

OPINION NO. 66-007**Syllabus:**

1. There is no authority under Section 755.16, Revised Code, for a township to join with another township, county or municipal corporation in acquisition or maintaining playground or recreation facilities.

2. Section 755.16, Revised Code, authorizes a school district to join with a township in equipping, operating, and maintaining recreation facilities, but such authority is not extended the township with any other taxing districts.

3. A municipal corporation and an adjacent township may use available funds to meet the expenditures incurred in building, equipping and maintaining a swimming pool according to the provisions of Section 511.32, Revised Code.

4. A township may legally join with a county board of park commissioners to contract and cooperate with such county so that either may assume control of parks or park land as agreed under Section 1545.14, Revised Code.

To: George C. Steinemann, Erie County Pros. Atty., Sandusky, Ohio
By: William B. Saxbe, Attorney General, January 7, 1966

Your request for my opinion reads as follows:

"The recent amendments to Sections 505.26, 755.12, 755.13, 755.16 and 755.18, Revised Code, included the Board of Township Trustees as a body authorized to acquire and maintain play grounds and recreation centers and further authorized the equipping, operating and maintaining such facilities together with authority to employ play leaders, recreational directors, supervisors and other employees.

"Sections 755.12 and 755.13 appear to give this authority to municipal corporations, townships or counties acting independently for such purposes.

"Section 755.16 apparently defines which of the political subdivisions may join in joint acquisition and maintenance of the recreational facilities. We note that a township is authorized by the provisions of such section to join with a school district for such purposes and we respectfully request your opinion as to whether a township could join with a municipal corporation, county or other township for such joint acquisition and maintenance."

The specific question appears in the third paragraph. The question being whether a township is authorized at law to join with a municipal corporation, county or another township for joint acquisition and maintenance of playgrounds and recreation centers.

Section 1545.14, Revised Code, provides:

"A board of park commissioners may by agreement with the legislative or other public authority in control of parks or park lands either with or without the park district, assume control of all or a portion of any existing parks or park lands or otherwise contract or cooperate with such public authority in connection with the use, development, improvement, and protection of parks or park lands. In such event, such parks or park lands may be developed, improved, and protected as in case of lands otherwise acquired by said board. This section does not authorize said board to acquire or control any park, park lands, parkways, playgrounds, other lands, or boulevards owned or controlled by any other public authority except by agreement as provided in this section."

Pursuant to this authority it is apparent that a township could legally, by agreement with a county board of park commissioners contract and cooperate with such county so that either may assume control of parks or park lands as agreed.

Section 511.32, Revised Code, provides in part as follows:

"If such public park or grounds is outside the

jurisdiction of a municipal corporation, the legislative authority of such municipal corporation, in conjunction with the board of township trustees of adjacent or surrounding township, may use such funds as are available and such as may be used for park purposes, with those funds of the township that are available for park purposes, to meet the expenditures in buildings, equipping, and maintaining a swimming pool."

In this section it is clear that a municipal corporation and an adjacent township may use available park funds to meet the expenditures incurred in building, equipping, and maintaining a swimming pool.

Section 755.16, Revised Code, was amended by the last (106th) session of the legislature and reads, as amended effective October 30, 1965, as follows:

"Any two or more municipal corporations, or any municipal corporation, or any municipal corporation and county, or any municipal corporation and school district may jointly acquire property for and operate and maintain any playgrounds, playfields, gymnasiums, public baths, swimming pools, or indoor recreation centers, and any school district may provide by the erection of any school building or school premises, or enlargement, addition thereto, or reconstruction or improvement thereof, for the inclusion of any such recreational facilities to be jointly acquired, operated, and maintained with any municipal corporation. Any school district may join with any municipal corporation, township, or county in equipping, operating and maintaining such recreational facilities, and may appropriate money therefor."

It will be noted that this section provides that (a) any two or more municipal corporations, (b) a municipal corporation and a school district may join to operate and maintain playgrounds or recreation centers, and (c) school district and municipal corporation may join for the erection or repair of buildings of recreation facilities and (d) a school district may join with a municipal corporation, township or county in operating and maintaining recreation equipment.

This section does not authorize a township to join with a county, municipal corporation or another township for the purpose of acquiring or maintaining playground and recreation projects.

In summary, it is apparent that a township may legally agree with a county board of park commissioners that either may assume control of park or park lands of the other and that a township and an adjacent municipal corporation could join in the operation of a swimming pool.

In specific answer to your question, you are advised that there is no authority under Section 755.16, Revised Code, for a township to join with another township, county or municipal corporation in acquisition or maintaining play ground or recreation facilities.

Section 755.16, Revised Code, authorizes a school district to join with a township in equipping, operating, and maintaining recreation facilities, but such authority is not extended the township with any other taxing districts.

A municipal corporation and an adjacent township may use available funds to meet the expenditures incurred in building, equipping and maintaining a swimming pool according to the provisions of Section 511.32, Revised Code.

A township may legally join with a county board of park commissioners to contract and cooperate with such county so that either may assume control of parks or park land as agreed under Section 1545.14, Revised Code.