

2019.

DISAPPROVAL, BONDS OF TIPPECANOE CITY SCHOOL DISTRICT IN AMOUNT OF \$4,000.

COLUMBUS, OHIO, April 22, 1921.

Industrial Commission of Ohio, Columbus, Ohio.

Re Bonds of Tippecanoe City School District in the amount of \$4,000 for the erection of fire escapes.

GENTLEMEN:—The transcript discloses that in the issuance of the bonds under consideration the board of education has proceeded under the provisions of sections 7625 to 7628 inclusive of the General Code. Section 7625 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.”

It is the opinion of this department that the determinations and findings provided by the above quoted section must be made by the board of education before they are authorized to submit the question of the issuance of bonds to a vote of the electors.

So far as the transcript reveals, the only action taken by the board of education prior to the submission of the question of issuing bonds to the electors was in the form of a motion passed by the board of education on the 20th day of June, 1920, in the following language:

“Moved by Davis, seconded by Baldwin, clerk was instructed to submit to the voters at regular election to be held August 11, 1920, the question of \$5,000 bond issue for the erection of fire escapes on grade buildings as per state order issued against the board. Motion carried with all members voting yea on roll call.”

The action taken by the board does not comply with the provisions of section 7625 in the following particulars: (1) The board did not determine that for the proper accommodation of the schools of the district it was necessary to repair the school house under consideration. (2) The board did not find that the funds at its disposal or that could be raised under the provisions of sections 7629 and 7630 were not sufficient to accomplish the repairs contemplated and that a bond issue was

necessary for such purpose. (3) The board did not make an estimate of the probable amount of money required for such repairs.

As strict compliance with the provisions of section 7625 was necessary, I am of the opinion that the board of education was without authority to authorize the submission of the question of issuing bonds to a vote of the electors or to subsequently pass a resolution authorizing the issuance of bonds.

I am therefore of the opinion that the bonds under consideration are not valid and binding obligations of the school district and advise that you decline to purchase them.

Respectfully,
 JOHN G. PRICE,
Attorney-General.

2020.

APPROVAL, FINAL RESOLUTIONS FOR ROAD IMPROVEMENTS,
 PORTAGE COUNTY, OHIO.

COLUMBUS, OHIO, April 25, 1921.

HON. LEON C. HERRICK, *State Highway Commissioner, Columbus, Ohio.*

2021.

APPROVAL, FINAL RESOLUTIONS FOR ROAD IMPROVEMENTS,
 PREBLE COUNTY, OHIO.

COLUMBUS, OHIO, April 25, 1921.

HON. LEON C. HERRICK, *State Highway Commissioner, Columbus, Ohio.*

2022.

APPROVAL, BONDS OF LEESBURG VILLAGE SCHOOL DISTRICT,
 HIGHLAND COUNTY, OHIO, IN AMOUNT OF \$15,000.

COLUMBUS, OHIO, April 26, 1921.

Industrial Commission of Ohio, Columbus, Ohio.