

3400.

DISAPPROVAL—BONDS, FLUSHING VILLAGE SCHOOL DISTRICT, BELMONT COUNTY, OHIO, \$8,000.00.

COLUMBUS, OHIO, December 15, 1938.

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

GENTLEMEN :

RE: Bonds of Flushing Village School Dist., Belmont County, Ohio, \$8,000.00.

I have examined the transcript relative to the above bond issue and requested certain supplements to be furnished in connection therewith, one of the supplements being the legal notice of the election and the affidavit of the publisher showing the date and period of such notice. From the affidavit of the publisher, it appears that the notice of election was inserted in the Daily Times for two consecutive weeks commencing August 24, 1938. In brief, the notice was inserted on August 24 and August 31. This is a faulty notice of election in that House Bill 544, effective June 7, 1935, provides that the notice of election must be inserted in one or more newspapers of general circulation in the subdivision at least four times. Whether or not this irregularity and non-compliance of the notice of election disfranchised or penalized any elector of the subdivision is a matter for adjudication by a proper court.

I am therefore unable to approve this transcript and advise your System against the purchase of these bonds.

Respectfully,

HERBERT S. DUFFY,
Attorney General.

3401.

DISAPPROVAL—BONDS, WASHINGTON RURAL SCHOOL DISTRICT, LOGAN COUNTY, OHIO, \$13,000.00.

COLUMBUS, OHIO, December 15, 1938.

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

GENTLEMEN :

RE: Bonds of Washington Rural School Dist., Logan County, Ohio, \$13,000.00.

I have examined the transcript relative to the above bond issue and will be unable to approve the same for the following reasons:

The transcript does not contain a certificate from the clerk that he certified a copy of the resolution of necessity to the county auditor at least sixty days prior to the election and that he received the certificate of the county auditor as to the estimated average annual levy fifty days prior to the election and that the data referred to in Section 2293-19, General Code, was certified to the county board of elections at least forty days prior to the election. This is not fatal and the main reason for my disapproval is as follows:

Nowhere in the transcript does there appear any recital that the proceeds of this bond issue are to be used in conjunction with federal participation. No reference is made to House Bill 544 or Substitute House Bill 850 and for these reasons it is apparent that these bonds are issued in strict compliance with the Uniform Bond Act, Sections 2293-1, et seq., General Code. Section 2293-21 provides in part that notice of the election shall be published in one or more newspapers of general circulation in the subdivision once a week for four consecutive weeks prior to the date of election. In the instant case, the notice of election was published in the Daily Examiner for four consecutive weeks commencing on October 12, 1938, and it therefore follows that a full twenty-eight day period had not elapsed prior to the election. This office has repeatedly held that an irregularity such as this is a proper question for determination and adjudication by a court and I am therefore disapproving this transcript and advise your System against the purchase of these bonds.

Respectfully,

HERBERT S. DUFFY,
Attorney General.

3402.

APPROVAL—BONDS, CUYAHOGA COUNTY, OHIO, \$3,000.00,
DATED OCTOBER 1, 1935.

COLUMBUS, OHIO, December 15, 1938.

Public Employees Retirement Board, Columbus, Ohio.

GENTLEMEN:

RE: Bonds of Cuyahoga County, Ohio, \$3,000.00.

The above purchased of bonds appears to be part of an issue of