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A BOARD OF COUNTY COMMISSIONERS MAY ENTER INTO AN AGREEMENT WITH LEGISLATURE OF A VILLAGE FOR USE OF COUNTY EQUIPMENT AND LABOR TO BUILD AND REPAIR STREETS; MATERIALS TO BE FURNISHED BY THE VILLAGE AND PROVIDED THE COUNTY WILL BE REIMBURSED ON AN ACTUAL HOURLY COST BASIS. §307.15, R.C.

SYLLABUS:

Under Section 307.15, Revised Code, a board of county commissioners may enter into an agreement with the legislative authority of a village providing for the use of county equipment and labor to construct, improve, and repair the streets within such village, necessary materials to be furnished by the village; and the contract may provide that the county will be reimbursed on an actual hourly cost basis for the use of said equipment and labor.

Columbus, Ohio, August 11, 1962

Hon. Elmer Spencer, Prosecuting Attorney
Adams County, West Union, Ohio

Dear Sir:

I am in receipt of your request for my opinion in which you ask whether a board of county commissioners may contract with a village for the use of county equipment and labor to construct, improve, or repair village streets, no material to be furnished by the county. I have also received a request from another county asking a similar question with the added provision that the county will be paid on an actual hourly cost basis for the use of county equipment and labor.

Section 307.15, Revised Code, provides, in part, as follows:

“The board of county commissioners may enter into an agreement with the *legislative authority of any municipal corporation*, township, port authority, water or sewer district, school district, library district, health district, park district, soil conservation district, water conservancy district, or other taxing district, or with the board of any other county, and such legislative authorities may enter into agreements with the board, whereby such board undertakes, and is authorized by the contracting subdivision, to exercise any power, perform any function, or render any service, in behalf of the contracting subdivision or its legislative authority, which such subdivision or legislative authority may exercise, perform, or render.

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(Emphasis added)

Under Section 307.15, *supra*, a board of county commissioners may, pursuant to a contract with the legislative authority of any municipal corporation, perform any function which the legislative authority may perform. It is a function of the legislative authority of a municipal corporation to supervise and control the streets within the municipal corporation. Section 723.01, Revised Code. A village is a municipal corporation. Section 703.01, Revised Code. A village council is the legislative authority of the village. Section 731.09, Revised Code.

Although the exact question presented by your request has never been ruled on by this office, a similar question involving the power of a board of township trustees to contract with a board of county com-

missioners for the use of county equipment to repair township roads has been considered. In Opinion No. 7494, Opinions of the Attorney General for 1956, page 888, and in Opinion No. 1549, Opinions of the Attorney General for 1960, page 503, it was held that a board of township trustees could contract with a board of county commissioners under these circumstances. I can see no reason why the legislative authority of a village could not also enter into such a contract with a board of county commissioners. Further, I see no reason why the contract may not be limited to the providing of equipment and labor by the county, with the village furnishing the materials. As to the hourly cost basis, such would appear to be a reasonable method for compensating the county for the furnishing of such equipment and labor.

It is my opinion, therefore, and you are accordingly advised that under Section 307.15, Revised Code, a board of county commissioners may enter into an agreement with the legislative authority of a village providing for the use of county equipment and labor to construct, improve, and repair the streets within such village, necessary materials to be furnished by the village; and the contract may provide that the county will be reimbursed on an actual hourly cost basis for the use of said equipment and labor.

Respectfully,
MARK McELROY
Attorney General