

## OPINION NO. 71-074

**Syllabus:**

1. Sections 308.03 and 308.17, Revised Code, provide that a board of county commissioners may enter into a contract with a regional airport authority under which the county will assume the costs of maintenance of the airport.

2. If such a provision did not appear in the original resolution of the board of county commissioners creating the regional airport authority, it can be adopted by way of an amendment to the resolution.

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**To: Reynold C. Hoefflin, Greene County Pros. Atty., Xenia, Ohio**  
**By: William J. Brown, Attorney General, November 4, 1971**

Your request for my opinion explains that the Greene County Regional Airport Authority has insufficient funds to maintain snow removal in the winter and the cutting of the grass in the summer from the areas surrounding the runways. You also quote the first part of Section 308.06 (K), Revised Code, which grants to a regional airport authority the power to contract with any county for the acquisition, construction, maintenance and operation of an airport, and you request answers to the following questions:

"Our question is whether or not under this paragraph, or any other paragraph, within Chapter 308, the regional airport authority may contract with Greene County for the snow removal and grass cutting by the Greene County Engineer. That is to say that in return for the providing of a landing strip by the regional airport authority the county will provide these needed services.

"In the alternative, would it be permissible for the County Commissioners to appropriate money

directly to the regional airport authority. With this money the regional airport authority could then contract with the county for snow removal and the cutting of grass."

In 1966, an Opinion was rendered to your predecessor in office which aids in the answer to your questions. Branch No. 2 of the Syllabus of Opinion No. 66-056, Opinions of the Attorney General for 1966, reads, in pertinent part, as follows:

"Where the board of trustees of the regional airport authority contracts with a board of county commissioners for the acquisition, construction, maintenance or operation of an airport or airport facility and provides that the costs thereof shall be an expense of the regional airport authority, the portion of such expense to be paid by the county is limited to the funds which it may appropriate annually from the general fund of the county. \* \* \*" (Emphasis added.)

To determine what funds the county may annually appropriate for regional airport purposes, Section 308.17, Revised Code, must be followed. It reads as follows:

"The board of county commissioners of any county included within a regional airport authority may appropriate annually, from moneys to the credit of the general fund of the county and not otherwise appropriated, that portion of the expense of the regional airport authority to be paid by such county as provided in the resolution creating the regional airport authority adopted under section 308.03 of the Revised Code, or by any amendment thereto." (Emphasis added.)

Apparently the resolution originally creating your regional airport authority did not provide that Greene County should participate in the expense of mowing the grass and clearing the runways of snow. It will, therefore, be necessary to follow the provisions of Sections 308.17, supra, and 308.03 (G), Revised Code. The latter Section provides for such participation as is agreed upon by the member counties of the regional airport authority and reads, in pertinent part, as follows:

"The resolution creating a regional airport authority may be amended to include additional counties or for any other purpose, by the adoption of such amendment by the board of county commissioners of each county included or to be included in the regional airport authority." (Emphasis added.)

It is, accordingly, necessary that the resolution creating the Greene County Regional Airport Authority be amended to contain provisions

stating to what extent the maintenance costs are to be born by Greene County.

In specific answer to your questions it is, therefore, my opinion, and you are so advised, that:

1. Sections 308.03 and 308.17, Revised Code, provide that a board of county commissioners may enter into a contract with a regional airport authority under which the county will assume the costs of maintenance of the airport.
2. If such a provision did not appear in the original resolution of the board of county commissioners creating the regional airport authority, it can be adopted by way of an amendment to the resolution.