

OPINION NO. 78-025**Syllabus:**

A regional water and sewer district, established pursuant to R.C. Chapter 6119, possesses the power, necessarily implied from R.C. 6119.12, to retain the auditing services of a certified public accounting firm for the purpose of enabling such district to sell its bonds and notes. (Paragraph 1 of the syllabus of 1977 Op. Att'y Gen. No. 77-068 modified).

To: John T. Corrigan, Cuyahoga County Pros. Atty., Cleveland, Ohio
By: William J. Brown, Attorney General, May 4, 1978

I have before me your request for my opinion in which you ask whether a regional water and sewer district possesses the authority to retain the auditing services of an independent public accounting firm, particularly to provide certified financial statements, to enable such district's notes and bonds to be publicly marketed.

Regional water and sewer districts may be created pursuant to R.C. Chapter 6119. Such districts are governed by a board of trustees, R.C. 6119.07. The board

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may, pursuant to R.C. 6119.12, issue water resource revenue bonds and notes at such times and in such amounts as it deems necessary for the purpose of paying costs resulting from the water resource projects of the district. It is my understanding that it is necessary, in the process of marketing such bonds and notes, to provide certified financial statements prepared by certified public accountants as part of a district's official financial statements to prospective purchasers.

As I stated in 1977 Op. Att'y Gen. No. 77-068, a regional water and sewer district is a creature of statute. Accordingly, it may only perform such acts as are expressly permitted by statute or necessarily implied therefrom. State, ex rel. v. Pierce, 96 Ohio St. 44, 47 (1916). In Op. No. 77-068, it was determined that such a district did not possess such express or necessarily implied authority to obtain the auditing services of a public accounting firm. The facts as presented in your opinion request however, were not before me at the time that opinion was issued. Upon consideration of these additional facts, it is apparent that the auditing services of certified public accountants are required by regional water and sewer districts to insure that its bonds and notes are marketable. Accordingly, the power to retain such services is a power necessarily inferred from the power to issue bonds and notes.

It is therefore my opinion, and you are so advised, that a regional water and sewer district, established pursuant to R.C. Chapter 6119, possesses the power, necessarily implied from R.C. 6119.12, to retain the auditing services of a certified public accounting firm for the purpose of enabling such district to sell its bonds and notes. (Paragraph 1 of the syllabus of 1977 Op. Att'y Gen. No. 77-068 modified).