

board of school library trustees execute a fidelity bond for the treasurer of said school library?

With respect to this question, it is to be noted that Section 7638, General Code, provides in part:

“ \* \* \* No member of the library board shall be interested, directly or indirectly, in any contract made by the board. \* \* \* ”

The furnishing of bonds is the result of private contract between the individuals, with which the library board has nothing to do, other than to determine the amount and form before it is executed, under Section 7638-1, General Code, and pay the premium by virtue of Section 9573-1, General Code. It can hardly be said that the furnishing of the bond by the treasurer constitutes a contract made by the board, within the meaning of the above noted provision of Section 7638, General Code, *supra*.

It seems that the Legislature has, in the case of municipal officers, provided by Section 3808, General Code, that:

“No member of the council, board, officer or commissioner of the corporation, shall have any interest in the expenditure of money on the part of the corporation other than his fixed compensation. \* \* \* ”

Hence it would appear that inasmuch as a municipality pays the premiums on the bonds of its officers and employes, if any municipal officer would execute a bond for another officer or employe of the corporation, he would be having an interest in an expenditure of the municipality other than his fixed compensation in violation of Section 3808, General Code.

However, Section 7638, General Code, is not as broad as Section 3808, General Code, and the interest of the library board member who executes the bond cannot be said to arise from a contract made by the library board. Hence the board member incurs no liability.

Moreover, it will be noted that bonds are not included in the subjects prohibited in Sections 12910 and 12911, General Code, those statutes being confined to the furnishing of property, supplies and fire insurance.

In view of the above discussion, I am of the opinion that the third question submitted, must be answered in the affirmative.

Respectfully,

GILBERT BETTMAN,

*Attorney General.*

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2323.

APPROVAL, BONDS OF CITY OF GALLIPOLIS, GALLIA COUNTY, OHIO  
—\$15,000.00.

COLUMBUS, OHIO, September 11, 1930.

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