

assessments and other moneys collected for such purposes, or held in the county treasury to the credit of the sinking fund, shall be subject to investment and disbursement by them in the manner provided by law."

Manifestly from the definitions of the bond retirement fund and its sources as contained in Section 5625-9 and 5625-10 of the Code, this fund is made up of levies for debt charges on serial bonds and, according to the provisions of Section 2976-19 of the Code, these moneys are subject to investment and disbursement of the trustees of the sinking fund.

My conclusion is, therefore, that while the provisions of the new budget law require the maintenance of two separate funds, viz., the sinking fund and the bond retirement fund, the moneys therein are both subject to investment and disbursement by the trustees of the sinking fund so long as the board continues in existence by reason of the fact that bonds issued prior to January 1, 1922, have not been paid.

It follows necessarily from what I have said that the language of Opinion No. 1899, which I quote in the first portion of this opinion, must be modified in accordance with the views hereinabove expressed. That is to say, I am of the opinion that, where a county board of sinking fund trustees is still in existence, it has the authority and obligation to invest and disburse moneys of the sinking fund and the bond retirement fund.

Respectfully,  
EDWARD C. TURNER,  
*Attorney General.*

1978.

DISAPPROVAL, BONDS OF RICHLAND TOWNSHIP, BELMONT COUNTY,  
OHIO—\$15,635.74.

COLUMBUS, OHIO, April 16, 1928.

Re: Bonds of Richland Township, Belmont County, Ohio, \$15,635.74.

*The Industrial Commission of Ohio, Columbus, Ohio.*

GENTLEMEN:—An examination of the transcript pertaining to the above issue of bonds reveals that said bonds are being issued to pay the township's portion of the cost of certain road improvements. The transcript also reveals that the bond resolution was passed on September 24, 1927.

Section 2293-17, General Code, (112 O. L. 364, 372), provides:

"The net indebtedness created or incurred by a township, exclusive of the bonds excepted in Section 2293-13 of the General Code, and exclusive of county bonds issued in anticipation of township tax levies shall never exceed two per cent of the total value of all property in such township as listed and assessed for taxation; and no such indebtedness with said exceptions shall be incurred unless authorized by vote of the electors."

It will be noted that Section 2293-17, supra, provides that no indebtedness, with the exception of the bonds excepted in Section 2293-13, General Code, shall be incurred unless authorized by vote of the electors. The bonds excepted in Section 2293-13, General Code, (112 O. L. 364, 369), are as follows:

"Bonds or notes issued in anticipation of the levy or collection of special assessments, either in original or refunded form, county bonds issued in anticipation of the levy or collection of township taxes, notes issued in anticipation of the collection of current revenues, notes issued for emergency purposes under Section 2293-7 of the General Code or heretofore issued under Sections 4450, 5629, or 7630-1 of the General Code, and bonds issued to pay final judgments shall not be considered in calculating the net indebtedness."

Bonds by a township issued to pay the township's portion of the cost of road improvements clearly do not fall within the excepted class set out in Section 2293-13, General Code. The transcript does not indicate that an election was held on the question of whether or not the above bonds should be issued.

For the above reasons, it is my opinion that the above bonds are being issued without legal authority and I am therefore compelled to advise you not to purchase the same.

Respectfully,  
EDWARD C. TURNER,  
*Attorney General.*

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1979.

APPROVAL, BONDS OF THE BOARD OF COUNTY COMMISSIONERS OF  
LAKE COUNTY, OHIO, \$7,117.25.

COLUMBUS, OHIO, April 16, 1928.

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

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1980.

APPROVAL, BONDS OF THE BOARD OF COUNTY COMMISSIONERS OF  
LAKE COUNTY, \$21,787.50.

COLUMBUS, OHIO, April 16, 1928.

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