

intendent for supervision of the work. The conclusion I have reached with respect to the right of the commissioners to make such repairs by force account probably answers this question for if there be no power to make repairs in this manner, then there is no power to pay a percentage of the total payroll for supervision of the work. Moreover, in the opinion of the attorney general above referred to found in Vol. III of the Opinions of the Attorney General for 1917 at page 232, it was held in the fifth paragraph of the syllabus:

“The authority to perform work under what is termed force account would not include authority to a department, board or officer to enter into a contract with another, giving him as consideration a certain percentage of the entire cost of the work.”

It, therefore, appears to be the rule that even if the commissioners were authorized to make these repairs by force account, they could not pay ten percent of the total payroll for supervision of the work. It follows, therefore, that a finding should be made against the person receiving the ten per cent of the total payroll in the amount which he received for such supervision.

I am, therefore, of the opinion, in specific answer to your questions, that: (1) The county commissioners do not have authority to do repair work on a county building by force account; (2) where the county commissioners repair a county building by force account and pay to an individual for supervision of such repair work ten per cent of the total payroll expended, such percentage payment is illegal and a finding should be made against the individual who received same.

Respectfully,

THOMAS J. HERBERT,
Attorney General.

817.

BONDS—CANAL WINCHESTER VILLAGE SCHOOL DISTRICT,
FRANKLIN COUNTY, \$2500.00.

COLUMBUS, OHIO, June 27, 1939.

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

GENTLEMEN:

RE: Bonds of Canal Winchester Village School District,
Franklin County, Ohio, \$2500.00. (Unlimited).

I have examined the transcript of proceedings relative to the above bonds purchased by you. These bonds comprise all of an issue of school

improvement bonds in the aggregate amount of \$2500.00, dated July 1, 1939, and bearing interest at the rate of 3% per annum.

From this examination, in the light of the law under authority of which the above bonds have been authorized, I am of the opinion that bonds issued under these proceedings constitute valid and legal obligations of said village school district.

Respectfully,

THOMAS J. HERBERT,
Attorney General.

818.

BONDS—VILLAGE OF CUYAHOGA FALLS, SUMMIT COUNTY,
\$10,000.00.

COLUMBUS, OHIO, June 27, 1939.

Retirement Board, Public Employes Retirement System, Columbus, Ohio.

GENTLEMEN:

RE: Bonds of the Village of Cuyahoga Falls, Summit
County, Ohio, \$10,000.00.

I have examined the transcript of proceedings relative to the above bonds purchased by you. These bonds comprise part of an authorized \$45,000 issue of waterworks improvement and extension bonds, dated December 26, 1918, and bearing interest at the rate of 5½% per annum.

From this examination, in the light of the law under authority of which the above bonds have been authorized, I am of the opinion that bonds issued under these proceedings constitute valid and legal obligations of said village.

Respectfully,

THOMAS J. HERBERT,
Attorney General.

819.

INSURANCE—MUTUAL PROTECTIVE ASSESSMENT ASSO-
CIATIONS—SECTIONS 9593 ET SEQ. G. C.—MAY NOT
PROVIDE FOR ALTERATION OR AMENDMENT OF BY-
LAWS BY BOARDS OF DIRECTORS WITHOUT ACTION
BY ASSOCIATION MEMBERSHIP.

SYLLABUS:

Mutual protective assessment associations organized under sections 9593, et seq., General Code, may not provide for the alteration or amend-