



Sub. H.B. 76*

126th General Assembly

(As Reported by H. Local & Municipal Government & Urban Revitalization)

Rep. Trakas

BILL 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

Current law

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.)

Changes made by the bill

Alternative procedure

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 an attorney or law firm as 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

* This analysis was prepared before the report of the House Local and Municipal Government and Urban Revitalization Committee appeared in the House Journal. Note that the list of co-sponsors and the legislative history may be incomplete.

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 that 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.
- There being 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, must appoint legal counsel under this alternative procedure for no more than a two-year period. This appointment must be pursuant to a contract that is approved by the mayor and a majority vote of the legislative authority, and that provides 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 bill also provides that when the village legislative authority acts under current law or acts under the bill's proposed alternative procedure (giving advice and consent and approving a contract) to appoint village legal counsel, 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	---	---

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