purpose of funding or extending the time of payment of an indebtedness which the school district from its limits of taxation is not able to pay at maturity. Neither does said bond resolution contain any finding that the indebtedness to be funded is an existing, valid and binding obligation of the school district. Both of these findings are required by the provisions of sections 5656 and 5658 of the General Code with respect to bond issues under their authority and by reason of the defects above noted this bond issue must be disapproved.

In addition to the above defects it may be noted that the maturities of the bonds covering this issue provided for in the bond resolution do not conform to section 14 of the Griswold Act. By the provisions of the resolution the first of the bonds covering this issue matures April 1, 1923, whereas under the provisions of the Griswold Act this bond should not mature before September 1, 1923. Again, as provided in the bond resolution, these bonds fall due semi-annually, whereas under the requirements of said section of the Griswold Act said bonds should be paid annually.