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CIVIL DEFENSE—BOARD OF COUNTY COMMISSIONERS—
AUTHORIZED TO MAKE APPROPRIATIONS FOR SUPPORT
OF REGIONAL ORGANIZATION—SECTION 5915.11 RC—
ORGANIZATION CREATED UNDER SECTION 5915.07 RC
THROUGH PARTICIPATION OF COUNTY CONCERNED.

SYLLABUS:

Under the provisions of Section 5915.11, Revised Code, a board of county commissioners is authorized to make appropriations for the support of a regional organization for civil defense where such organization has been created under the provisions of Section 5915.07, Revised Code, through participation of the county concerned.

Columbus, Ohio, March 31, 1954

Hon. Leo M. Kreber, Major General
The Adjutant General of Ohio
Columbus, Ohio

Dear Sir:

Your request for my opinion reads as follows:

“This office has received a request from the Board of County Commissioners of Greene County, Ohio, to secure from you an opinion at the earliest possible date as to whether or not a county, pursuant to Section 5915.07 of the Revised Code and paragraphs e and f of Section 5 of the Regulations of the Ohio Civil Defense Corps dated 7 December 1953 and promulgated by the Governor, having established a county-wide civil defense organization and having entered into an agreement in writing with other counties having county-wide civil defense organizations, may pay funds appropriated for civil defense to a regional civil defense organization pursuant to the agreement in writing for civil defense purposes.

“It is suggested that Sections 5915.05 and 5915.08 and 5915.09 and 5915.11 of the Revised Code will be helpful in formulating an opinion.

“You will find enclosed herewith a copy of the Regulations of the Ohio Civil Defense Corps, which became effective upon being filed with the Secretary of State on 23 December 1953.”

The only statutory authority which I find in Chapter 5915., Revised Code, for the expenditure of public funds by county officers in support of civil defense activities is that set out in Section 5915.11, Revised Code. The General Code provision analogous to this section was set out in Section 5298, General Code, as follows:

“Each political subdivision shall have the power to make appropriations for the payment of the expenses of its local organization for civil defense and for the payment of the expenses chargeable to such political subdivision by agreement or under regulations promulgated by the governor in any county wherein a county-wide civil defense organization has been established pursuant to the provisions of section 5295-1 of the General Code.”

Section 5295-1, General Code, to which the reference above was made, contained the following provision:

“The board of county commissioners of any county and the legislative authority of all or of a majority of the municipalities, including the municipality having the largest population, within such county may enter into an agreement establishing a county-wide local organization for civil defense in accordance with such regulations as shall be promulgated by the governor. A director of civil defense who shall have the direct responsibility for the organization, administration and operation of such county-wide local organization for civil defense shall be appointed in accordance with and shall be subject to the direction and control prescribed by the regulations promulgated by the governor.”

In the recodification of 1953, Section 5295-1, supra, was reenacted without substantive change in Section 5915.06, Revised Code, but in the enactment of Amended Substitute Senate Bill No. 168, 100th General Assembly, effective October 16, 1953, the provisions of this section were set out in Section 5915.07, Revised Code. In this enactment the provisions of this section, as set out in Section 5295-1, supra, relating only to counties and municipalities, were broadened to include “other political subdivisions”; and the following new material was added:

“Two or more counties that have established county-wide local organizations for civil defense pursuant to this section may, with the consent of the legislative authorities of all or a majority of the political subdivisions of each county involved, including the largest municipal corporation in each county, enter into an agreement in writing establishing a regional local organization or authority for civil defense in accordance with such regulations as are promulgated by the governor. A director of civil defense who

shall have the direct responsibility for the organization, administration, and operation of such regional local organization for civil defense shall be appointed in accordance with and shall be subject to the direction and control prescribed by the regulations promulgated by the governor."

Section 5298, General Code, in the course of recodification became Section 5915.09, Revised Code. This involved no substantive change, of course, and as recodified this section referred to a situation "wherein a county-wide civil defense organization has been established pursuant to Section 5915.06 of the Revised Code," reference to the latter section having been substituted for a similar reference theretofore made to "section 5295-1 of the General Code."

In the enactment of Senate Bill No. 168, *supra*, certain new sections were added to Chapter 5915, and this made it necessary to assign new numbers to certain sections as recodified. Thus Section 5915.06 became Section 5915.07, as already noted, and Section 5915.09 became Section 5915.11, Revised Code. Here again it became necessary to change the reference in this section, and as amended such reference was to Section 5915.07 rather than to Section 5915.06, Revised Code. Accordingly, as amended, this section now reads:

"Each political subdivision may make appropriations for the payment of the expenses of its local organization for civil defense and for the payment of the expenses chargeable to such political subdivision by agreement or under regulations promulgated by the governor in any county wherein a county-wide civil defense organization has been established pursuant to section 5915.07 of the Revised Code."

The precise question thus presented is whether the language in this section, authorizing "payment of the expenses chargeable to such political subdivision by agreement or under regulations promulgated by the governor," has any application to agreements, or to regulations so promulgated, with respect to a "regional" organization for civil defense.

Among the regulations so promulgated by the governor are paragraphs e. and f., Section 5, of certain regulations announced December 7, 1953. These paragraphs are as follows:

"e. Each regional local civil defense organization or authority, established by an agreement in writing by and between two or more counties having county-wide local civil defense organ-

izations, with the consent of the legislative authorities of all or a majority of the political subdivisions of each county involved, including the largest municipal corporation in each county, pursuant to the provisions of the second paragraph of Section 5915.07, of the Revised Code, shall have a Director of Civil Defense for such regional local civil defense organization or authority, who shall be appointed in accordance with the terms and conditions set forth in such agreement in writing.

"f. Each duly established county-wide or regional civil defense organization or authority, having a duly appointed Director of Civil Defense, shall have the power and authority to:

"(1) Receive and disburse funds.

"(2) Acquire, own, hold, use, and control funds and property, pursuant to the terms and conditions set forth in the agreement in writing establishing the same, or pursuant to the provisions of Section 5915.12, of the Revised Code, or both."

Referring again to Section 5298, General Code, and to the restatement of such section in Section 5915.09, Revised Code, it will be seen that the appropriations which the several political subdivisions were thereby authorized to make were those "chargeable * * * in any county wherein a county-wide civil defense organization has been established." This quite clearly referred, prior to the 1953 amendment, to such expense as might be involved in the support of such an organization.

It is to be noted, however, that this conclusion rests only on implication, and that there was no such express limitation in the statute. Such implication was to be found, of course, in the fact that a county-wide organization was then the only organization which could be formed by agreement or for which there would be any necessity of providing by regulation for the sharing of expense among several political subdivisions.

Since the amendment of Section 5915.11, supra, whereby a means of organizing a regional civil defense authority is provided, the basis of this implication has been removed. Moreover, it is a matter of some significance that the authority to organize on a regional basis is dependent upon the prior organization of a county-wide body. This suggests that the Legislature had in mind that such a limitation would have the effect of making the "appropriation provision" in Section 5915.11, supra, applicable in the matter of supporting such newly authorized organization.

As pointed out in my opinion No. 168, Opinions of the Attorney General for 1951, p. 44, the authorities are agreed that liberal interpre-

tation is to be given legislation designed to alleviate disaster and public calamity and to statutes relating to national defense.

Moreover, regardless of the nature of a law, it should be so interpreted as to avoid absurd consequences, or so as to defeat the manifest legislative intent. It is clear that withholding financial support by the local authorities to an organization created by them for civil defense purposes would effectively defeat the whole purpose of the authorization thus given to create regional organizations.

For these reasons, therefore, I am impelled to conclude that the Legislature, in the enactment of Senate Bill No. 168, intended the provisions of Section 5915.11, Revised Code, to be applicable in the matter of providing financial support to regional organizations for civil defense created as provided in Section 5915.07, Revised Code.

Accordingly, in specific answer to your inquiry, it is my opinion that under the provisions of Section 5915.11, Revised Code, a board of county commissioners is authorized to make appropriations for the support of a regional organization for civil defense where such organization has been created under the provisions of Section 5915.07, Revised Code, through participation of the county concerned.

Respectfully,

C. WILLIAM O'NEILL

Attorney General