



**Am. Sub. H.B. 76**

126th General Assembly  
(As Passed by the General Assembly)

**Reps. Trakas, McGregor, Walcher, Collier, Allen, Combs, D. Evans, Flowers, Gilb, Hagan, Healy, Hughes, Koziura, T. Patton, Reidelbach, Schaffer, Seaver, Setzer, G. Smith, Widowfield, Wolpert, Yuko**

**Sens. Zurz, Fedor, Amstutz, Armbruster, Cates, Clancy, Coughlin, Niehaus, Spada**

**Effective date: \***

---

**ACT SUMMARY**

- Permits the electors of a statutory village to vote on a question to authorize the mayor to appoint village legal counsel with the advice and consent of the village's legislative authority.

---

**CONTENT AND OPERATION**

**Continuing law**

Under continuing law, the legislative authority of a village that follows the organization and procedures in the Revised Code, often referred to as a statutory village, may appoint legal counsel for the village or for any department or official of the village. The appointment may not exceed a period of two years, and the legislative authority provides for the legal counsel's compensation. (R.C. 733.48(A).)

---

\* *The Legislative Service Commission had not received formal notification of the effective date at the time this analysis was prepared. Additionally, the analysis may not reflect action taken by the Governor.*

## **Changes made by the act**

### **Alternative procedure**

The act creates an alternative to this procedure (R.C. 733.48(A)). Specifically, it allows the mayor, with the advice and consent of the legislative authority of the village, to appoint an attorney or law firm as the village legal counsel described above. To invoke this alternative, the following procedure is required (R.C. 733.48(B)):

- A signed petition is filed with the village clerk requesting that the question be placed before the electors whether, instead of the legislative authority appointing the legal counsel described above, the mayor must appoint the legal counsel with the advice and consent of the legislative authority.
- Then, the village clerk certifies that question to the board of elections within two weeks after receiving the petition. The certification must occur not less than 75 days before the election at which the question would be voted on.
- The board of elections determines that the petition is signed by registered electors residing in the village equal in number to at least 10% of the total vote cast for all candidates for Governor in the village at the most recent gubernatorial general election.
- There being sufficient valid signatures, an election is held on the question, and a majority of the electors approves the change.

The mayor, with the advice and consent of the legislative authority, appoints legal counsel under this alternative procedure for no more than a two-year period. The appointment must be made pursuant to a contract approved by the mayor and a majority vote of the legislative authority. The contract must provide for the compensation and other terms of the engagement of the legal counsel. The legislative authority must provide that compensation for the legal counsel. (R.C. 733.48(B).)

### **Both manners of appointment**

The act specifies that when the village legislative authority acts under continuing law or the act's alternative procedure, the legislative authority is acting in its administrative capacity (R.C. 733.48(C)).

---

## HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	02-22-05	p. 226
Reported, H. Local & Municipal Gov't & Urban Revitalization	05-17-05	p. 807
Passed House (91-6)	05-24-05	pp. 872-873
Reported, S. State & Local Gov't & Veterans Affairs	06-21-05	p. 872
Passed Senate (32-0)	06-22-05	p. 1344

05-hb76-126.doc/kl

