



H.B. 76

126th General Assembly
(As Introduced)

Rep. Trakas

BILL SUMMARY

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

CONTENT AND OPERATION

Under current law, the *legislative authority* of a village (a municipal corporation with a population of less than 5,000) 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. This appointment may not exceed a period of two years, and the legislative authority provides for the legal counsel's compensation. (R.C. 733.48.)

The bill 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 the village legal counsel described above, if the village follows this procedure (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 within two weeks after the petition's receipt to the board of elections. The certification must occur not less than 75 days before the election at which the question would be voted upon.
- The board of elections determines whether the petition is signed by registered electors residing in the village equal in number to not less

than 10% of the total vote cast for all candidates for Governor in the village at the most recent general election at which a Governor was elected.

- If there are sufficient valid signatures, an election is held on the question, and a majority of the electors approve the change.

The mayor, with the advice and consent of the legislative authority, may appoint legal counsel under this alternative procedure for no more than a two-year period. The legislative authority still provides for the compensation of the legal counsel. (R.C. 733.48(B).)

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	02-22-05	p. 226

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