

OPINION NO. 80-018**Syllabus:**

1. Pursuant to R.C. 311.29, a park district created and operated under R.C. Chapter 1545 may contract for police protection from the county sheriff.
2. Pursuant to R.C. 1545.14, a park district may enter into mutual police aid contracts with public authorities in control of parks or park lands for the protection of such parks or park lands. The police powers of park rangers acting pursuant to such a contract extend, under R.C. 1545.13, to park lands and lands adjacent thereto.
3. A park district may not enter into contracts for mutual police aid except as authorized by R.C. 311.29 and R.C. 1545.14.

To: Anthony G. Pizza, Lucas County Pros. Atty., Toledo, Ohio
By: William J. Brown, Attorney General, May 6, 1980

I have before me your request for my opinion regarding the Metropolitan Park District of the Toledo Area, which has been requested to join in mutual police aid agreements with various public authorities. Your office has informed me that, under the terms of these proposed mutual aid contracts, law enforcement agents from one jurisdiction could be asked to leave the territory over which they have jurisdiction to come to the aid of the law enforcement agents of another jurisdiction. You question the ability of park districts to enter such contracts, and state the issues as follows:

- 1) May a park district created pursuant to Ohio Revised Code §1545.01 [et seq.] enter into a mutual police aid agreement with other law enforcement agencies?
- 2) Would the park rangers acting under such an agreement away from park property continue to have police power notwithstanding Ohio Revised Code §1545.13[?]

The General Assembly established the framework for the formation of local park districts in R.C. Chapter 1545. R.C. 1545.05 provides for the appointment of commissioners of a park district. R.C. 1545.07 organizes the commissioners into a board—a "body politic and corporate"—which governs the park district according to the powers and duties set forth in R.C. Chapter 1545.

The power to form a park police force is conferred upon the park board by R.C. 1545.13, which provides:

Such employees as the board of park commissioners designates for that purpose may exercise all the powers of police officers within and adjacent to the lands under the jurisdiction and control of such board. Before exercising such powers, such employees shall take an oath, and give a bond to the state in such sum as the board prescribes, for the proper performance of their duties in such respect. (Emphasis added.)

This provision gives a wide range of powers to the employees who are designated by the board as having police authority. It is clear, however, that this authority is strictly limited to the geographical area within and adjacent to a park district. See 1970 Op. Att'y Gen. No. 70-073; 1931 Op. Att'y Gen. No. 2998, p. 308. Members of a park police force may not exercise their authority beyond the park and areas adjacent thereto absent express statutory authorization therefor. Cf. 1974 Op. Att'y Gen. No. 74-094 (peace officer has no authority to make warrantless arrest outside his territorial jurisdiction unless specifically authorized by law).

As you indicate in your letter, municipal corporations, townships, and county sheriffs have the power to enter into certain contracts with one another for police protection pursuant to R.C. 737.04, 505.441 and 311.29, respectively. R.C. 737.04 and 505.441 do not specifically permit contracts for mutual police aid with park districts. R.C. 311.29, however, authorizes a county sheriff to "enter into contracts with any . . . park district" and, in turn, authorizes a park district to "enter into agreements with the sheriff whereby the sheriff undertakes and is authorized by the . . . [park district] to perform any police function, exercise any police power, or render any police service in behalf of the [park district], which such . . . [park district] may perform, exercise, or render." (Emphasis added.) R.C. 311.29 gives a park district the power to contract for police protection from the county sheriff, in addition to the protection afforded by park rangers. The section does not, however, authorize the converse arrangement, i.e., a contract with the sheriff for the provision of park rangers to the county should the sheriff require assistance.

Another statutory provision concerning cooperation between a park district and other public authorities is R.C. 1545.14. That section reads, in part, as follows:

A board of park commissioners may by agreement with the legislative or other public authority in control of parks or park lands

either within or without the park district, assume control of all or a portion of any existing parks or park lands or otherwise contract or cooperate with such public authority in connection with the use, development, improvement, and protection of parks or park lands. In such event, such parks or park lands may be developed, improved, and protected as in case of lands otherwise acquired by said board. (Emphasis added.)

R.C. 1545.14 permits a board of park commissioners to contract in connection with the "protection" of park lands with other public authorities in control of parks. Although townships, counties, and municipalities may be public authorities in control of parks (see, e.g., R.C. 511.32, R.C. 301.26, and R.C. 735.02), R.C. 1545.14 limits the content of such contracts to provisions dealing with services "in connection with the use, development, improvement, and protection of parks or park lands." Hence, R.C. 1545.14 permits the execution of mutual aid contracts with public authorities in control of parks for the protection of park lands, and, together with R.C. 1545.13, permits park rangers to exercise all powers of police officers within and adjacent to such lands. However, R.C. 1545.13 and R.C. 1545.14 do not empower a park board to enter into mutual aid contracts which authorize park rangers to answer calls and exercise police powers for purposes other than the protection of parks or park lands.

In addition to the contractual powers granted by R.C. 1545.14, R.C. 1545.07 authorizes a park board to hire and contract for "professional, technical, consulting, and other special services" which it finds "necessary in carrying out its duties under Chapter 1545. of the Revised Code." This section would permit a park board to hire additional park rangers in times of greater need, see 1979 Op. Att'y Gen. No. 79-083, or to contract for any other services on behalf of parks or park lands. R.C. 1545.07 does not, however, expressly empower the board to enter into contracts for an exchange of services between the park board and other governmental entities.

As a general rule, "public officers have only such powers as are expressly delegated to them by statute and such as are necessarily implied from those delegated." *Schultz v. Erie County Metropolitan Park District Board*, 26 Ohio Misc. 68, 269 N.E.2d 72 (C.P. Erie County 1971) (quoting 44 Ohio Jur. 2d *Public Officers* §60 (1960)). Inasmuch as a park board may, in order to protect park lands, hire as many rangers as it feels necessary, or contract with the sheriff or other authorities in control of parks for the protection of park lands, it is my opinion that the power to enter into mutual aid contracts with other public authorities cannot be implied from R.C. 1545.07. Moreover, the fact that the General Assembly has expressly conferred upon other public authorities the power to enter into mutual police aid contracts, without expressly conferring such power upon park boards, is a strong indication that it did not intend to confer such power upon park boards. Cf. 1979 Op. Att'y Gen. No. 79-025 (General Assembly's failure to authorize purchase of liability insurance by townships where other entities are specifically authorized to do so is indicative of decision not to permit such purchase by townships). I conclude, therefore, that a park board has no power to enter into mutual police aid contracts with any public authority other than with a public authority in control of parks or park lands, and in such case, the contract may provide only for the protection of parks or park lands.

In sum, it is my opinion, and you are advised, that:

1. Pursuant to R.C. 311.29, a park district created and operated under R.C. Chapter 1545 may contract for police protection from the county sheriff.
2. Pursuant to R.C. 1545.14, a park district may enter into mutual police aid contracts with public authorities in control of parks or park lands for the protection of such parks or park lands. The police powers of park rangers acting pursuant to such a contract extend, under R.C. 1545.13, to park lands and lands adjacent thereto.

3. A park district may not enter into contracts for mutual police aid except as authorized by R.C. 311.29 and R.C. 1545.14.