

As Passed by the Senate

126th General Assembly

Regular Session

2005-2006

Am. Sub. H. B. No. 76

**Representatives 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
Senators Zurz, Fedor, Amstutz, Armbruster, Cates, Clancy, Coughlin,
Niehaus, Spada**

—

A BILL

To amend section 733.48 of the Revised Code to permit 1
the electors of a statutory village to vote on a 2
question to authorize the mayor to appoint the 3
village solicitor with the advice and consent of 4
the village's legislative authority. 5

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

Section 1. That section 733.48 of the Revised Code be amended 6
to read as follows: 7

Sec. 733.48. ~~when~~ (A) Except as provided in division (B) of 8
this section, when it ~~deems~~ considers it necessary, the 9
legislative authority of a village may provide legal counsel for 10
the village, or for any department or official ~~thereof~~ of the 11
village, for a period not to exceed two years, and shall provide 12
compensation for ~~such~~ the legal counsel. 13

(B) A petition may be filed with the village clerk, signed by 14
registered electors residing in the village equal in number to not 15
less than ten per cent of the total vote cast for all candidates 16

for governor in the village at the most recent general election at
which a governor was elected, requesting that the question be
placed before the electors whether, instead of the legislative
authority appointing legal counsel for the village or for any
department or official of the village, the mayor shall appoint an
attorney or law firm as the legal counsel with the advice and
consent of the legislative authority. Within two weeks after
receipt of the petition, the clerk shall certify it to the board
of elections, which shall determine its sufficiency and validity.
The petition shall be certified to the board not less than
seventy-five days prior to the election at which the question is
to be voted upon.

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At the election, if a majority of the electors of the village
approves the question, then effective immediately when the mayor
considers it necessary, the mayor shall appoint, with the advice
and consent of the legislative authority, an attorney or law firm
as legal counsel for the village, or for any department or
official of the village, for a period not to exceed two years. The
appointment of legal counsel under this division shall be pursuant
to a contract approved by the mayor and a majority vote of the
legislative authority. The contract shall provide for the
compensation and other terms of the engagement of the legal
counsel, and the legislative authority shall provide that
compensation for the legal counsel.

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(C) When acting under this section, the legislative authority
acts in its administrative capacity.

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Section 2. That existing section 733.48 of the Revised Code
is hereby repealed.

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