

"If such district superintendent refuses to make such nomination, 'majority vote' as used in this instance means the majority of the full membership of the board of education and not merely the majority of those members who happen to be present at the particular meeting to which such agreement is sought to be entered into."

I am therefore of the opinion, in specific answer to your question, that it is possible for a village or rural centralized school district to employ a teacher for the schools of the district who has not first been nominated by the county or assistant county superintendent of schools. This may be done by a majority vote of the full membership of the board.

Respectfully,
GILBERT BETTMAN,
Attorney General.

2041.

APPROVAL, BONDS OF BIG ISLAND TOWNSHIP, MARION COUNTY,
OHIO—\$3,600.00.

COLUMBUS, OHIO, June 28, 1930.

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

2042.

BOND FUND—WHERE UNEXPENDED BALANCE TRANSFERRED—SUCH
BALANCE EXCEEDING PRINCIPAL AND INTEREST PAYMENTS
DUE ON BONDS FOR GIVEN YEAR—EXCESS MAY NOT BE APPLIED
TO OTHER ISSUES—EXCEPTION.

SYLLABUS:

The unexpended balance in a bond fund which is no longer needed for the purpose for which such fund was created shall be transferred to the specific sinking fund or bond retirement fund from which such bonds are payable. In the event the amount of such unexpended balance exceeds the amount required to meet the principal and interest payments due on such bonds during any given year, there is no authority to apply the excess toward the payment of interest and principal of other bond issues as long as any of the bonds which produced this excess remain outstanding.

COLUMBUS, OHIO, June 28, 1930.

Bureau of Inspection and Supervision of Public Offices, Columbus, Ohio.

GENTLEMEN:—Your letter of recent date is as follows:

"Section 5625-13, as amended in 113 O. L., page 673, provides in part that the unexpended balance in a bond fund shall be transferred to the sink-