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Castner v. Jefferson County

Court of Appeals of Ohio, Seventh District, Jefferson County - April 11, 2025 - N.E.3d - 2025 WL 1096937 - 2025-Ohio-1309

Resident who was injured after stepping on unsecured meter-well cover on his neighbor's property following county repair to water line brought negligence action against county and three employees.

The Court of Common Pleas granted summary judgment to defendants, finding that county was immune from suit because water and sewer district was not performing proprietary function in making repair. Resident appealed.

As matter of first impression, the Court of Appeals held that maintenance of water supply system not operated by municipal corporation was not proprietary function.

Maintenance of water supply system operated by county regional water and sewer district was not proprietary function, and, thus, county was immune from suit in negligence action brought by injured resident following repair of water line; while statutory list of proprietary functions was non-exhaustive, specific reference to "municipal corporation water systems" evinced intent to exclude water supply systems operated by other entities, interpreting statute as providing that operation of water supply system was proprietary function regardless of operator would render modifier "municipal corporation" as surplusage, and there was no support for resident's claim that there was no reason to treat municipal corporation water supply systems differently than regional water and sewer districts.