

As Introduced

**135th General Assembly
Regular Session
2023-2024**

H. B. No. 323

Representative McNally

A BILL

To amend section 1545.05 of the Revised Code to
specify membership of the board of park
commissioners of a park district that was a
township park district created before 1892 and
converted into a park district on or before
January 1, 1989.

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

Section 1. That section 1545.05 of the Revised Code be
amended to read as follows:

Sec. 1545.05. (A) ~~Upon~~ Except as otherwise provided in
division (C) of this section, upon the creation of a park
district, the probate judge shall appoint three commissioners
who shall take office immediately and whose terms shall expire
one, two, and three years, respectively, from the first day of
January next after the date of their appointment. Thereafter,
their successors shall be appointed by the probate judge for
terms of three years. Before entering upon the performance of
the duties of the office, each commissioner shall take an oath
to perform faithfully the duties of the office and, except as
otherwise provided in section 3.061 of the Revised Code, shall

give bond for that faithful performance in the sum of five 20
thousand dollars. The bond shall be approved by and filed with 21
the county auditor. The commissioners shall serve without 22
compensation, but shall be allowed their actual and necessary 23
expenses incurred in the performance of their duties. 24

(B) Any board of park commissioners of a park district may 25
elect to expand the membership of the board from three members 26
to five members upon a majority vote of the board. Upon such a 27
vote, the board shall certify to the probate judge a resolution 28
requesting the judge to appoint two additional members to the 29
board. The probate judge shall appoint those additional members, 30
and they shall take office immediately upon their appointment. 31
One member shall be appointed to a term that expires on the 32
first day of January of the year following the year of that 33
member's appointment, and one member shall be appointed to a 34
term that expires on the first day of January of the second year 35
following the year of that member's appointment. Thereafter, 36
their successors shall be appointed by the probate judge for 37
terms of three years. 38

(C) (1) A park district that was a township park district 39
created before the year 1892, and converted into a park district 40
under section 1545.041 of the Revised Code on or before January 41
1, 1989, shall have a board of park commissioners with members 42
appointed by the probate judge. The probate judge shall appoint 43
three commissioners, one of whom is a member of the city council 44
of the most populous city in the park district, one of whom is a 45
member of the village council of the most populous village in 46
the park district, and one of whom is a member of the board of 47
township trustees of the most populous township in the park 48
district, who shall take office immediately and whose terms 49
shall expire one, two, and three years, respectively, from the 50

first day of January next after the date of their appointment. 51
Thereafter, their successors shall be appointed by the probate 52
judge for terms of three years. 53

(2) If a park district with members of a board of park 54
commissioners appointed under division (C)(1) of this section 55
does not contain a city, village, or township, the probate judge 56
shall appoint any remaining members that are otherwise unable to 57
be appointed according to the requirements of division (C)(1) of 58
this section in accordance with division (A) of this section. 59

(3) Before entering upon the performance of the duties of 60
the office, each commissioner shall take an oath to perform 61
faithfully the duties of the office and, except as otherwise 62
provided in section 3.061 of the Revised Code, shall give bond 63
for that faithful performance in the sum of five thousand 64
dollars. The bond shall be approved by and filed with the county 65
auditor. The commissioners shall serve without compensation, but 66
shall be allowed their actual and necessary expenses incurred in 67
the performance of their duties. 68

(4) Any board of park commissioners of a park district 69
appointed under division (C)(1) or (2) of this section may elect 70
to expand the membership of the board from three members to five 71
members upon a majority vote of the board. Upon such a vote, the 72
board shall certify to the probate judge a resolution requesting 73
the judge to appoint two additional members to the board, one of 74
whom shall be a county commissioner of a county within the park 75
district and one of whom shall be a citizen who lives in the 76
same county. The probate judge shall appoint those additional 77
members, and they shall take office immediately upon their 78
appointment. One member shall be appointed to a term that 79
expires on the first day of January of the year following the 80

year of that member's appointment, and one member shall be 81
appointed to a term that expires on the first day of January of 82
the second year following the year of that member's appointment. 83
Thereafter, their successors shall be appointed by the probate 84
judge for terms of three years. 85

Section 2. That existing section 1545.05 of the Revised 86
Code is hereby repealed. 87

Section 3. A member of a board of park commissioners of a 88
park district who, before the effective date of this section, 89
was appointed to a board of commissioners of a park district 90
that was a township park district created before the year 1892, 91
and converted into a park district under section 1545.041 of the 92
Revised Code on or before January 1, 1989, may complete the 93
balance of the member's term. Any members appointed to a board 94
of commissioners of a park district that was a township park 95
district created before the year 1892, and converted into a park 96
district under section 1545.041 of the Revised Code on or before 97
January 1, 1989, after the effective date of this section shall 98
be appointed in accordance with section 1545.05 of the Revised 99
Code, as amended by this act. 100