

2595.

APPROVAL, BONDS OF THE VILLAGE OF PARMA, CUYAHOGA COUNTY  
OHIO—\$15,000.00.

COLUMBUS, OHIO, September 20, 1928.

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

2596.

DISAPPROVAL, BONDS OF THE VILLAGE OF SHAKER HEIGHTS, CUYA-  
HOGA COUNTY, OHIO—\$66,110.00.

COLUMBUS, OHIO, September 20, 1928.

Re: Bonds of the Village of Shaker Heights, Cuyahoga County, Ohio—\$66,110.00.

*The Industrial Commission of Ohio, Columbus, Ohio.*

GENTLEMEN:—I have examined the transcript pertaining to the above issue of bonds, which are bonds issued in anticipation of the collection of special assessments to cover the property owners portion of the cost of said street improvements in the Village of Shaker Heights.

The copy of the bond ordinance set out in the transcript provides for issuing special assessment bonds in the sum of \$66,110.00, and provides that said bonds shall draw interest at the rate of  $4\frac{1}{2}\%$  per annum. It appears from the transcript that the bonds were duly offered to and refused by the trustees of the sinking fund and were then advertised for sale. The proof of publication of the bond sale advertisement recites that bids will be received for bonds in the above amount and states that said bonds shall draw interest at the rate of  $4\frac{1}{4}\%$  per annum. This is clearly not in accord with the bond ordinance, which provides that the bonds shall draw interest at the rate of  $4\frac{1}{2}\%$  per annum.

The bond sale advertisement above referred to contains no provision that anyone desiring to do so may present a bid or bids for such bonds based upon their bearing a different rate of interest than specified in the advertisement, as provided in Section 2293-28, General Code, but it appears that no bids were received at either the  $4\frac{1}{2}\%$  interest rate specified in the bond ordinance or the  $4\frac{1}{4}\%$  interest rate as set out in the advertisement. The lowest interest rate bid was  $3\frac{3}{4}\%$  and the bonds were awarded to the highest bidder at that rate of interest.

Inasmuch as the bond sale advertisement contains no provision for bidding at interest rates other than those specified in the advertisement, it is my opinion that no such bids could be considered and that the award of the bonds to the highest bidder at  $3\frac{3}{4}\%$  interest per annum was without authority in law.

For the foregoing reasons, I am compelled to advise you not to purchase the above issue of bonds.

Respectfully,

EDWARD C. TURNER,

*Attorney General.*