

Bond issues are of infrequent occurrence, and the same may be said of the certifying of assessments, in each of which skill and knowledge of the law are necessary. Usually the clerk is not equipped to prepare such documents in a legal way.

The conclusion, therefore, in answer to your second and third questions, is that the performing of statutory duties of the clerk may not by ordinance be required of the legal counsel, nor are such duties those for which additional reasonable compensation may be paid him, or duties that are proper to be imposed upon him as such legal counsel, but for the legal directions necessary to prepare or in preparing them compensation may be paid, and such the ordinance intends.

Under section 4219 G. C., it is believed a village council has authority to employ a stenographer just as it has power in the conduct of the affairs of the village to employ needed clerks, etc. Where the legal counsel requires the assistance of a stenographer in doing the work for which he may receive extra compensation, under the second provision of the ordinance in your statement of facts, such services should be included by him in the bill rendered to the council just as the costs of such services are included by him in bills rendered to his clients. Unless the terms of his employment plainly state that compensation shall be paid for the services of a stenographer in preparing his work generally, at the direction of the council, a bill for such services should be rejected.

Section 4224 G. C. provides that "the action of council shall be by ordinance or resolution." Other sections provide for semi-annual appropriations for the expense of maintaining village government, and still another section provides that orders shall not be drawn for the payment of claims against the village when the amounts appropriated have become exhausted. It is the evident intention of these provisions of the law that the affairs of the village shall be conducted in a business-like way and with as much economy as efficiency permits.

The roundabout manner which you describe of paying for the services of a stenographer, though done in good faith, is a method of obtaining funds from a public treasury that the sections of the law to which reference has just been made are intended to safeguard, and such method has not the sanction of law or public policy and so should not be looked upon with favor.

If the services of the stenographer mentioned in your question are to be paid for by the village, an ordinance to that effect should be passed, in the absence of which your fourth question must be answered in the negative.

Respectfully,

JOHN G. PRICE,  
*Attorney-General.*

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2101.

APPROVAL, BONDS OF CITY OF DELPHOS, OHIO, IN AMOUNT OF \$5,000  
FOR FUNDING DEFICIENCIES IN OPERATING REVENUES.

COLUMBUS, OHIO, May 24, 1921.

*Industrial Commission of Ohio, Columbus, Ohio.*