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## SYLLABUS:

A regional airport authority established under Sections 308.01 through 308.17, Revised Code, is not subject to the provisions of Section 5.10, Revised Code, as to the adoption of an official seal, and is not required to have engraved on its seal the coat of arms of the state nor to have a seal of any particular dimensions; but the authority may use the coat of arms of the state as a part of its seal should such be deemed appropriate.

Columbus, Ohio, February 5, 1963

Southwestern Ohio Regional

Airport Authority

1175 Reibold Building

Dayton 2, Ohio

Att: Mr. R. William Patterson  
Secretary-Treasurer

Dear Sir:

Your request for opinion refers to the Southwestern Ohio Regional Airport Authority established pursuant to Sections 308.01 through 308.17, Revised Code, and asks questions as follows:

“1. Is it mandatory or permissive for the Airport Authority to include in its seal the official seal of the State of Ohio.

“2. Is the official seal of the Airport Authority subject to any requirements as to its dimensions.”

Sections 308.01 through 308.17, Revised Code, pertain to regional airport authorities. Any two or more contiguous counties or any single county may create a regional airport authority by the adoption of a resolution, which resolution also specifies the manner in which the authority will be organized and operated (Section 308.03, Revised Code). Within sixty days after the authority is created, a board of trustees (as provided in the resolution) is appointed, and such board then exercises all of the powers of the authority (Section 308.04 and 308.05, Revised Code). Section 308.06, Revised Code, provides in part:

“Upon the creation of a regional airport authority as provided by section 308.03 of the Revised Code, and upon the qualifying of its board of trustees and the election of a president and a vice-president, such authority shall exercise in its own name all the rights, powers, and duties vested in and conferred upon it by sections 308.01 to 308.17, inclusive, of the Revised Code, and, subject to such reservations, limitations, and qualifications as are set forth therein, said regional airport authority:

“(A) May sue or be sued in its corporate name:

“(B) May make contracts in the exercise of the rights, powers, and duties conferred upon it:

“(C) May adopt and at will alter a seal and use such seal by causing it to be impressed, affixed, reproduced, or otherwise used, but failure to affix the seal shall not affect the validity of any instrument:

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In view of the powers given to a regional airport authority, and in view of the fact that such authority exercises a governmental function in a limited geographical area within the state, and may sue or be sued in *its corporate name*, I am of the opinion that such an authority is a political subdivision in itself, separate and apart from the county or any other political subdivision (For discussion of what constitutes a political subdivision, see Opinion No. 1158, Opinions of the Attorney General for 1960, page 111, at pages 111, 112).

As to official seals, Section 5.04, Revised Code, sets forth the specifications of the coat of arms of the state, and Section 5.10, Revised Code, provides:

“All official seals shall have engraved thereon the coat of arms of the state, as described in section 5.04 of the Revised Code.

“The great seal of the state shall be two and one-half inches in diameter and shall be surrounded by the words ‘The great seal of the state of Ohio.’

“The seal of the supreme court shall be two and one-half inches in diameter and shall be surrounded by the words ‘The supreme court of the state of Ohio.’

“The seal of each court of appeals, court of common pleas, and probate court shall be one and three-fourth inches in diameter, and each seal shall be surrounded by

the words 'Court of appeals, . . . . . county, Ohio'; 'Common please court, . . . . . county, Ohio; or 'Probate court,, . . . . . county, Ohio'

(Insert the name of the proper county.)

"The seals of all other courts of record shall be of the same size as the seal of the court of common pleas, and each shall be surrounded by the proper name of the court.

"The seal of the secretary of state shall be two and one-fourth inches in diameter and shall be surrounded by the words 'The seal of the secretary of state of Ohio.'

"The seal of the auditor of state shall be one and three-fourth inches in diameter, and shall be surrounded by the words 'The seal of the auditor of state of Ohio.'

"The seal of the treasurer of state shall be one and three-fourth inches in diameter, and shall be surrounded by the words 'The seal of the treasurer of the state of Ohio.'

"The seal of each benevolent institution shall be one and three-fourth inches in diameter and shall be surrounded by the proper name of the institution.

"The seals of all other state, county, and municipal officers shall be one and three-fourths inches in diameter and shall be surrounded by the proper name of the office.

"All seals mentioned in this section shall contain the words and devices mentioned in this section and no other."

Section 5.10, *supra*, does not specifically provide a seal to be used by a regional airport authority. Further, while that section states that all official seals shall have engraved thereon the coat of arms of the state, I am of the opinion that such provision is limited to the seals specifically provided by the section and the seals of all other state, county, and municipal officers; and as noted earlier, a regional airport authority is a political subdivision in itself, separate and apart from the state, the county, or municipalities. Further, Section 308.06, *supra*, authorizes an airport authority to "adopt and at will alter a seal" which appears to allow the authority to determine the specifications of its seal should it determine to adopt one.

In view of the above, I conclude that it is not mandatory that a regional airport authority have the coat of arms of the state engraved on its seal. Regarding whether the authority may use

such coat of arms if it so desires, I have found no prohibition against such use and am of the opinion that such may be done.

As to your second question, I have already concluded that Section 5.10, *supra*, is not applicable to the seal of a regional airport authority, and under its authority to adopt a seal, the airport authority may assign any dimensions to its seal which are deemed appropriate.

In summary, it is my opinion any you are advised that a regional airport authority established under Sections 308.01 through 308.17, Revised Code, is not subject to the provisions of Section 5.10, Revised Code, as to the adoption of an official seal, and is not required to have engraved on its seal the coat of arms of the state nor to have a seal of any particular dimensions; but the authority may use the coat of arms of the state as a part of its seal should such be deemed appropriate.

Respectfully,

WILLIAM B. SAXBE

Attorney General