

**Note from the Attorney General's Office:**

The syllabus paragraph 3 of 1986 Op. Att'y Gen. No. 86-084 was overruled in part due to statutory change by 2015 Op. Att'y Gen. No. 2015-007.

**OPINION NO. 86-084****Syllabus:**

1. The boards of county commissioners of two or more adjacent counties may enter into a contract, pursuant to R.C. 307.93, only among themselves for the establishment of a multicounty correctional center as provided in that section. A consortium of counties and municipalities may not establish and operate a multicounty correctional center under the authority of R.C. 307.93.

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2. A consortium of counties and municipalities, organized as a regional council of governments pursuant to R.C. Chapter 167, may not establish and operate a multicounty correctional center as otherwise provided in R.C. 307.93.
3. A consortium of counties and municipalities may not establish and operate a regional correctional facility pursuant to R.C. 153.61, R.C. 307.021, or R.C. 307.15.
4. A county may obtain financing through the Ohio Building Authority, pursuant to R.C. 307.021, for the purpose of acquiring, constructing, or renovating county jail facilities. Subsequent thereto, the board of county commissioners may, pursuant to R.C. 307.15, enter into an agreement or series of agreements with a city and other counties whereby the board undertakes to perform for such political subdivisions the functions those subdivisions are otherwise empowered and under a duty to perform with respect to the construction and operation of city and county jail facilities.
5. A city and a county may obtain financing through the Ohio Building Authority, pursuant to R.C. 307.021, for the purpose of jointly acquiring, constructing, or renovating a city-county jail facility under R.C. 153.61, R.C. 307.01, R.C. 341.01-.33, R.C. 715.16, and R.C. 717.01(F). The board of county commissioners may then enter into an agreement, pursuant to R.C. 307.15, with the boards of county commissioners of other counties whereby the board undertakes to perform for those counties the functions those counties are otherwise empowered and under a duty to perform with respect to the construction and operation of county jail facilities.

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To: Anthony G. Pizza, Lucas County Prosecuting Attorney, Toledo, Ohio  
By: Anthony J. Celebrezze, Jr., Attorney General, November 14, 1986

You have requested my opinion regarding the proposed construction and operation of a multicounty correctional center by a city and several adjacent counties. Specifically, you have asked that I address the following questions:

1. May a consortium of counties and municipalities establish a regional jail under the authority of R.C. 307.93?
2. If your response to question number 1 is in the negative, may such a consortium, acting under the authority of R.C. Chapter 167, establish a multi-jurisdictional correctional facility which would in fact be the equivalent of a regional jail established under R.C. 307.93?

In supplemental correspondence you have also asked whether a regional correctional facility may be constructed and operated by a city and several counties pursuant to R.C. 153.61, R.C. 307.021, and R.C. 307.15. You have also posed several related questions with respect to which governmental entities may assume the responsibility of overseeing the

construction of such regional correctional facility and its daily operation; whether a city may participate as a member of a corrections commission appointed pursuant to R.C. 307.93 to operate such regional correctional facility; and whether the employees of such corrections commission may be deemed to possess those police powers necessary for the proper performance of their duties.

I turn to your first question, whether a consortium of counties and municipalities may establish a regional jail pursuant to R.C. 307.93(A), which provides, in part, as follows:

The boards of county commissioners of two or more adjacent counties may contract for the joint establishment of a multicounty correctional center. The center shall augment county jail programs and facilities by providing custody and rehabilitative programs for those persons under the charge of the sheriff of any of the contracting counties who, in the opinion of the sentencing court, need programs of custody and rehabilitation not available at the county jail and by providing custody and rehabilitative programs in accordance with division (C) of this section, if applicable. The contract may include, but need not be limited to, provisions regarding the acquisition, construction, maintenance, repair, termination of operations, and administration of the center.

R.C. 307.93(A) further provides that a contract negotiated thereunder shall prescribe the manner of funding of, and debt assumption for, the center and the standards and procedures to be followed in its operation, and also requires the contracting counties to form a corrections commission to oversee the administration of the center and formulate the standards and procedures pertaining to the center's operation. Members of the corrections commission shall consist of the "sheriff of each participating county, the president of the board of county commissioners of each participating county or his designee, and the presiding judge of the court of common pleas of each participating county or his designee."

R.C. 307.93 further provides that each board of county commissioners that enters into a contract under R.C. 307.93(A) may appoint a building commission pursuant to R.C. 153.21<sup>1</sup> to oversee construction of the multicounty correctional center, R.C. 307.93(B); the corrections commission of a multicounty correctional center may enter into an agreement with the Department of Rehabilitation and Correction for the custody and rehabilitation in the center of certain criminal offenders as designated by the Department, R.C. 307.93(C); and each board of county commissioners that enters into a contract under R.C. 307.93(A) may require certain criminal offenders who are confined in the multicounty correctional center to reimburse the

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<sup>1</sup> R.C. 153.21 states, in part, that when a board of county commissioners determines to erect a county building, the board may appoint four electors of the county, who shall, together with the board, constitute a building commission and serve until construction of the county building is completed.

county for its expenses incurred by reason of their confinement therein, R.C. 307.93(D).<sup>2</sup>

It is a well-established principle that a board of county commissioners, being a creature of statute, may exercise only those powers as are expressly conferred upon it by statute, or that may be necessarily implied therefrom. State ex rel. Shriver v. Board of Commissioners, 148 Ohio St. 277, 74 N.E.2d 248 (1947); 1985 Op. Att'y Gen. No. 85-058. Consequently, the extent of authority conferred upon boards of county commissioners with respect to the establishment of a multicounty correctional center must be gleaned from the express language of R.C. 307.93. In this regard the plain language of R.C. 307.93 makes it clear that a multicounty correctional center may be established, pursuant to that section, only by the boards of county commissioners of two or more adjacent counties. The boards of county commissioners are authorized to contract among themselves for the joint establishment of such a center. Id. There is no specific grant of authority in R.C. 307.93, however, for boards of county commissioners to contract with the governing bodies of political subdivisions other than counties for the joint establishment of a multicounty correctional center. Certainly, had the General Assembly meant to confer such power upon boards of county commissioners, it could have included language to that effect in R.C. 307.93. Cf., e.g., R.C. 307.05 (stating, in part, that a board of county commissioners may enter into a contract with one or more counties, townships, or municipal corporations to provide ambulance service or emergency medical services); R.C. 307.151 (a board of county commissioners may enter into an agreement with the legislative authority of a municipal corporation to provide for facilities, personnel, and equipment for the control of air and water pollution); R.C. 307.152 (a board of county commissioners may enter into an agreement with a county, municipal, or regional planning commission for transportation and land use studies). The absence of any such language in R.C. 307.93 leads me to conclude that it is the intent of the General Assembly that the boards of county commissioners of two or more adjacent counties may enter into a contract, pursuant to R.C. 307.93, only among themselves for the establishment of a multicounty correctional center as provided in that section, and that political subdivisions other than counties may not be parties to such an agreement.

I turn now to your second question, whether a consortium of counties and municipalities, acting pursuant to R.C. Chapter 167, may establish a multijurisdictional correctional facility. A regional council of governments is formed of the various political subdivisions that participate in its establishment, see R.C. 167.01, and is, therefore, not a county board. It appears, as a result, that a county prosecutor is under no duty to advise such a council. See R.C. 309.09; 1986

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<sup>2</sup> R.C. 307.93 makes it clear that a multicounty correctional center established thereunder is intended to augment, and not supplant, other county jail programs and facilities. See, e.g., R.C. 307.02 (a board of county commissioners may purchase, lease, construct, or otherwise provide facilities for a county jail); R.C. 341.01-.33 (addressing the establishment and operation of a county jail, which is placed under the charge of the county sheriff).

Op. Att'y Gen. No. 86-068. Cf., e.g., 1985 Op. Att'y Gen. No. 85-071 (county prosecuting attorney is not legal adviser to joint fire district); 1985 Op. Att'y Gen. No. 85-012 (county prosecuting attorney is not legal adviser to regional organization for civil defense); 1981 Op. Att'y Gen. No. 81-059 (county prosecuting attorney is not legal adviser to joint recreation district or joint recreation board); 1979 Op. Att'y Gen. No. 79-019 (county prosecuting attorney is not legal adviser to multicounty felony bureau); 1961 Op. Att'y Gen. No. 2383, p. 366 (county prosecuting attorney is not legal adviser to regional planning commission). It follows that I am not generally able to render advice to a county prosecutor with respect to the powers of a regional council of governments. See R.C. 109.14.

In this instance, however, the county is interested in exploring various methods of establishing a multicounty correctional facility, and is in need of advice whether the formation of a regional council of governments may accomplish that purpose. Because your request concerns the ability of the county to participate in the establishment of a multicounty correctional facility, I find that I may properly issue a formal legal opinion to you on this matter. See R.C. 109.14.

R.C. Chapter 167 authorizes the formation of regional councils of governments for a variety of purposes. In this regard R.C. 167.01 states:

That governing bodies of any two or more counties, municipal corporations, townships, special districts, school districts, or other political subdivisions may enter into an agreement with each other, or with the governing bodies of any counties, municipal corporations, townships, special districts, school districts or other political subdivisions of any other state to the extent that laws of such other state permit, for establishment of a regional council consisting of such political subdivisions.

R.C. 167.03 delineates the powers conferred upon a regional council of governments. In general, a regional council of governments is given the power to study area governmental problems, R.C. 167.03(A)(1), promote cooperative arrangements and coordinate action among its members, R.C. 167.03(A)(2), make recommendations for review and action to its members, R.C. 167.03(A)(3), promote cooperative agreements and contracts among its members or other governmental agencies and private parties, R.C. 167.03(A)(4), and perform planning directly by personnel of the council or under contracts between the council and other public or private planning agencies, R.C. 167.03(A)(5). A regional council of governments may also review, evaluate, comment upon, and make recommendations relative to the planning and programming, and the location, financing, and scheduling of public facility projects within the region, R.C. 167.03(B)(1), act as an areawide agency to perform comprehensive planning for public facility projects, R.C. 167.03(B)(2), and act as an agency for coordinating local public policies, R.C. 167.03(B)(3).

A regional council of governments may also perform such other functions and duties as are performed or capable of performance by its member political subdivisions. R.C. 167.03(C). The authority granted to a regional council of governments by R.C. 167.03, however, does not displace any

existing municipal, county, regional, or other planning commission or planning agency in the exercise of such body's statutory powers. R.C. 167.03(D). See also R.C. 167.05 (a regional council of governments may employ staff and contract for the services of consultants and experts, and purchase or lease supplies, materials, equipment, and facilities); R.C. 167.08 (a regional council of governments may contract with other political subdivisions to provide those subdivisions with any service the council may offer or to perform on behalf of the political subdivision any function or render any service which a contracting political subdivision may perform).

The language of R.C. 167.03(C) authorizing a council to perform the functions and duties as are performed or capable of performance by the members of the council has been consistently interpreted as permitting a regional council of governments to perform only those governmental functions that might otherwise be performed by the council's individual members. 1982 Op. Att'y Gen. No. 82-103 at 2-283 ("[u]nder R.C. 167.03(C)...a regional council of governments may perform functions and duties on behalf of a member political subdivision only within the statutory constraints which define the manner in which that subdivision could perform the same functions and duties"); 1979 Op. Att'y Gen. No. 79-018 at 2-57 ("[a] political subdivision may authorize a [regional council of governments] to perform only such functions and duties as the political subdivision is capable of performing"); 1971 Op. Att'y Gen. No. 71-010 at 2-22 (a regional council of governments "is given no 'governmental powers' that are not provided to its members"); 1969 Op. Att'y Gen. No. 69-013 at 2-16 (a regional council of governments "is limited to performing on behalf of its [member] subdivisions just those functions which the subdivision itself is able to perform"). Thus, the authority of a regional council of governments to act on behalf of its members under R.C. 167.03(C) "is derived from its members and cannot exceed the authority which the members have," and "[i]f a member political subdivision is restricted in carrying out a particular activity by requirements imposed by statute, the council's ability to act on behalf of the subdivision must be similarly restricted." Op. No. 82-103 at 2-283.

Insofar as a regional council of governments may only undertake those governmental functions that may be performed by its individual members, I conclude that a consortium of counties and municipalities, organized as a regional council of governments pursuant to R.C. Chapter 167, may not establish and operate a multicounty correctional center as otherwise provided in R.C. 307.93. See note two, supra. As I have already concluded, the boards of county commissioners of two or more adjacent counties may enter into a contract, pursuant to R.C. 307.93, only among themselves for the establishment of a multicounty correctional center, and may not establish a multicounty correctional center in conjunction with political subdivisions other than counties. Pursuant to R.C. 167.03(C), this restriction placed upon the authority of boards of county commissioners to establish a multicounty correctional center also applies in the case of a regional council of governments that is formed for such purpose. Accordingly, a consortium of counties and municipalities, organized as a regional council of governments pursuant to R.C. Chapter 167, may not establish and operate a multicounty correctional center as otherwise provided in R.C. 307.93.

You have also asked whether a regional correctional facility may be constructed and operated by a city and several

counties pursuant to R.C. 153.61, R.C. 307.021, and R.C. 307.15. R.C. 307.021 addresses the construction and operation of several types of correctional facilities by the State and certain political subdivisions thereof, and provides that the cost of such facilities may be financed by revenue obligations issued by the Ohio Building Authority. In this regard R.C. 307.021 states, in part, as follows:

It is hereby declared to be a public purpose and function of the state, and a matter of urgent necessity, that the state acquire, construct, or renovate capital facilities for use as county, multi-county, and city-county jail facilities or workhouses or single county or district community-based correctional facilities authorized under section 2301.51 of the Revised Code in order to comply with federal constitutional standards and laws for the incarceration of alleged and convicted offenders against state laws, or for use as county family court centers, and for either of such purposes counties and participating municipal corporations are designated as state agencies to perform duties of the state in relation thereto, and such facilities are designated as state capital facilities. The Ohio building authority is authorized to issue revenue obligations under sections 152.09 to 152.33 of the Revised Code to pay all or part of the cost of such capital facilities as are designated by law. (Emphasis added.)

R.C. 307.021 further provides that the office of the sheriff is designated as the state agency having jurisdiction over any such jail, workhouse, or community-based correctional capital facilities in any one county or over any such jail, workhouse, or community-based correctional city-county facilities, and the corrections commission is designated as the state agency having jurisdiction over any such multi-county jail, workhouse, or community-based correctional capital facilities. In addition, a county or counties, and any participating municipal corporations, shall lease capital facilities described in R.C. 307.021 that are constructed, reconstructed, improved, or financed by the Ohio Building Authority, and may enter into other agreements ancillary to the construction, reconstruction, improvement, financing, leasing, or operation of such capital facilities. *Id.* See also R.C. 307.022 (providing, in part, that a lease of correctional facilities without competitive bidding may include facilities acquired, constructed, renovated, or financed by the Ohio Building Authority and leased to a county pursuant to R.C. 307.021).

I believe the answer to your question follows, in part, from the analysis and conclusions set forth above. I note initially that R.C. 307.021 refers specifically to "capital facilities for use as county, multi-county, and city-county jail facilities or workhouses or single county or district community-based correctional facilities." Thus, I believe R.C. 307.021, for purposes of determining whether a regional correctional facility may be constructed and operated by a city and several counties pursuant thereto, must be read in pari materia with those Revised Code provisions that address the establishment and operation of those particular correctional facilities named in R.C. 307.021. See State ex rel. Pratt v. Weygandt, 164 Ohio St. 463, 132 N.E.2d 191 (1956) (syllabus, paragraph two) ("[s]tatutes relating to the same matter or subject, although passed at different times and making no



reference to each other, are in pari materia and should be read together to ascertain and effectuate if possible the legislative intent"); National Distillers Products Corp. v. Evatt, 143 Ohio St. 99, 54 N.E.2d 146 (1944); 1985 Op. Att'y Gen. No. 85-096 at 2-406.

With respect to a county jail, R.C. 307.01 states, in part, that a jail shall be provided by the board of county commissioners when, in its judgment, such jail is needed, and R.C. 341.01 confers upon the county sheriff the responsibility of administering and operating the jail. See also R.C. 307.02; R.C. 341.02-.33; 1985 Op. Att'y Gen. No. 85-008. R.C. 307.93 further authorizes the boards of county commissioners of two or more adjacent counties to contract for the joint establishment and operation of a multicounty correctional center. In the case of a city jail, R.C. 715.16 states, in part, that a municipal corporation may establish, erect, maintain, and regulate jails, workhouses, and prisons. See also R.C. 717.01(F) (a municipal corporation may construct workhouses, prisons, and houses of refuge and correction); Williams v. City of Columbus, 33 Ohio St. 2d 75, 294 N.E.2d 891 (1973) (the operation of a workhouse by a municipality is a governmental function). Further, R.C. 307.01, R.C. 341.01-.33, R.C. 715.16, and R.C. 717.01(F), when read in conjunction with R.C. 153.61, authorize a city and county to jointly construct and operate a city-county jail facility.<sup>3</sup> Finally, R.C. 2305.51-.56 authorize the courts of common pleas of the various counties to formulate proposals culminating in the establishment, funding, and operation, on the county level, of community based correctional facilities, see R.C. 2301.51(A)(1), and district community based correctional facilities, see R.C. 2301.51(A)(2). See also R.C. 2301.52 (minimum requirements for community based correctional facilities and programs); R.C. 2301.53; R.C. 2301.54 (appointment of, and powers and duties conferred upon, a citizens advisory board of a community based correctional facility); R.C. 2301.55 (powers and duties of the judicial corrections board that is to oversee the administration and operation of a community based correctional facility); R.C. 2301.56 (funding of community based correctional facilities and programs).

Construing R.C. 307.021 in pari materia with these sections, I find that R.C. 307.021 does not authorize a city and several counties to construct and operate a regional correctional facility. In this regard, I believe it is clear that the express language of R.C. 307.021 provides for the financing of those facilities specified therein, but does not enlarge the authority otherwise conferred upon cities and counties to construct and operate various correctional facilities pursuant to R.C. 153.61, R.C. 307.01, R.C. 307.93, R.C. 341.01-.33, R.C. 715.16, R.C. 717.01(F), and R.C. 2301.51-.56. R.C. 307.01 and R.C. 341.01-.33, for example, permit a county to establish and operate a jail, and, as I have already noted, R.C. 307.93 further authorizes two or more adjacent counties to contract among themselves for the joint

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<sup>3</sup> As discussed in greater detail, infra, R.C. 153.61, which, in conjunction with R.C. 307.01, R.C. 341.01-.33, R.C. 715.16, and R.C. 717.01(F), authorizes a city and county to jointly construct and operate a city-county jail facility, does not empower a city and several counties to jointly construct and operate a regional correctional facility.

establishment of a multicounty correctional center. In addition, R.C. 2301.51-.56 permit the courts of common pleas to propose and participate in the establishment of single county and multicounty community based correctional facilities. R.C. 715.16 and R.C. 717.01(F), in turn, authorize a municipal corporation to construct and operate jails, workhouses, and prisons. Finally, as I have already noted, R.C. 307.01, R.C. 341.01-.33, R.C. 715.16, and R.C. 717.01(F), when read in conjunction with R.C. 153.61, authorize a city and county to jointly construct and operate a city-county jail facility. None of these statutory provisions, however, authorize a city and several counties to jointly construct and operate a regional correctional facility. Accordingly, I believe one must similarly conclude that such authority does not exist under R.C. 307.021.

I turn now to R.C. 307.15, which generally authorizes a board of county commissioners to enter into agreements with other political subdivisions for the performance of various governmental functions, providing 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 and 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, and such legislative authorities may enter into agreements with the board, whereby such board undertakes, and is authorized by the contracting subdivision, to exercise any power, perform any function, or render any service, in behalf of the contracting subdivision or its legislative authority, which such subdivision or legislative authority may exercise, perform, or render; or whereby the legislative authority of any municipal corporation undertakes, and is authorized by the board, to exercise any power, perform any function, or render any service, in behalf of the county or the board, which the county or the board 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, perform any function, or render any service which any board of county commissioners may exercise, perform, or render. (Emphasis added.)

See R.C. 307.14 (defining the terms, "legislative authority" and "contracting subdivision," as used in R.C. 307.14-.19). See generally 1952 Op. Att'y Gen. No. 1330, p. 284 (the contracting authority provided by G.C. 2450-2, the statutory predecessor of R.C. 307.15, encompasses any power, function, or service that the contracting subdivision or its legislative authority may exercise, perform, or render).

I do not believe that authority on the part of a city and several counties to jointly construct and operate a regional correctional facility may be inferred from R.C. 307.15. R.C. 307.15 authorizes a board of county commissioners to enter into an agreement with the legislative authority of any municipal corporation, inter alia, or with the board of any other county, whereby either the board undertakes to perform any services or

governmental functions on behalf of the other contracting subdivision, or the contracting subdivision undertakes to perform any services or functions on behalf of the board. R.C. 307.15 thus addresses those situations in which one political subdivision assumes, pursuant to contract, responsibility for undertaking and performing a particular function of government that is the duty of, and would otherwise have been undertaken by, the other contracting subdivision. The contemplated arrangement you describe in your correspondence, however, does not appear to be of a type within the purview of R.C. 307.15 since none of the prospective contracting parties will be assuming responsibility for performing, on behalf of the other contracting subdivisions, functions which the contracting subdivisions are otherwise empowered to perform. In this regard, R.C. 307.15, like R.C. 307.021, does not enlarge the authority otherwise conferred upon cities and counties to construct and operate correctional facilities pursuant to R.C. 153.61, R.C. 307.01, R.C. 307.93, R.C. 341.01-.33, R.C. 715.16, R.C. 717.01(F), and R.C. 2301.51-.56. R.C. 307.15 would merely permit one subdivision to assume the duties and powers of another subdivision conferred by one of the aforementioned statutory provisions. As I have already noted, none of these statutory provisions authorize a city and several counties to jointly construct and operate a regional correctional facility. Thus, I believe one must similarly conclude that such authority does not exist under R.C. 307.15. Accordingly, a city and several counties may not enter into a contract under R.C. 307.15 in order to construct and operate a regional correctional facility.

Finally, R.C. 153.61 addresses generally the joint construction and management of public works and public buildings by any county and any one or more municipal corporations, providing, in part, as follows:

Any county and municipal corporation or municipal corporations may enter into an agreement providing for the joint construction, acquisition, or improvement of any public work, public building, or improvement benefiting the parties thereto and providing for the joint management, occupancy, maintenance, and repair thereof. Any such agreement shall be approved by resolution or ordinance passed by the legislative authority of each of the parties to such agreement, which resolution or ordinance shall set forth the agreement in full and shall authorize the execution thereof by designated official or officials of each of such parties, and such agreement, when so approved and executed, shall be in full force and effect.

....  
Public works, public buildings, or improvements constructed, acquired, or improved under this section may be used for any lawful purpose by each party so long as the use thereof is an authorized proper use for the party. (Emphasis added.)

I also do not believe that authority on the part of a city and several counties to jointly construct and operate a regional correctional facility may be inferred from R.C. 153.61. R.C. 153.61 addresses generally the joint construction, acquisition, improvement, or management of public works and public buildings, and states that an agreement therefor may be entered into only by "[a]ny county and any municipal corporation or municipal corporations." From this express language I believe it reasonable to infer an intent on

the part of the General Assembly that, while several municipal corporations may participate in an agreement under R.C. 153.61, only one county may so participate. Thus, a city and several counties may not enter into an agreement under R.C. 153.61 for the construction, acquisition, improvement, or management of a public work or public building, including a regional correctional facility.<sup>4</sup> Further, I reach this conclusion notwithstanding the language of the third paragraph of R.C. 307.021 and the reference to R.C. 153.61 that appears therein, which you have quoted in your letter. In this regard, R.C. 307.021 provides, in pertinent part, as follows:

The capital facilities provided for in this section may be included in capital facilities in which one or more governmental entities are participating or in which other facilities of the county or counties, or any participating municipal corporations, are included pursuant to Section 152.31 or 152.33 of the Revised Code or in an agreement between any county or counties and any municipal corporation or corporations for participating in the joint construction, acquisition, or improvement of public works, public buildings, or improvements benefiting the parties in the same manner as set forth in section 153.61 of the Revised Code. (Emphasis added.)

When read in pari materia with R.C. 153.61, I believe one must conclude that the preceding language does not enlarge the authority otherwise conferred upon a county and one or more municipal corporations by R.C. 153.61 such that an agreement

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<sup>4</sup> I am aware that R.C. 1.43(A) states a general rule of statutory construction that, "[t]he singular includes the plural, and the plural includes the singular," from which it may be argued that R.C. 153.61 permits several counties to be parties to an agreement entered into under that section. The rule of construction stated in R.C. 1.43(A), however, exists in order to "ascertain the correct construction of an ambiguous statute," and a construction resulting from an application of that rule should not be countenanced if there is available "evidence which adequately demonstrates that such construction is out of context with the remaining language of [the statute being construed] or its related provisions." Wingate v. Hordge, 60 Ohio St.2d 55, 58, 396 N.E.2d 770, 772 (1979). See also 1986 Op. Att'y Gen. No. 86-014 at 2-66; 1982 Op. Att'y Gen. No. 82-009 at 2-31 (both opinions noting that the rule of construction appearing in R.C. 1.43(A) is to be used only when the context of the statute in question requires such an interpretation). Thus, I believe it is clear from the express language of R.C. 153.61 and the evident context in which it appears therein, that the term, "county," should not be construed to include the plural thereof. In this regard R.C. 153.61 refers specifically to an agreement between "[a]ny county and municipal corporation or municipal corporations," from which I believe it reasonable to infer an intent on the part of the General Assembly that the rule of construction stated in R.C. 1.43(A) should not, in this instance, apply to the term, "county," as it appears in R.C. 153.61. Had the General Assembly intended to permit more than one county to participate in an agreement under R.C. 153.61, it would have expressly so provided, as it did for municipal corporations.

entered into thereunder may include several counties as parties thereto. Rather, I believe the above language is intended to make clear that the various correctional facilities specified in R.C. 307.021 may also be included as part of an agreement addressing public works or public buildings that is entered into pursuant to R.C. 153.61.

Insofar as I have concluded that a consortium of counties and municipalities may not establish and operate a regional correctional facility pursuant to R.C. 153.61, R.C. 307.021, or R.C. 307.15, I find it unnecessary to address your remaining questions with respect to this matter. There are two alternatives to the preceding proposals, however, that Lucas County may wish to consider, either of which permits a city and several counties to combine their common resources and obtain financing through the Ohio Building Authority for the purpose of constructing, operating, and utilizing a correctional facility. In this regard, a county may elect, pursuant to R.C. 307.021, to obtain financing through the Ohio Building Authority for the purpose of acquiring, constructing, or renovating county jail facilities. R.C. 307.01; R.C. 341.01-.33. Subsequent thereto, the board of county commissioners may, pursuant to R.C. 307.15, enter into an agreement or series of agreements with a city and other counties whereby the board undertakes to perform for such contracting subdivisions the functions those subdivisions are otherwise empowered and under a duty to perform with respect to the construction and operation of city and county jail facilities. R.C. 307.01; R.C. 341.01-.33; R.C. 715.16; R.C. 717.01(F).

Similarly, a city and a county may elect, pursuant to R.C. 307.021, to obtain financing through the Ohio Building Authority for the purpose of jointly acquiring, constructing, or renovating a city-county jail facility, as authorized by R.C. 153.61, R.C. 307.01, R.C. 341.01-.33, R.C. 715.16, and R.C. 717.01(F). The board of county commissioners may then, pursuant to R.C. 307.15, enter into an agreement with the boards of county commissioners of other counties whereby the board undertakes to perform for those counties the functions those counties are otherwise empowered and under a duty to perform with respect to the construction and operation of county jail facilities.

Based on the foregoing, it is my opinion, and you are advised that:

1. The boards of county commissioners of two or more adjacent counties may enter into a contract, pursuant to R.C. 307.93, only among themselves for the establishment of a multicounty correctional center as provided in that section. A consortium of counties and municipalities may not establish and operate a multicounty correctional center under the authority of R.C. 307.93.
2. A consortium of counties and municipalities, organized as a regional council of governments pursuant to R.C. Chapter 167, may not establish and operate a multicounty correctional center as otherwise provided in R.C. 307.93.
3. A consortium of counties and municipalities may not establish and operate a regional correctional

facility pursuant to R.C. 153.61, R.C. 307.021, or R.C. 307.15.

4. A county may obtain financing through the Ohio Building Authority, pursuant to R.C. 307.021, for the purpose of acquiring, constructing, or renovating county jail facilities. Subsequent thereto, the board of county commissioners may, pursuant to R.C. 307.15, enter into an agreement or series of agreements with a city and other counties whereby the board undertakes to perform for such political subdivisions the functions those subdivisions are otherwise empowered and under a duty to perform with respect to the construction and operation of city and county jail facilities.
5. A city and a county may obtain financing through the Ohio Building Authority, pursuant to R.C. 307.021, for the purpose of jointly acquiring, constructing, or renovating a city-county jail facility under R.C. 153.61, R.C. 307.01, R.C. 341.01-.33, R.C. 715.16, and R.C. 717.01(F). The board of county commissioners may then enter into an agreement, pursuant to R.C. 307.15, with the boards of county commissioners of other counties whereby the board undertakes to perform for those counties the functions those counties are otherwise empowered and under a duty to perform with respect to the construction and operation of county jail facilities.