

As Introduced

126th General Assembly

Regular Session
2005-2006

H. B. No. 33

**Representatives Wagner, Combs, Allen, Barrett, Hartnett, McGregor, Brown,
Reidelbach, Wolpert, C. Evans, Harwood, Taylor**

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A B I L L

To amend section 309.09 of the Revised Code to permit
the prosecuting attorney to be the legal adviser
to a joint ambulance district, to a fire and
ambulance district, and to a joint emergency
medical services district.

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

Section 1. That section 309.09 of the Revised Code be amended
to read as follows:

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Sec. 309.09. (A) The prosecuting attorney shall be the legal
adviser of the board of county commissioners, board of elections,
and all other county officers and boards, including all
tax-supported public libraries, and any of them may require
written opinions or instructions from the prosecuting attorney in
matters connected with their official duties. The prosecuting
attorney shall prosecute and defend all suits and actions which
any such officer or board directs or to which it is a party, and
no county officer may employ any other counsel or attorney at the
expense of the county, except as provided in section 305.14 of the
Revised Code.

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(B) The prosecuting attorney shall be the legal adviser for

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all township officers, boards, and commissions, unless the 20
township has adopted a limited home rule government pursuant to 21
Chapter 504. of the Revised Code and has not entered into a 22
contract to have the prosecuting attorney serve as the township 23
law director, in which case the township law director, whether 24
serving full-time or part-time, shall be the legal adviser for all 25
township officers, boards, and commissions. When the board of 26
township trustees finds it advisable or necessary to have 27
additional legal counsel, it may employ an attorney other than the 28
township law director or the prosecuting attorney of the county, 29
either for a particular matter or on an annual basis, to represent 30
the township and its officers, boards, and commissions in their 31
official capacities and to advise them on legal matters. No such 32
legal counsel may be employed, except on the order of the board of 33
township trustees, duly entered upon its journal, in which the 34
compensation to be paid for the legal services shall be fixed. The 35
compensation shall be paid from the township fund. 36

Nothing in this division confers any of the powers or duties 37
of a prosecuting attorney under section 309.08 of the Revised Code 38
upon a township law director. 39

(C) Whenever the board of county commissioners employs an 40
attorney other than the prosecuting attorney of the county, 41
without the authorization of the court of common pleas as provided 42
in section 305.14 of the Revised Code, either for a particular 43
matter or on an annual basis, to represent the board in its 44
official capacity and to advise it on legal matters, the board 45
shall enter upon its journal an order of the board in which the 46
compensation to be paid for the legal services shall be fixed. The 47
compensation shall be paid from the county general fund. The total 48
compensation paid, in any year, by the board for legal services 49
under this division shall not exceed the total annual compensation 50
of the prosecuting attorney for that county. 51

(D) The prosecuting attorney and the board of county commissioners jointly may contract with a board of park commissioners under section 1545.07 of the Revised Code for the prosecuting attorney to provide legal services to the park district the board of park commissioners operates. All moneys received pursuant to the contract shall be deposited into the prosecuting attorney's legal services fund, which shall be established in the county treasury of each county in which the contract exists. Moneys in that fund may be appropriated only to the prosecuting attorney for the purpose of providing legal services under a contract entered into under this division.	52 53 54 55 56 57 58 59 60 61 62
(E) The prosecuting attorney may be, in the prosecuting attorney's discretion, the legal adviser of a joint fire district created under section 505.371 of the Revised Code, at no cost to the district.	63 64 65 66
<u>(F) The prosecuting attorney may be, in the prosecuting attorney's discretion, the legal adviser of a joint ambulance district created under section 505.71 of the Revised Code, at no cost to the district.</u>	67 68 69 70
<u>(G) The prosecuting attorney may be, in the prosecuting attorney's discretion, the legal adviser of a joint emergency medical services district created under section 307.052 of the Revised Code, at no cost to the district.</u>	71 72 73 74
<u>(H) The prosecuting attorney may be, in the prosecuting attorney's discretion, the legal adviser of a fire and ambulance district created under section 505.375 of the Revised Code, at no cost to the district.</u>	75 76 77 78
Section 2. That existing section 309.09 of the Revised Code is hereby repealed.	79 80