

OPINION NO. 69-067**Syllabus:**

1. A village may enter into a contract with a non-profit corporation whereby the corporation will supply water to the village without ratification of the contract by a vote of the electors of the village.

2. A water company may supply water directly to the inhabitants of a village without entering into a contractual arrangement with the village.

To: Elmer Spencer, Adams County Pros. Atty., West Union, Ohio
By: Paul W. Brown, Attorney General, June 23, 1969

I have your request for my opinion as to whether a village may enter into a contract with a non-profit corporation to obtain water without a ratification of the contract by the electors of the village, and also whether such a corporation may supply water directly to the inhabitants of a village without entering into a contractual arrangement with the village.

A village may enter into a contract with a non-profit corporation whereby the corporation will supply water to the village without ratification of the contract by a vote of the electors, Opinion No. 69-066, Opinions of the Attorney General for 1969.

A water company may supply water directly to the

inhabitants of a village without entering into a contractual arrangement with the village. Section 4933.01, Revised Code, provides in pertinent part as follows:

"* * * [A] company organized for the purpose of supplying the inhabitants of a municipal corporation or township with water may sell and furnish any quantity of water required in such municipal corporation or township for such or other purposes * * * Such companies may lay conductors for conducting * * * water through the streets, lands, alleys, and squares in such municipal corporation with the consent of the municipal authorities or the board of township trustees under such reasonable regulations as such authorities or board prescribes."

This Section specifically gives a water company authority to sell and furnish water to the inhabitants of a village. This Section also gives a water company authority to lay its conductors in the streets of the village with the consent of the village and subject to such reasonable regulations as the village prescribes. Except for the requirement that the water company obtain such consent, there is nothing in this Section or in any other section of the code which requires a water company to enter into a contract with a village in order to furnish water to its inhabitants.

In conclusion, it is my opinion and you are advised:

1. A village may enter into a contract with a non-profit corporation whereby the corporation will supply water to the village without ratification of the contract by a vote of the electors of the village.
2. A water company may supply water directly to the inhabitants of a village without entering into a contractual arrangement with the village.