

File No. 14053 Continued.

The method of appointing and the duties of the Supervisor of School Buildings are set forth in Sections 100 and 101 of the Charter. By Section 100 the Board of School Commissioners "may***** appoint a supervisor of heating, plumbing and ventilation of School Buildings, to be known as Supervisor of School Buildings, who shall in addition to the supervision of School Buildings in respect to their heating, plumbing and ventilating, perform such other duties as the Board may direct". Said Section also provides for the appointment of a Superintendent of Public Instruction. By Section 101 it is provided "It shall be the duties of said Superintendent of Public Instruction with the aid of the Supervisor of School Buildings, to ascertain the sanitary condition of every school, and to report to the proper authorities what repairs or improvements are necessary".

The express powers of the Supervisor of School Buildings do not contemplate the purchase by him of such apparatus as is mentioned in the inquiry under consideration, for he is to "report to the proper authorities what repairs or improvements are necessary", and this negatives any power in him to purchase.

The question therefore arises as to who is the proper authority to whom the need of this apparatus is to be reported. As above pointed out, if it is the construction or repair of a public building, it comes within the jurisdiction of the Inspector of Buildings, and it is on this theory that I am of the opinion that he is the proper authority to install the wiring or change of wiring and fixtures intended to be permanently attached to the building. Being of the opinion, however, that this portable vacuum cleaner is not a repair, it seems to me that its purchase must be in the hands of some other person, officer or board.

I have not been able to find in the Charter, any express authority conferred upon any one to make the purchase in question or purchase articles of a similar character, unless it be in the Board of School Commissioners, under their power to purchase "furniture", therefore, we look for implied authority in someone to purchase such necessary articles, and I come to the conclusion that it must be in the Board of School Commissioners.

The Board is charged with the duty of promoting the interest of public education, with the express powers conferred by Section 99, &c., and in order that these duties may be properly exercised, it is necessary that the school buildings be properly cleaned. Said Board