

asserted, as a general proposition applicable to the facts now under consideration at any rate, that the council of a city has no contractual power. Nowhere is this better expressed than in General Code Section 4211, which provides that

'The power of council shall be legislative only, and it shall perform no administrative duties whatever * * * . All contracts requiring the authority of council for their execution shall be entered into and conducted to performance by the board or officers having charge of the matters to which they relate, and after authority to make such contracts has been given and the necessary appropriation made, council shall take no further action thereon.'"

Also in the same volume at page 1645 is an interesting opinion which indicates that persons may be employed by the council for legislative purposes. There are other opinions which have expressly held that consulting engineers may be employed by council for the purpose of furnishing information to them in connection with contemplated legislation with reference to an improvement. However, those opinions do not have application to a case such as you present because the ordinance under consideration clearly contemplates preparation of plans and supervision of the entire work.

Without undertaking to review the many opinions relating to the subject, it is believed the foregoing are sufficient to disclose that the council of a city may not undertake to designate with whom a given contract shall be made without violating the provisions of section 4211 of the General Code, which provides that the duties of council shall be legislative only.

As pointed out in the 1923 opinion, hereinbefore referred to, the power of the council of a village with reference to contracts is much broader than that of the council of a city and it will be noted that there is no such inhibition as is contained in section 4211, *supra*, with reference to the village council.

In specific answer to your inquiry, it is my opinion that the council of a city which is about to construct a sewage disposal plant, may authorize a contract for the purchase of the services of engineers for the purpose of preparing plans and supervising such undertaking, but may not, in view of the provisions of section 4211, of the General Code, designate the persons with whom such contracts shall be made.

Respectfully,

GILBERT BETTMAN,
Attorney General.

3190.

APPROVAL, LEASE TO OFFICE ROOMS IN ZANESVILLE, OHIO, FOR
USE OF THE DEPARTMENT OF INDUSTRIAL RELATIONS.

COLUMBUS, OHIO, April 29, 1931.

HON. A. T. CONNAR, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—You have submitted for my approval a certain lease, as hereinafter set forth, granting to you as Superintendent of Public Works, for the use

of the Department of Industrial Relations, certain office rooms in Zanesville, Ohio, as follows:

Lease from the Masonic Temple Company of Zanesville, Ohio, for Rooms 418, 419 and 420 on the fourth floor of the Masonic Temple Building, Zanesville, Ohio. This lease is for a term of two (2) years, beginning on the first day of January, 1931, and ending on the thirty-first day of December, 1932, by the terms of which the state will be required to pay Five Hundred Forty and 00/100 (\$540.00) Dollars per year in equal monthly installments on the last day of each and every month during said term.

You have submitted encumbrance estimate No. 1244, which contains the certificate of the Director of Finance to the effect that funds are available for the payment of said rental for the period through June 30, 1931.

A resolution of the board of directors of the Masonic Temple Company shows that the president and secretary of the company are authorized to sign leases in behalf of said company.

Finding said lease in proper legal form, I hereby approve it as to form and return it herewith.

Respectfully,

GILBERT BETTMAN,
Attorney General.

3191.

APPROVAL, LEASE TO OFFICE ROOMS IN CINCINNATI, OHIO, FOR
USE OF THE DEPARTMENT OF INDUSTRIAL RELATIONS.

COLUMBUS, OHIO, April 29, 1931.

HON. ALBERT T. CONNAR, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—You have submitted for my approval a certain lease, as herein-after set forth, granting to you as Superintendent of Public Works, for the use of the Department of Industrial Relations, certain office rooms in Cincinnati, Ohio, as follows:

Lease from Val Duttonhofer, Jr., Cincinnati, Ohio, for Rooms 87 and 88 on the eighth floor of the Duttonhofer Building, Cincinnati, Ohio. This lease is for a term of two (2) years, beginning on the first day of January, 1931, and ending on the thirty-first day of December, 1932, by the terms of which the State will be required to pay two hundred and forty dollars (\$240.00) per month on the first day of each and every month, in advance.

You have submitted encumbrance estimate No. 1243, which contains the certificate of the Director of Finance to the effect that funds are available for the payment of said rental for the period through June 30, 1931.

Finding said lease in proper legal form, I hereby approve it as to form and return it herewith.

Respectfully,

GILBERT BETTMAN,
Attorney General.