

**As Reported by the House Local Government and Municipal
Government and Urban Revitalization Committee**

**126th General Assembly
Regular Session
2005-2006**

Sub. H. B. No. 76

Representatives Trakas, McGregor, Walcher, Collier

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A B I L L

To amend section 733.48 of the Revised Code to permit
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.

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

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

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

(B) A petition may be filed with the village clerk, signed by
registered electors residing in the village equal in number to not
less than ten per cent 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, requesting that the question be
placed before the electors whether, instead of the legislative

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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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