

tax value of all property in the city as assessed for taxation is \$8,158,780. The present issue of \$65,000 is therefore in excess of one-half of one per cent of the tax duplicate. The city council was therefore without authority to issue bonds in the amount of \$65,000 for the purpose intended unless it clearly appears that

“* * * the income from such waterworks is sufficient to cover the cost of all operating expenses, interest charges and to pass a sufficient amount to the sinking fund to retire such bonds at maturity.”
(Section 3949 G. C.)

The financial statement of the waterworks receipts and expenditures for the year 1920 as set forth in the transcript discloses that the total receipts, including delinquent accounts and cash balance from the preceding year amounted to \$33,889.81, the actual collections in the department for the year being only \$26,086.64, whereas the disbursements for the same period, including interest and bonds maturing were \$32,244.40. This, of course, does not include any expenditure for interest and sinking fund for the bonds under consideration, which will amount to approximately \$10,000 per year until the bonds mature.

The fact that the city auditor certifies that in his opinion “sufficient revenue in excess of the operating expenses will be produced by the waterworks department to pay interest charges and retire the bonds at maturity” is not sufficient to establish that fact in the face of the contrary showing in the financial statement.

Since, therefore, the transcript fails to show that the revenues from the waterworks are sufficient to authorize the issuance of the bonds in question, and the amount thereof is in excess of the limitation of one-half of one per cent of the total tax duplicate of the city, I am of the opinion that the city council is without authority to issue the bonds under consideration without first submitting the question of such issue to a vote of the electors.

I therefore advise that you decline to accept the bonds.

Respectfully,

JOHN G. PRICE,
Attorney-General.

2281.

APPROVAL, BONDS OF XENIA CITY SCHOOL DISTRICT IN AMOUNT OF \$208,000.

COLUMBUS, OHIO, July 29, 1921.

Industrial Commission of Ohio, Columbus, Ohio.

2282.

APPROVAL, BONDS OF HINCKLEY VILLAGE SCHOOL DISTRICT, MEDINA COUNTY, IN AMOUNT OF \$45,000.

COLUMBUS, OHIO, July 30, 1921.

Industrial Commission of Ohio, Columbus, Ohio.