

As Introduced

**125th General Assembly
Regular Session
2003-2004**

H. B. No. 24

Representatives Wolpert, McGregor, Flowers, Reidelbach, Seitz, Husted

A BILL

To amend section 703.21 and to enact section 703.201 1
of the Revised Code to permit the board of county 2
commissioners to dissolve a village under certain 3
conditions. 4

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 703.21 be amended and section 703.201 5
of the Revised Code be enacted to read as follows: 6

Sec. 703.201. (A) As used in this section, "condition for 7
surrendering corporate powers" means any of the following: 8

(1) The village has been declared to be in a fiscal emergency 9
under Chapter 118. of the Revised Code and has been in fiscal 10
emergency for at least three consecutive years with little or no 11
improvement on the conditions that caused the fiscal emergency 12
declaration. 13

(2) The village has failed to properly follow applicable 14
election laws for at least two consecutive election cycles for any 15
one elected office in the village. 16

(3) The village has been declared during an audit conducted 17
under section 117.11 of the Revised Code to be unauditible under 18
section 117.41 of the Revised Code in at least two consecutive 19

audits. 20

(4) The village does not provide at least two services 21
typically provided by municipal government, such as police or fire 22
protection, garbage collection, water or sewer service, emergency 23
medical services, road maintenance, or similar services. 24
"Services" does not include any administrative service or 25
legislative action. 26

(5) The village has failed for any fiscal year to adopt the 27
tax budget required by section 5705.28 of the Revised Code. 28

(6) A village elected official has been convicted of theft in 29
office, either under section 2921.41 of the Revised Code or an 30
equivalent criminal statute at the federal level, at least two 31
times in a period of ten years. The convicted official with 32
respect to those convictions may be the same person or different 33
persons. 34

(B) If the auditor of state finds, in an audit report issued 35
under division (A) or (B) of section 117.11 of the Revised Code of 36
a village that has a population of one hundred persons or less per 37
square mile and consists of less than two square miles, that the 38
village meets at least two conditions for surrendering corporate 39
powers, the auditor of state shall send a copy of the report 40
together with a certified letter to the board of county 41
commissioners of the county where the village is located. The 42
letter shall inform the board of the auditor of state's findings 43
relevant to the surrender of village corporate powers under this 44
section and state that the board must vote on the question of the 45
dissolution of the village in accordance with division (C) of this 46
section. The report and letter shall be sent to the board within 47
ten business days after the auditor of state's transmittal of the 48
report to the village. 49

(C) Upon receipt of the auditor of state's report and 50

certified letter, the board of county commissioners shall set a 51
date for a vote on the surrender of the village's corporate 52
powers. The date of the vote shall be within ninety days after the 53
board's receipt of the report and letter. The clerk of the board 54
shall deliver a notice of the date and time of the vote to the 55
village clerk and to each clerk of a township located wholly or 56
partly within the village, and, in addition, shall publish notice 57
of the date and time of the vote in a newspaper of general 58
circulation in the county, specifically identifying the village by 59
name. The newspaper notice shall be published not later than 60
thirty days before the scheduled date of the vote. 61

In order for the village to be dissolved, the board must 62
first determine that the village has a population of one hundred 63
persons or less per square mile and consists of less than two 64
square miles, and that the auditor of state's report shows at 65
least two conditions for surrendering corporate powers. If it so 66
determines, the board shall vote on whether to dissolve the 67
village. It must vote by a unanimous vote to cause the village to 68
surrender its corporate powers. 69

If the board votes unanimously to have the village surrender 70
its corporate powers, the village clerk shall certify the result 71
of that vote to the secretary of state and the county recorder, 72
who shall record it in their respective offices. Upon the 73
recording in the county recorder's office, the corporate powers of 74
the village shall cease. 75

(D) The procedure in this section is in addition to the 76
procedure of section 703.20 of the Revised Code for the surrender 77
of the corporate powers of a village. 78

Sec. 703.21. The surrender of corporate powers by a village 79
under section 703.20 or 703.201 of the Revised Code does not 80
affect vested rights or accrued liabilities of the village, or the 81

power to settle claims, dispose of property, or levy and collect 82
taxes to pay existing obligations, ~~but.~~ But, after the 83
presentation of the petition mentioned in ~~that~~ section 703.20 of 84
the Revised Code or receipt of the audit report mentioned in 85
section 703.201 of the Revised Code, the legislative authority of 86
the village shall not create any new liability until the result of 87
the election under section 703.20 of the Revised Code is declared 88
or of the board of county commissioners' vote under section 89
703.201 of the Revised Code is declared, or thereafter, if the 90
result, in either case, is ~~in favor of~~ for the surrender of the 91
village's corporate powers. Due and unpaid taxes may be collected 92
after the surrender, and all moneys or property remaining after 93
the surrender belongs to the township or townships located wholly 94
or partly within the village. If more than one township is to 95
receive the remaining money or property, the money and property 96
shall be divided among the townships in proportion to the amount 97
of territory that each township has within the village boundaries 98
as compared to the total township territory within the village. 99

Section 2. That existing section 703.21 of the Revised Code 100
is hereby repealed. 101