

**OPINION NO. 69-099**

**Syllabus:**

A Board of Township Trustees is not empowered to cooperate with another like Board for the purpose of forming a recreational district for the acquisition and maintenance of recreational facilities. Opinion No. 66-007, Opinions of the Attorney General for 1966, approved and followed.

To: Robert Webb, Ashtabula County Pros. Atty., Jefferson, Ohio  
By: Paul W. Brown, Attorney General, August 20, 1969

Your request for my opinion reads as follows:

"I have been asked by the Geneva Area City School District whether or not they may cooperate in forming a recreational district for the acquisition and maintenance of recreational facilities with the Municipal Corporation of Geneva, City School Districts and Townships. It would seem that a school district, under Revised Code 755.16, can join with municipal corporations in forming a recreational district or perhaps a swimming pool if it was under the jurisdiction and management of the township where the school is located.

"Attorney General's Opinion, 1966-007, says that 755.16 authorized a school district to join with a township in equipping, operating and maintaining recreational facilities, but such authority is not extended to the township with any other taxing district. It would seem that there is implied authority for the townships to cooperate with other townships and area school districts, inasmuch as school districts are given the authority to cooperate with townships. Incidentally, Harpersfield, Trumbull and Austinburg Townships are members of the Geneva City School District, as well as, Geneva Township, and they wish to cooperate if they have implied authority under Section 755.16."

In reviewing all provisions of the Revised Code relative to the authority for Township Trustees to cooperate with other political subdivisions for police services, fire services, hospital services, park facilities and burial grounds, one finds a reluctance of the Legislature to extend the Trustees territorial jurisdiction.

Public officers have only such powers as are expressly delegated to them by statute, and such as are necessarily implied from those delegated to enable them to accomplish the stated purpose, and nowhere, as is emphasized by Opinion No. 66-007, Opinions of the Attorney General for 1966, is a Board of Township Trustees authorized to cooperate with another like Board.

Quoting from Opinion No. 66-007, supra, and explaining the powers granted in Section 755.16, Revised Code, the Attorney General said:

"It will be noted that this section provides that (a) any two or more municipal corporations, (b) a municipal corporation and a school district may join to operate and maintain playgrounds or recreation centers, and (c) school district and municipal corporation may join for the erection or repair of buildings of recreation facilities and (d) a school district may join with a municipal corporation, township or county in operating and maintaining recreation equipment.

"This section does not authorize a township to join with a county, municipal corporation or another township for the purpose of acquiring or maintaining playground and recreational projects.

"In summary, it is apparent that a township may legally agree with a county board of park commissioners that either may assume control of park or park lands of the other and that a township and an adjacent municipal corporation could join in the operation of a swimming pool.

"In specific answer to your question, you are advised that there is no authority under Section 755.16, Revised Code for a township to join with another township, county or municipal corporation in acquisition or maintaining playground or recreation facilities."

That is not to say, however, that each individual township may not cooperate by separate contract with the Geneva Area City School District.

The maxim "expressio unius est exclusio alterius" which, freely translated, means the express mention of one thing implies the exclusion of another, applies to answer your question, since the Legislature has provided authority to cooperate in certain instances, but not in the instance outlined in your request.

It is my opinion and you are accordingly advised that a Board of Township Trustees is not empowered to cooperate with another like Board for the purpose of forming a recreational district for the acquisition and maintenance of recreational facilities. Opinion No. 66-007, Opinions of the Attorney General for 1966, approved and followed.