

## OPINION NO. 71-086

## Syllabus:

A county automatic data processing board does have authority, under the provisions of Section 307.846, Revised Code, to enter into a contract to provide automatic data processing service to an areawide coordinating agency formed under the provisions of the Demonstration Cities and Metropolitan Development Act of 1966, 42 U.S.C. 3331 et seq.

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To: John T. Corrigan, Cuyahoga County Pros. Atty., Cleveland, Ohio  
By: William J. Brown, Attorney General, December 6, 1971

Your request for my opinion presents a question, which reads as follows:

"Does the Cuyahoga County Automatic Data Processing Board have authority to enter into a contract under the provisions of Section 307.846 of the Revised Code of Ohio to provide automatic data processing service to the North-east Ohio Areawide Coordinating Agency?"

The establishment of an automatic data processing board, and the extent of its authority over all county offices, is provided for in Section 307.84, Revised Code, which reads as follows:

"The board of county commissioners of any county may, by resolution, establish a county automatic data processing board. The board shall consist of the county treasurer or his representative, a member or representative of the board of county commissioners chosen by the board, and the county auditor or his representative who shall serve as secretary.

"After the initial meeting of the county automatic data processing board, no county office shall purchase, lease, operate, or contract for the use of any automatic data processing equipment without prior approval of the board.

"As used in sections 307.84 to 307.846 [307.84.6], inclusive, of the Revised Code, 'county office' means any officer, department, board, commission, agency, court, or any other office of the county." (Emphasis added.)

The power of the board to coordinate and control the use of automatic data processing equipment throughout the county offices is prescribed by Section 307.842, Revised Code, in the following language:

"The county automatic data processing board shall coordinate the use of all automatic data processing equipment in use throughout the county offices at the time the board is established.

"The board may, in writing, authorize any county office to contract for automatic data processing services, or operate or acquire automatic data processing equipment, where the board determines such action is desirable. The authorization shall be signed by a majority of the members of the board and shall be filed in the office of the board of county commissioners.

"The county automatic data processing board may establish an automatic data processing center which shall provide a centralized system for the use of automatic data processing equipment for all county offices."

(Emphasis added.)

In addition to providing a centralized system for all county offices, the board may enter into contracts to provide automatic data processing services to other governmental bodies. Section 307.846, Revised Code, provides as follows:

"The county automatic data processing board may enter into a contract with the legislative authorities of any municipal corporation, township, port authority, water or sewer district, school district, library district, health district, park district, soil and water conservation district, conservancy district, or other taxing district, or with the board of county commissioners or the automatic data processing board of any other county, and such authorities may enter into contracts with the county automatic data processing board, to provide automatic data processing services to any of them. The board shall establish a schedule of charges upon which the cost of providing such services shall be based. All moneys collected by the board for services rendered pursuant to contracts entered into under this section shall be deposited in the county general fund; however, such moneys may be segregated into a special fund in the county treasury until the end of the calendar year. County offices may also be charged for such services and the appropriation so charged and the appropriation of the board so credited."

It will be observed that the authority of the board to enter into contracts with other governmental bodies is specifically limited to contracts with the "legislative authority" of any "taxing district", and with the board of county commissioners or the automatic data processing board of any other county. The question, then, is whether the Northeast Ohio Areawide Coordinating Agency comes within the terms of this limitation. Your letter describes that Agency in the following terms:

"NOACA is a voluntary agency formed under

Title II, Section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, which can be found in 42 USCA Sections 3331 et seq. NOACA is composed of approximately 38 officials from a Seven County Area in Northeastern Ohio consisting of Cuyahoga, Geauga, Lake, Lorain, Medina, Summit and Portage Counties. It is funded by Federal, State and local funds contributed by the member counties and other member political local subdivisions in said counties."

By the Demonstration Cities and Metropolitan Development Act of 1966, Congress authorized the Secretary of Housing and Urban Development to make grants for areawide development projects upon the recommendation of such local areawide planning and coordinating agencies as NOACA. 41 U.S.C. 3331, 3334, 3335. The formation of areawide coordinating agencies, especially for the purpose of cooperating with federal programs, has clearly been authorized by the General Assembly. See, generally, Sections 307.15 through 307.19, Revised Code. Section 307.15, supra, for example, provides in pertinent part as follows:

"The board of county commissioners may enter into an agreement with the legislative authority of any municipal corporation, township, port authority, water or sewer district, school district, library district, health district, park district, soil and water conservation district, water conservancy district, or other taxing district, or with the board of any other county, to exercise any power, perform any function, or render any service, \* \* \* which such subdivision or legislative authority may exercise, perform, or render; \* \* \*

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"The boards of county commissioners of any two or more counties may contract with each other or by contract create any joint agency to exercise any power \* \* \* which any board of county commissioners may exercise, \* \* \*."

And Section 307.85, Revised Code, provides as follows:

"The board of county commissioners of any county may participate in, give financial assistance to, and cooperate with other agencies or organizations, either private or governmental, in establishing and operating any federal program enacted \* \* \* by the congress of the United States, and for such purpose may adopt any procedures and take any action not prohibited by the constitution of Ohio nor in conflict with the laws of this state."

See, also, Sections 167.01, 167.03, 307.15, 713.01, 713.02, and 713.21 through 713.24, Revised Code.

Again, the question is whether NOACA, which was organized and which operates under the authority of these statutes, is a "legislative authority" of a "taxing district" under the terms of Section

307.846, supra. It would appear, from other material in the files of my office, that the majority of the board members of NOACA are either county commissioners or township trustees, all of whom are, of course, the "legislative authorities" of "taxing districts". Moreover, as your letter states, NOACA draws its funds from the Federal and State governments and from the counties and those local political subdivisions which are members of NOACA. Finally, the Federal funds to implement plans for areawide development will not be forthcoming unless such plans are approved and recommended by NOACA.

"It is a well-established doctrine that every public statute has or is supposed to have as its objective some purpose or policy whereby the public welfare is served", and that statutes should be interpreted so as to accomplish that public policy. Baily v. Evatt, 142 Ohio St. 616, 620 (1944). And in Humphrys v. Winous Co., 165 Ohio St. 45, 49 (1956), the Court said:

"The primary duty of a court in construing a statute is to give effect to the intention of the Legislature enacting it. In determining that intention, a court should consider the language used and the apparent purpose to be accomplished, and then such a construction should be adopted which permits the statute and its various parts to be construed as a whole and gives effect to the paramount object to be attained. \* \* \*"

The paramount object of the General Assembly in authorizing the establishment of county automatic data processing boards was obviously the promotion of efficiency in the operations of county and local governments. And the Federal and State statutes authorizing the creation of areawide planning and coordinating agencies were just as obviously designed to bring about a united effect by Federal, State and local officials, using funds derived from all three sources, for the promotion of the public welfare and the betterment of the conditions of human life within the designated area. Such statutes must be liberally construed, and since the board membership of NOACA is composed largely of members of the "legislative authorities" of "taxing districts", since it draws its funds from Federal, State and local "taxing districts", and since its approval is necessary for the expenditure of money derived from Federal taxes, I conclude that NOACA comes within the type of governmental body with which a county automatic data processing board may enter into a contract within the meaning of Section 307.846, supra.

In specific answer to your question it is, therefore, my opinion, and you are so advised, that a county automatic data processing board does have authority, under the provisions of Section 307.846, Revised Code, to enter into a contract to provide automatic data processing service to an areawide coordinating agency formed under the provisions of the Demonstration Cities and Metropolitan Development Act of 1966, 42 U.S.C. 3331 et seq.