

1794.

DISAPPROVAL, BONDS OF PROCTORVILLE VILLAGE SCHOOL DISTRICT IN AMOUNT OF \$50,000 FOR ERECTION OF SCHOOL BUILDINGS.

COLUMBUS, OHIO, January 17, 1921.

Industrial Commission of Ohio, Columbus, Ohio.

Re: Bonds of Proctorville village school district in the amount of \$50,000 for the erection of a high and grade school, 1 bond of \$6,250, 35 bonds of \$750 and 35 bonds of \$500—6 per cent.

GENTLEMEN:—I have examined the transcript of proceedings submitted to me in connection with the above bond issue and decline to approve of the validity of said bonds for the following reasons:

(1) The transcript discloses that the bonds under consideration are issued under authority of sections 7625 et seq. of the General Code. Section 7625 G. C. provides as follows:

“When the board of education of any school district determines that for the proper accommodation of the schools of such district it is necessary to purchase a site or sites to erect a schoolhouse or houses, to complete a partially built schoolhouse, to enlarge, repair or furnish a schoolhouse, or to purchase real estate for playground for children, or to do any or all of such things, that the funds at its disposal or that can be raised under the provisions of sections seventy-six hundred and twenty-nine and seventy-six hundred and thirty, are not sufficient to accomplish the purpose and that a bond issue is necessary, the board shall make an estimate of the probable amount of money required for such purpose or purposes and at a general election or special election called for that purpose, submit to the electors of the district the question of the issuing of bonds for the amount so estimated. Notices of the election required herein shall be given in the manner provided by law for school elections.”

By the language of the above section it is necessary that the board of education make certain findings and an estimate of the total amount of money required before they are authorized to submit to the electors the question of issuing bonds. The transcript fails to show that the board of education has made such findings or such estimate, therefore the submission of the question of issuing bonds to the electors was unauthorized.

(2) The transcript fails to show that the board of education has made provision for the levy and collection of an annual tax sufficient to pay the interest upon said bonds and to create a sinking fund for the redemption of the principal thereof at maturity. Under Article XII, Section 11, of the Ohio Constitution, provision for such tax levy is necessary to the validity of the bonds.

The transcript does not in other respects contain information necessary to enable me to intelligently pass upon the validity of the bond issue. This information could probably be supplied, but in view of the objections noted in the first two paragraphs, and which I deem fatal to the validity of the bond issue, it would be useless to return the transcript for amendment.

I therefore advise that you decline to accept the bonds above described.

Respectfully,

JOHN G. PRICE,

Attorney-General.