

Note from the Attorney General's Office:

1966 Op. Att'y Gen. No. 66-103 was overruled by
1970 Op. Att'y Gen. No. 70-007.

OPINION NO. 66-103**Syllabus:**

1. A county cannot designate a community improvement corporation as its agent in specified unincorporated areas within the county which areas are less than the total unincorporated areas within the county.

2. County commissioners cannot designate more than one community improvement corporation as their agent in unincorporated areas in the county.

**To: Fred P. Neuenschwander, Director, Ohio Department of Development,
Columbus, Ohio**

By: William B. Saxbe, Attorney General, June 8, 1966

Your request for my opinion reads as follows:

"Since the October 31, 1963 Ruling (Opinion No. 600) by your office regarding territorial jurisdictional limits of community improvement corporations, three more questions have arisen. We would like to secure a formal opinion from your office based upon Chapter 1724 of the Ohio Revised Code as amended, during the last session of the legislature.

"1. Can a county designate a community improvement corporation as its agent in specified unincorporated areas within the county which areas are less than the total unincorporated areas within the county?"

"2. Can the county commissioners designate more than one community improvement corporation as their agent in unincorporated areas in the county, if the territorial jurisdiction of the community improvement corporations do not overlap?"

"3. If the answer to question (2) is 'Yes', can a county commissioner serve on the boards of two community improvement corporations designated as the agents of the county?"

Section 1724.10, Revised Code, as amended effective November 1, 1965, reads in part as follows:

"A community improvement corporation may be designated by a county, one or more

municipal corporations, or a county and one or more municipal corporations or two or more adjoining counties as the agency of each such political subdivision for the industrial, commercial, distribution, and research development in such political subdivision when the legislative authority of such political subdivision has determined that the policy of the political subdivision is to promote the health, safety, morals, and general welfare of its inhabitants through the designation of a community improvement corporation as such agency. Such designation shall be made by the legislative authority of the political subdivision by resolution or ordinance. Any political subdivision which has designated a community improvement corporation as such agency may enter into an agreement with it to provide any one or more of the following:

"(A) That the community improvement corporation shall prepare a plan for the political subdivision of industrial, commercial, distribution, and research development, and such plan shall provide therein the extent to which the community improvement corporation shall participate as the agency of the political subdivision in carrying out such plan. Such plan shall be confirmed by the legislative authority of the political subdivision. * * *"

Concerning your first question, your attention is invited to Opinion No. 600, Opinions of the Attorney General for 1963; I stated in paragraph 2, of the syllabus, as follows:

"2. More than one community improvement corporation can operate within the same territory although only one can be designated as the agency of a political subdivision."

I further stated:

"This statute throughout refers in the same manner to the community improvement corporation designated as the agency of a political subdivision as 'the' agency. I believe the use of 'the' is intended to make the designation of a community improvement corporation as agent exclusive. This section, however, only applies to community improvement corporations designated as an agent of a political subdivision. So in answer to your second question you are hereby advised that more than one community improve-

ment corporation may operate within the same territory although only one of these can be designated as an agent by one political subdivision."

(Emphasis added)

The political subdivision about which you inquire is a county. The question narrows to call for an answer as to whether or not a county may designate more than one community improvement corporation as its agent.

I note that Section 1724.10 (A), supra, provides that "the community improvement corporation shall prepare a plan for the political subdivision." I must reiterate my conclusions reached in Opinion No. 600, supra, regarding the fact that the use of "the" indicates an intended exclusiveness. Furthermore, the community improvement corporation has the duty to prepare a plan. Such language would seem to foreclose the idea that there be more than one plan, and of course, if there were more than one agent for the political subdivision, more than one plan would be prepared. It may be argued that if there were more than one agent, each could prepare a plan and the political subdivision to choose from those prepared; however, no one plan would be a plan for the political subdivision.

Therefore, in answer to questions 1 and 2, I conclude that a county may not designate more than one community improvement corporation to act as the agency of the political subdivision.