not valid unless the employee has personally signed a revocable wage assignment which is delivered to the employer within ten days and is agreed to in writing by the employer. It must also be for a purpose authorized by the act which, among other things, includes a pledge or contribution to a charitable or nonprofit organization. Since United Funds generally are known to be both charitable organizations and nonprofit organizations, there appears to be no reason that schools in Wayne County and Union County cannot make payroll deductions payable to the United Fund of Wayne County, Inc., provided the employee executes a written wage assignment which is filed and approved in conformity with the requirements of the above-cited statute.

OFFICIAL OPINION NO. 61

November 1, 1965

Mr. Richard L. Worley
State Examiner
State Board of Accounts
912 State Office Building
Indianapolis, Indiana 46204

Dear Mr. Worley:

This is in reply to your letter of September 20, 1965, which reads as follows:

"According to Chapter 187, Acts of 1965 (Burns 53-141), when any public work or improvement of any character is proposed to be constructed by certain municipalities and the governing body thereof determines by a two thirds vote at an official meeting that it is expedient and in the best public interest to employ professional engineering, architectural, or accounting services for the planning and financing of such public work and the preparation of plans and specifications therefor, then the limitations and restrictions in the general law with respect to the invalidity of contracts without an available appropriation therefor, shall not apply to contracts for such professional services."
"In view of the wording of this statute we respectfully request your official opinion on the following questions:

"1. Is an appropriation required to be made prior to the actual disbursement of funds in payment of any such contracts?

"2. Can an administrative body enter into any such contract without a determination of the governing body that said contract would be expedient and in the best public interest?

"3. Must any such contract entered into specify the fees, or maximum amount of fees, to be paid for such services?

"4. If your answer to question No. 1 is in the negative, must the claim for payment of any such contract be referred to the 'governing body,' as defined in said act, for approval prior to allowance thereof by the administrative authority which normally approves all claims and allowances as now provided by law? For example, in a county claims are allowed by the board of county commissioners and in cities by the board of public works, while the governing bodies, defined in said act, required to authorize the employment and make appropriations are the county council and common council of the city respectively."

In answer to your Question 1: Ind. Acts of 1965, ch. 187, Burns IND. STAT. ANN., (1965 Supp.), § 53-141, provides as follows:

"When any public building or any other public work or improvement of any character whatsoever is proposed to be constructed, erected, installed, altered or repaired at the expense of any county, city, town, township, school corporation, municipal utility, municipal sewage works, special taxing district, or political subdivision, commission, board, or other public body, or petitioners, and the governing body thereof determines by a two-thirds vote thereof at an official meeting, that
it is expedient and in the best public interest to employ professional engineering, architectural, or accounting services for the planning and financing of such public work and the preparation of plans and specifications therefor, then the limitations and restrictions in the general laws with respect to invalidity of contracts without an appropriation therefor, payment of fees solely from the proceeds of bonds or assessments when and if issued, and payment of fees solely from a special fund or funds to be provided in the future, shall not apply to contracts for such professional services to the extent that such limitations and restrictions might otherwise prevent the payment of fees for services actually rendered pursuant to such contracts or affect the obligation to pay such fees.” (Emphasis added.)

Before the enactment of Acts of 1965, ch. 187, no valid contract could be made which created an indebtedness against a municipality or a county without a prior appropriation. The effect of Acts of 1965, ch. 187, is that these contracts are now valid and should be paid from the proceeds of bonds or assessments which are issued, if any be issued, in connection with the proposed public work, or the contract prices should be paid from a special fund or funds which may be provided at a future date. Prior to the enactment of ch. 187, supra, contracts for professional services of this character to which cities and counties were parties were wholly void. Hamer v. Huntington, 215 Ind. 594, 21 N.E.2d 407 (1939); Board of County Commissioners v. Babcock, 33 Ind. App. 349, 71 N.E. 518 (1904).

Under Ind. Acts of 1965, ch. 187, professional engineers, architects, and accountants who render contractual services in connection with public work which is proposed to be constructed, erected and installed, altered or repaired, should be paid from the proceeds of bonds, if they are issued, or special assessments if they are made in connection with the proposed public work. If a special fund or funds be provided, after the professional services are undertaken, in connection with the proposed public work then the professional fees should be paid from that special fund or funds. However, the failure to issue bonds in connection with the proposed public

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work and the absence of a special fund or funds from which the cost of the professional services may be paid does not render the contract for the professional services enforceable against the general fund of the city, county or political subdivision which may be involved.

As to Question No. 2: No administrative body may enter into any such contract without a determination of the governing body that such contract would be expedient and in the best public interest.

As to Question No. 3: There is nothing in the 1965 Act, supra, which requires the contract to specify the fee, or a maximum fee, to be paid for services. However, the contract should specify the fee or state a reasonable standard from which the fee may be ascertained in order to satisfy the requirement of definiteness and certainty in contracting.

As to Question No. 4: The claim for payment of said contracts need not be referred to the governing body for approval. The administrative body which grants the contract would approve the claim.