

**OPINION NO. 66-167****Syllabus:**

A majority of the members of an airport zoning board constitutes a quorum, regardless of whether all counties of a multi-county board are represented. The majority of a quorum is sufficient to adopt regulations for an airport hazard area.

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**To: Lee C. Falke, Montgomery County Pros. Atty., Dayton, Ohio**  
**By: William B. Saxbe, Attorney General, October 6, 1966**

I have before me your request for my opinion wherein you pose the following questions with respect to the adoption of rules and regulations by an airport zoning commission:

1. How many of the airport zoning board members constitute a quorum for the purpose of adopting regulations?
2. Where an airport hazard area, as defined in Section 4563.01, Revised Code, extends into more than one county, must a representative of each county be present at a meeting at which final rules and regulations are adopted?
3. How many members of those required to be present must vote in favor of the regulations in order for them to be adopted?

When an airport hazard area extends into more than one political subdivision, Section 4563.03 (B), Revised Code, provides that the boards of county commissioners of each of the counties into which such airport hazard area extends shall constitute the airport zoning board. The board so constituted is granted the same power to adopt, administer, and enforce airport zoning regulations as is provided for the airport zoning board of a single-county airport hazard area.

The airport zoning board which is the subject of your letter is composed of the boards of county commissioners of four counties. An airport zoning board consisting of the boards of county commissioners of more than one county is a single entity and performs its duties under the applicable statutes as such. Opinion No. 7579, Opinions of the Attorney General for 1956, page 930. The basic nature of the component boards is not changed. The boards merely act as a single entity for the purposes set forth in Chapter 4563, Revised Code. This would lead to the conclusion that the airport zoning board procedures are identical to those of the boards of county commissioners, where the procedures are not specified in Chapter 4563, Revised Code. This conclusion is strengthened by the opinion of our Supreme Court in Cupps v. Commissioners, 19 Ohio St. 173 (1870), wherein the Court held that a board of county commissioners, in carrying out duties conferred upon the board as a board by special statute, should act according to the usual and ordinary procedures in the absence of any legislative intent to the contrary in the special statute.

A quorum is defined, for the purposes of the boards of county commissioners, in Section 305.08, Revised Code, as "a majority of the board". Since no legislative intent to the contrary may be found in Chapter 4563, Revised Code, I conclude that a majority of the members of the airport zoning board constitutes a quorum for the purpose of adopting regulations.

Your second question asks whether each county in a multi-county airport zoning board must be represented at a meeting whereat regulations are adopted. In Opinion No. 449, Opinions of the Attorney General for 1963, page 472, Syllabus No. 3, I concluded that a multi-county airport zoning board is required to act as a single entity and that the individual boards may not act independently of each other. Since the multi-county board must act as a single entity, the independent actions of the constituent boards are irrelevant. Therefore, so long as a quorum of the airport zoning board is present, the board may act regardless of whether each of the counties is represented.

In the absence of specific statutory provision, a quorum of a board or commission consists of a majority of its members. Where due notice of the time and place of the meeting is given to all of the members, such quorum may exercise the powers of the board or commission; and the action of a majority of the quorum is the action of the board or commission. State, ex rel. Green v.

Edmondson, 12 N.P. (N.S.), 577 (1912). Since no specific provision is made in Chapter 4563, Revised Code, relative to an airport zoning board, I must conclude that the procedure is identical to that of a board of county commissioners.

Therefore, and in specific answer to your questions, it is my opinion that a majority of the members of an airport zoning board constitutes a quorum, regardless of whether all counties of a multi-county board are represented. The majority vote of a quorum is sufficient to adopt regulations for an airport hazard area.