

1407.

APPROVAL, BONDS OF THE VILLAGE OF FAIRVIEW, CUYAHOGA COUNTY, OHIO—\$93,635.00.

COLUMBUS, OHIO, December 20, 1927.

Industrial Commission of Ohio, Columbus, Ohio.

1408.

DISAPPROVAL, BONDS OF BEACH CITY VILLAGE SCHOOL DISTRICT, STARK COUNTY—\$30,000.00.

COLUMBUS, OHIO, December 21, 1927.

Re: Bonds of Beach City Village School District, Stark County, \$30,000.00.

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

GENTLEMEN:—Examination of the transcript pertaining to the above bond issue indicates that the bonds are being issued in order to complete a fireproof school building and furnish the same. Information obtained from another source reveals that on November 3, 1925, the electors of Beach City Village School District authorized an issue of bonds in the sum of \$48,000.00 for the construction of a fireproof school building. It appears that a contract was let in the sum of \$48,000.00 but that said contract did not call for a completed building. In November, 1926, therefore, another election was held to authorize an additional issue of \$30,000.00, seventeen thousand dollars of which was to be used to complete the partially built fireproof school house then under construction and thirteen thousand dollars of which was to be used for furnishing said school house.

It further appears that the board of education did not advertise for bids for the completion of the building nor did it advertise for bids for the furnishings, but adopted alternates contained in the original bid for the completion of the school house, in part, and authorized work without bids, in part, and expended about \$9,000.00 on furnishings without advertising for bids for the same.

While I do not have before me the transcript pertaining to the \$48,000.00 issue of bonds above referred to, it seems clear from the information submitted to me that said issue contemplated a completed building. If that be true, the board of education had no authority to enter into contracts for the construction of a partial or uncompleted structure. This is a situation which has too often arisen in the construction of public buildings in Ohio, and it has met with severe condemnation on the part of the Supreme Court. In the case of *State, ex rel. Stanton vs. Andress*, 105 O. S. 489, the fourth branch of the syllabus reads as follows:

“When the voters of a county sanction the policy of building a county jail by voting a bond issue in an amount certain, the policy adopted is one involving the expenditure of no greater sum than that approved, and a building

commission is without power to contract for such building under its adopted policy and plan involving an estimated expenditure of an amount in excess of that sanctioned by the voters."

As stated above, it appears that the board of education did not advertise for bids for the completion of the school building or for furnishing the same. Section 7623, General Code, clearly requires boards of education of village school districts, where the proposed expenditure exceeds one thousand dollars, except in cases of urgent necessity or for the security and protection of school property, to advertise for bids for four weeks in one or more newspapers of general circulation in the district. The section also requires public opening and reading of the bids submitted and the acceptance of none by the lowest responsible bid. From the information submitted to me, it is clear that Section 7623, General Code, was not complied with.

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

Respectfully,
EDWARD C. TURNER,
Attorney General.

1409.

APPROVAL, LEASES TO OHIO CANAL, MIAMI & ERIE CANAL, INDIAN LAKE, BUCKEYE LAKE AND LAKE LORAMIE LANDS.

COLUMBUS, OHIO, December 21, 1927.

Department of Highways and Public Works, Division of Public Works, Columbus, Ohio.

GENTLEMEN:—I am in receipt of your letter dated December 13, 1927, in which you enclose leases hereinafter described, executed in triplicate, for my approval:

<i>Ohio Canal</i>	<i>Valuation</i>
The East Ohio Gas Company, pipe lease-----	\$600 00
J. B. Furman, land lease-----	200 00
Licking Oil Company, pipe lease-----	200 00
Gordon Phillips, land lease-----	600 00
W. A. Wynn, land lease-----	283 34

<i>Miami and Erie Canal</i>	<i>Valuation</i>
Laura T. McCann, land lease-----	\$600 00
Slusser-McLean, Scraper Co., land lease-----	400 00
H. B. Tenzer Lumber Co., land lease-----	500 00
C. S. Cameron, oil and gas lease, bonus 1/8 royalty-----	580 00

<i>Indian Lake</i>	<i>Valuation</i>
Roy H. Wagstaff, cottage site-----	\$1,000 00

<i>Buckeye Lake</i>	<i>Valuation</i>
W. H. H. Stevens, walkway and landing-----	\$300 00