

funding street improvement bonds in the aggregate amount of \$26,000.00, dated January 1, 1937, bearing interest from one to five per cent per annum, being Series 1937-31.

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

Respectfully,

HERBERT S. DUFFY,
Attorney General.

3501.

STATE BRIDGE COMMISSION—HAS AUTHORITY TO EXPEND FUNDS FOR PURCHASE OF UNIFORMS FOR ATTENDANTS—TOLL CLERKS—OPINION 2711, JULY 15, 1938, REVERSED IN PART.

SYLLABUS:

The State Bridge Commission has authority to expend its funds for the purchase of uniforms for attendants. Opinion No. 2711 reversed in part.

COLUMBUS, OHIO, January 5, 1939.

Bureau of Inspection and Supervision of Public Offices, State House Annex, Columbus, Ohio.

GENTLEMEN: I have been asked to reconsider that portion of my Opinion No. 2711 issued July 15, 1938, which held that the State Bridge Commission did not have authority to expend its funds for the purchase of uniforms for employes.

Since issuing this opinion, additional information in connection with this subject has been brought to my attention. Section 1084-6, General Code, provides in part as follows:

“Upon the appointment and qualification of the members of the state bridge commission or of any county or city bridge commission, they shall at once proceed to organize. Each such commission shall make necessary rules and regulations for its own government, shall appoint a secretary-treasurer, and *have power and authority to make and enter into all contracts and*

*agreements necessary or incidental to the performance of its duties and the execution of its powers under this act, and to employ engineering, architectural and construction experts and inspectors and attorneys, and such other employes as may be necessary in its judgment, and fix their compensation, all of whom shall do such work as such commission shall direct. * * **
 (Italics the writer's.)

Your attention is directed to the italicized portion wherein it is stated that the Commission has the authority to make all contracts and agreements "necessary or incidental to the performance of its duties and the execution of its powers." The language is, it will be noted, very broad and appears to be intended to give to the Commission the general powers to conduct the operation of a bridge in the same manner as would be possessed by a private body conducting a similar enterprise. It is a matter of common knowledge that in an enterprise of this nature, it is desirable that attendants be in uniform so that the traveling public can easily ascertain the proper persons to whom toll shall be paid.

It is, therefore, my opinion that the State Bridge Commission has the authority to expend its funds for the purchase of uniforms for attendants.

Respectfully,

HERBERT S. DUFFY,
Attorney General.

3502.

PUBLIC EMPLOYES RETIREMENT SYSTEM—EMPLOYES' ACCUMULATION FUND—CITY HEALTH DISTRICT—GENERAL HEALTH DISTRICT—MUNICIPALITY—TOWNSHIP — COUNCIL — TAXING AUTHORITY — COUNTY AUDITOR MUST FOLLOW PROVISIONS OF SECTION 1261-40 G. C. PRO RATA SHARE—MANDATORY DUTY.

SYLLABUS:

By virtue of the provisions of Section 486-33, General Code, a mandatory duty is imposed upon each city health district and each general health district to pay the employer's contribution to the Employers' Accumulation Fund for its own health employes that are members of the Public Employes Retirement System.

By virtue of the provisions of Section 1261-38, General Code, the rates of contribution must be certified by the Public Employes Retirement