

to the locomotives of said railroad company and for use in the railroad shops at this place.

This lease is one executed by you under authority conferred upon you as Superintendent of Public Works by the provisions of Section 14009, General Code. Inasmuch as it appears that this lease in its provisions conforms to the requirements of this statute, and the same has been properly executed by you as Superintendent of Public Works and as Director of said Department, and by said railroad acting by the hand of its Vice-President, pursuant to a resolution duly adopted by the Board of Directors of said railroad company, I am herewith approving this lease as is evidenced by my approval endorsed upon the lease and duplicate and triplicate copies thereof, all of which are herewith returned.

Respectfully,

JOHN W. BRICKER,
Attorney General.

5976.

DISAPPROVAL—BONDS OF NEWTOWN VILLAGE SCHOOL
DISTRICT, HAMILTON COUNTY, OHIO, \$1800.00.

COLUMBUS, OHIO, August 17, 1936.

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

GENTLEMEN:

RE: Bonds of Newtown Village School Dist., Hamilton
County, Ohio, \$1800.00.

You have submitted to me for my examination the transcript of the proceedings relating to the above bond issue.

These bonds are proposed to be issued for the purpose of decorating and repairing. The bond resolution does not show what is to be decorated and repaired but I presume it is a school building. With a certain few exceptions, bonds cannot be issued except for the purpose of acquiring or constructing a permanent improvement. "Permanent improvement" is defined in the Uniform Bond Act as follows:

" 'Permanent improvement' or 'improvement' shall mean any property, asset or improvement with an estimated life or usefulness of five (5) years or more, including land and interest therein, and including reconstruction, enlargements and extensions

thereof having an estimated life or usefulness of five years or more. Reconstruction for highway purposes shall be held to include the resurfacing but not the ordinary repair of highways."

A building may be enlarged or extended by the proceeds of a bond issue but work on a building such as repairing it and maintaining it in the same good condition as it originally was would not, in my opinion, come within the term "permanent improvement" as it is defined in the statute. It is my view, therefore, that these bonds cannot be issued for the purposes for which it is desired that they be issued.

It is my advice, therefore, that you do not purchase these bonds.

Respectfully,

JOHN W. BRICKER,

Attorney General.

5977.

GARAGE—BOARD OF EDUCATION AUTHORIZED TO BUILD
GARAGE FOR HOUSING SCHOOL BUS.

SYLLABUS:

A board of education which owns vehicles used for the transportation of school children, may lawfully expend public funds for the purpose of erecting a garage for the housing of those vehicles.

COLUMBUS, OHIO, August 18, 1936.

HON. D. H. JACKMAN, *Prosecuting Attorney, London, Ohio.*

DEAR SIR: This will acknowledge receipt of your request for my opinion which reads as follows:

"The Somerford Township Board of Education of Madison County, Ohio, has asked me whether or not it is within their power as a board of education, to build a garage of frame construction of about 24 feet by 36 feet, on school grounds, at a cost of some \$650.00. It will be approximately 300 feet from a contemplated school building and about 100 feet from the nearest private building.

Apparently, the only section of the General Code granting authority to school boards is Section 7620, and I note that several opinions have been handed down by the Attorney General ruling