

# **BYLAWS OF THE BOARD OF PARK COMMISSIONERS**

## **BOARDMAN TOWNSHIP PARK DISTRICT**



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**375 Boardman-Poland Road**

**Boardman, Ohio 44512**

**Telephone: 330.726.8107**

**Fax: 330.726.4562**

**E-Mail: [dslagle@boardmanpark.com](mailto:dslagle@boardmanpark.com)**

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BY-LAWS OF THE BOARD OF PARK COMMISSIONERS  
BOARDMAN TOWNSHIP PARK DISTRICT

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**I. TOWNSHIP PARK DISTRICT**

- A. The Boardman Township Park District {the “Park District”} is established pursuant to the Ohio Revised Code Section 511.18 et seq., and the Park District is governed by a three (3) member Board of Park Commissioners.

**II. POWERS & DUTIES**

- A. The Powers and Duties of the Board of Park Commissioners of Boardman Township Park District {the “Board”} are established pursuant to The Ohio Revised Code Sections 511.19 and 511.23. The Board shall consist of three (3) Commissioners, who are residents of Boardman Township. The Commissioners are appointed by the Board of Trustees of Boardman Township, who serve a three (3) year term, commencing on the Second Monday of May. The Board may employ an Executive Director/Clerk and any other such employees as are necessary. The Board may appoint all other necessary officers and employees, fix their compensation, and prescribe their duties, or it may require the Executive Director to appoint all other necessary employees, and to fix their compensation and prescribe their duties, in accordance with guidelines and policies adopted by the Board. The Executive Director/Clerk shall act as the Clerk of the Board and the custodian of the Board’s funds and as fiscal officer of the Park District.
- B. The officers of the Board who shall be elected by the Board at its first meeting following the second Monday in May of each year to serve for a period of one year or until their successors are elected, shall be a Chairman and a Treasurer. The Executive Director shall serve as the Clerk of the Board. The Clerk shall keep an accurate record of the proceedings of the Board. The Clerk and the Chairman shall affix their signatures to the minutes of such proceedings, after such minutes have been approved by the Board. The Clerk and the Treasurer are the fiscal officers of the Board. The Clerk and the Chairman shall sign all legal documents for and on behalf of the Board, unless the Board by official action authorizes otherwise. In the absence of the Chairman, the Treasurer may serve as Chairman of the Board. In the absence of the Clerk, the Treasurer or any other Commissioner may serve as the Clerk.
- C. The members of the Board shall serve without compensation, but shall be allowed their actual and necessary expenses incurred in the performance of their duties. The Board may locate, establish, improve, maintain, and operate a public park or parks in accordance with division (B) of section [511.18](#) of the Ohio Revised Code, with or without recreational facilities.

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- D. In furtherance of the use and enjoyment of the lands controlled by it, the Board may accept donations of money or other property or act as trustees of land, money, or other property, and may use and administer the land, money, or other property as stipulated by the donor or as provided in the trust agreement.
- E. The Board may receive and expend grants for park purposes from agencies and instrumentalities of the United States and the state of Ohio and may enter into contracts or agreements with those agencies and instrumentalities to carry out the purposes for which the grants were furnished.
- F. For the purposes of acquiring, planning, developing, protecting, maintaining, or improving lands and facilities thereon under the Ohio Revised Code section 511.18 et seq. in addition, for other types of assistance which it finds necessary in carrying out its duties under the Ohio Revised Code, the Board may hire and contract for professional, technical, consulting, and other special services. The Board may purchase goods and services, and in procuring any goods or services, the Board shall contract as a contracting authority under the Ohio Revised Code sections 307.86 to 307.91.
- G. The Board may adopt bylaws and rules that it considers advisable for the following purposes:
1. To prohibit selling, giving away, or using any intoxicating liquors in the Park District;
  2. For the government and control of the Park District and the operation of motor vehicles in the Park;
  3. To provide for the protection and preservation of all property and natural life within its jurisdiction;
  4. No person shall violate any of the bylaws or rules. Fines levied and collected for violations shall be paid into the treasury of the Park District. The Board may use moneys collected from those fines for any purpose that is not inconsistent with sections [511.18](#) to [511.37](#) of the Ohio Revised Code.
  5. The Board adopted the General Rules and Regulations of the Park District on June 21, 1994, amended: January 20, 1998, April 6, 2000, and May 23, 2003 {copy attached hereto}.
- H. The Board may do either of the following:
1. Establish and charge fees for the use of any facilities and services of the Park District;
  2. Enter into a lease agreement with an individual or organization that provides for the exclusive use of a specified portion of the Park District within the Township Park District by that individual or organization for the duration of an event

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produced by the individual or organization. The Board, for the specific portion of the Park District covered by the lease agreement, may charge a fee to, or permit the individual or organization to charge a fee to, participants in and spectators at the event covered by the agreement.

**III. BOARD OF PARK COMMISSIONERS – CONSTRUCTION AND MEANING**

- A. Pursuant to Ohio Revised Code Section 511.35, it is hereby declared that the proper construction and meaning of sections 511.18 to 511.31, inclusive, of the Ohio Revised Code, heretofore, is that the Board of Park Commissioners herein provided for, are officers of Park District, which is coterminous with the geographic boundaries of Boardman Township. Therefore, the Board of Park Commissioners is a body politic and corporate, and that the offices of the Board of Park Commissioners of Boardman Township Park District are not offices of Boardman Township, within the meaning of that term in section 703.22 of the Revised Code.

**IV. LAND**

- A. The Board may lease, accept a conveyance of, or purchase suitable lands for cash, by purchase by installment payments with or without a mortgage, by lease or lease-purchase agreements, or by lease with option to purchase, may acquire suitable lands through an exchange under section [511.241](#) of the Ohio Revised Code. The Board may appropriate suitable lands and materials for Park District purposes. The Board also may lease facilities from other political subdivisions or private sources. The Board shall have careful surveys and plats made of the lands acquired for Park District purposes and shall establish permanent monuments on the boundaries of the lands. Those plats, when executed according to sections [711.01](#) to [711.38](#) of the Ohio Revised Code, shall be recorded in the office of the county recorder, and those records shall be admissible in evidence for the purpose of locating and ascertaining the true boundaries of the park or parks.
- B. If the Board finds that real or personal property owned by the Park District is not currently needed for park purposes, the Board may lease that property to other persons or organizations during any period of time the board determines the property will not be needed. If the Board finds that competitive bidding on a lease is not feasible, it may lease the property without taking bids.
- C. The Board may exchange property owned by the Park District for property owned by the State, another political subdivision, or the federal government on terms that it considers desirable, without the necessity of competitive bidding. Any rights or duties established

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under this section may be modified, shared, or assigned by an agreement pursuant to section [755.16](#) of the Ohio Revised Code.

- D. Whenever it is necessary for the Board of the Park District to determine the value of any real property owned by the Board, or which it proposes to acquire by purchase, lease, or appropriation, the Board may employ competent appraisers to advise it of the value of such property, or expert witnesses to testify thereto in an appropriation proceeding, and shall pay a reasonable compensation for such services.
- E. The Board, pursuant to the Ohio Revised Code Section 511.241, may acquire lands for use by the Park District through an exchange of real property in which the Board leases or conveys to the Township all or part of the lands located within the Township to which the Park District holds title, in exchange for the lease or conveyance of township land from the Board of Township Trustees to the Board of Park Commissioners. Before any such exchange becomes effective, the county auditor shall certify in writing to the Board of Township Trustees and the Board of Park Commissioners that the current market value of the land that each board will receive is at least equal to the current market value of the land exchanged, plus any cash or other consideration that will be received as part of the exchange. The exchange may include terms agreed to between the Board of Park Commissioners and the Board of Township Trustees not otherwise prohibited by law. This section does not authorize exchanges by a board of township trustees that are otherwise prohibited by law. Section [511.25](#) of the Ohio Revised Code does not apply to exchanges authorized by this section.
- F. When the Board cannot, by deed of gift or by purchase, procure the lands or materials desired for park purposes upon terms, which it regards as reasonable, the Board may appropriate such lands or materials for that purpose under sections [163.01](#) to [163.22](#) of the Ohio Revised Code. If it is desired at any time to acquire additional grounds for enlarging and improving such park or parks, the Board may purchase, appropriate, or accept a deed of gift for such lands in the manner provided for by sections [511.18](#) to [511.23](#) of the Ohio Revised Code, and improve them.
- G. If the Board finds that any lands that the Board has acquired are not necessary for the purposes for which they were acquired, it may sell and dispose of those lands upon terms that the board considers advisable and may reject any purchase bid received under this section that the board determines does not meet its terms for sale. However, no lands shall be sold without first giving notice of the Board's intention to sell the lands by publication once a week for four consecutive weeks in a newspaper of general circulation in the township. The notice shall contain an accurate description of the lands being offered for sale and shall state the time and place at which sealed bids for the lands will

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be received. If the Board rejects all of the purchase bids, it may reoffer the lands for sale in accordance with the Ohio Revised Code Section 511.25. The Board also may sell parklands not necessary for Park District purposes to another political subdivision, the state, or the federal government without giving the notices or taking bids as otherwise required by this section. The Board may not sell the lands it has acquired without first receiving the approval of the Board of Trustees of the Township.

- H. Money arising from the sale of parkland under section [511.25](#) of the Ohio Revised Code may be expended by the Board for the purchase of other land for park purposes, or it may be applied to the payment of any outstanding bonds, which are unprovided for. Any money not so expended shall be deposited in the particular fund by which such property was acquired, or in the general fund of the Park District.

V. **TAX LEVIES**

- A. To defray the expenses of the Park District and for purchasing, appropriating, operating, maintaining, and improving lands for parks or recreational purposes, the Board of Park Commissioners, pursuant to the Ohio Revised Code Section 511.27, may levy a sufficient tax within the ten-mill limitation, not to exceed one mill on each dollar of valuation on all real and personal property within the Township, and on all real and personal property within any municipal corporation that is within the Township, that was within the Township at the time that the Park District was established, or the boundaries of which are coterminous with or include the Township. The levy shall be over and above all other taxes and limitations on such property authorized by law.

Except as otherwise provided in division (C) of 511.27, the Board of Park Commissioners, not less than ninety days before the day of the election, may declare by resolution that the amount of taxes that may be raised within the ten-mill limitation will be insufficient to provide an adequate amount for the necessary requirements of the Park District and that it is necessary to levy a tax in excess of that limitation for the use of the Park District. The resolution shall specify the purpose for which the taxes shall be used, the annual rate proposed, and the number of consecutive years the levy will be in effect. Upon the adoption of the resolution, the question of levying the taxes shall be submitted to the electors of the township that was within the township at the time that the Park District was established, or the boundaries of which are coterminous with or include the township, at a special election to be held on whichever of the following occurs first:

The rate submitted to the electors at any one election shall not exceed two mills annually upon each dollar of valuation. If a majority of the electors voting upon the question of the levy vote in favor of the levy, the tax shall be levied on all real and personal property within the township and on all real and personal property that was within the township at

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the time that the Park District was established, or the boundaries of which are coterminous with or include the township, and the levy shall be over and above all other taxes and limitations on such property authorized by law.

Section (C) the Board of Park Commissioners {the “Park Board”} is appointed by the Board of Township Trustees of Boardman Township {the “Trustees”}, Therefore, before a tax can be levied and certified to the county auditor pursuant to section [5705.34](#) of the Ohio Revised Code or before a resolution for a tax levy can be certified to the board of elections pursuant to section [511.28](#) of the Ohio Revised Code, the Park Board shall receive approval for its levy request from the Trustees. The Park Board shall adopt a resolution requesting the Trustees to approve the levy request, stating the annual rate of the proposed levy and the reason for the levy request. On receiving this request, the Trustees shall vote on whether to approve the request and, if a majority votes to approve it, shall issue a resolution approving the levy at the requested rate.

B. When a tax is levied under sections [511.27](#) and [511.28](#) of the Revised Code, the Board of Park Commissioners shall cause it to be certified to the county auditor for collection, and it shall be collected as other taxes. For the purpose of raising money to pay for and improve parks or recreational facilities, the Board may issue the bonds of the Park District, in any sum not in excess of the taxes authorized by such sections, to be denominated Township Park District bonds. The issuance of the bonds is governed by Chapter 133 of the Ohio Revised Code.

1. Pursuant to the Ohio Revised Code Section 5705.192, the Board may submit the question of a Replacement Levy.
2. The Board may propose to replace an existing levy that the Board is authorized to levy, regardless of the section of the Revised Code under which the authority is granted. The Board may propose to replace the existing levy in its entirety at the rate at which it is authorized to be levied; may propose to replace a portion of the existing levy at a lesser rate; or may propose to replace the existing levy in its entirety and increase the rate at which it is levied. If the Board proposes to replace an existing levy, the proposed levy shall be called a replacement levy and shall be so designated on the ballot. Except as otherwise provided in this division, a replacement levy shall be limited to the purpose of the existing levy, and shall appear separately on the ballot from, and shall not be conjoined with, the renewal of any other existing levy. In the case of an existing school district levy imposed under section 5705.21 of the Revised Code for the purpose specified in division (F) of section 5705.19 of the Revised Code, the replacement for that existing levy may be for the same purpose or for the purpose of general permanent improvements as defined in section 5705.21 of the Revised Code.



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The resolution proposing a replacement levy shall specify the purpose of the levy; its proposed rate expressed in mills; whether the proposed rate is the same as the rate of the existing levy, a reduction, or an increase; the extent of any reduction or increase expressed in mills; the first calendar year in which the levy will be due; and the term of the levy, expressed in years or, if applicable, that it will be levied for a continuing period of time.

The sections of the Revised Code governing the maximum rate and term of the existing levy, the contents of the resolution that proposed the levy, the adoption of the resolution, the arrangements for the submission of the question of the levy, and notice of the election also govern the respective provisions of the proposal to replace the existing levy, except as provided in division (B) (1) or (2) of this section:

**VI. REVENUE SECURITIES**

- A. In addition to any power granted to Park District to issue securities under other provisions of the Ohio Revised Code, the Park District may issue revenue securities as authorized under the Ohio Revised Code Section 511.30. For purposes of this section, “securities” has the same meaning as in division (KK) of Section [133.01](#) of the Ohio Revised Code.

The Board may issue revenue securities to fund or refund revenue securities previously issued, or to raise money to pay for and improve parks or recreational facilities. The Board shall establish rates, charges, or rents for the use, availability, or rental of the facilities to which the financing relates, which rates, charges, or rents shall be designed to provide revenues to the park district sufficient to pay the costs of all current expenses of the facilities payable by the Park District, to pay the debt charges on the securities, and to establish and maintain any contractually required special funds relating to the securities or the facilities.

Revenue securities issued under this section shall not be general obligations of the Park District. The revenue securities shall be secured only by a pledge of and lien upon the revenues of the Park District derived from its ownership or operation of the facilities, including the rates, charges, or rents referred to in this section and any interest subsidies or debt charges, grants, or other payments by federal or state agencies available for this purpose, and the covenants of the Park District to maintain sufficient rates, charges, and rents to produce revenues sufficient to pay all current expenses of the facilities payable by the Park District, to pay the debt charges on the securities, and to establish and maintain any contractually required special funds relating to the securities or the facilities, and, if the securities are anticipatory securities, to issue the revenue securities in

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anticipation of the issuance of which the securities are issued. Revenue securities also may be secured by a pledge of and liens on the proceeds of any securities issued to fund or refund those revenue securities.

The Park District officers authorized by the Board shall execute the necessary documents, including, but not limited to, trust agreements and leases, to provide for the pledge, protection, and disposition of the pledged revenues from which debt charges and any special fund deposits are to be paid.

As long as any of these revenue securities, in either original or refunded form, remain outstanding, except as otherwise provided in the documents referred to in this division of this section, all parts of the facilities the revenues from which are pledged shall remain under the control of the board of park commissioners, whether any parts of the facilities are leased to or operated by others or are in or thereafter come within the boundaries of any municipal corporation, and the facilities shall remain subject to the power and duty of the board of park commissioners to fix and collect rates, charges, or rents for the use of facilities. Sections [9.98](#) to [9.983](#) of the Ohio Revised Code apply to revenue securities issued under this section. Revenue securities issued under this section, their transfer, and any income from them, including any profit made on their sale, shall at all times be free from taxation within the state. The Board of Township Trustees, who is the appointing authority of the Board of Park Commissioners, shall approve that proposal by resolution before the Park District issues the revenue securities.

**VII. OBLIGATIONS OF PARK BOARD**

- A. Every township board of park commissioners regardless of the manner in which it was created shall function under and be governed by sections [511.18](#) to 511.31, [511.34](#) to [511.37](#), [755.14](#), [755.16](#), [755.17](#), and [755.18](#) of the Ohio Revised Code. All obligations incurred by any such board under any former law, whether constitutional or otherwise, shall become the lawful obligations of the Board provided for by such sections, and the title to all property acquired by any such former Board shall pass to and be vested in the Board provided for by such sections, in trust, for park purposes.

Furthermore, no contract, agreement, deed, option or other document and no action creating any right, obligation, or contractual relationship involving the Board shall be executed, given, transferred, assigned, delivered, accepted or received on behalf of the Board unless the approval or authorization of the Board has first been given.

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VIII. **INSURANCE**

- A. The Board may purchase a policy or policies of insurance to insure the members of the Board and its appointees, assistants, and employees against liability arising from the performance of their official duties. The Board may also purchase Property Insurance to protect the Buildings, Facilities and the Equipment of the Park District.

IX. **POLICE SERVICES**

- A. The Board may enter into contracts with one or more townships, township police districts, municipal corporations, or county sheriffs of this state, with one or more park districts created pursuant to section [1545.01](#) of the Ohio Revised Code or other township park districts, or with a contiguous political subdivision of an adjoining state, and a township, township police district, municipal corporation, county sheriff, park district, or other township park district of this state may enter into a contract with a township park district upon any terms that are agreed to by them, to allow the use of the township park district law enforcement officers designated under section [511.232](#) of the Revised Code to perform any police function, exercise any police power, or render any police service on behalf of the contracting political subdivision that the subdivision may perform, exercise, or render.
- B. The Board entered into a contract with the Board of Trustees of Boardman Township for Police Protection services and equipment as are necessary and practical for the purpose of enforcing the General Rules and Regulations of the Park District, with said contract executed on March 12, 1996 and automatically renewing on an annual basis.

X. **MEETINGS**

- A. All Official Business of the Board of Park Commissioners must take place in an Open Public Meeting pursuant to the *Ohio Open Meetings Act* {the “Act”}. The Act requires the Board to conduct all official business in open meetings that the public may attend and observe. The Board must provide advance notice to the public indicating when and where each meeting will take place, and in the case of special meetings, the specific topics that will be discussed. In most cases, full and accurate minutes of the meetings must be taken and made available to the public, except in the case of closed-door/executive sessions.
- B. The Board shall meet from time to time as necessary to conduct official business of the Board. The Board shall conduct its business only if at least two Park Commissioners attend. An affirmative vote of at least two Park Commissioners is required for any action

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taken by vote. The Board shall give Public Notice for each Meeting of the Board not less than 24-hours in advance, with said Notice pursuant to the Ohio Revised Code Section 121.22. A member of the Board must be present in person at a meeting in order to be considered present, or to vote or be counted as part of a quorum.

- C. Special meetings of the Board may be held upon request of any member of the Board or the Executive Director. Board members shall be notified of special meetings not less than forty-eight (48) hours prior to the time set for such meeting. Notice of special meetings may be given by U.S. Mail, telephone or e-mail and such notice shall include the purpose of the special meeting. In order to validate the special meeting at least two (2) Commissioners must be available to attend such meeting.
  - 1. The Clerk of the Board of Park Commissioners shall maintain a current list of all representatives of the public media who have requested, verbally or in writing, notification of meetings of the Board. The Clerk shall, not less than twenty-four (24) hours prior to the commencement of the meeting, so advise media representatives who have requested notification, stating the time, place and stated purpose of the meeting. In emergency situations where twenty-four (24) hour notice is not possible, the Clerk shall verbally notify such media representatives by telephone and shall record the fact of notice in a statement to be attached to the minutes of the meeting.
- D. The Board shall conduct its business, including the adoption of resolutions, rules, regulations and other official action, at public meetings held and conducted in accordance with section 121.22 of the Ohio Revised Code. However, the Board may hold executive sessions at regular or special meetings for the purpose of considering those matters specified in Ohio Revised Code Section 121.22(G) and as the same may be hereinafter amended.
- E. An accurate and permanent record of the proceedings of all meetings, regular and special, shall be kept by the Clerk and entered in a book to be known as the "Journal of the Board" and the record of any meeting in the "Journal of the Board" shall be and constitute the only evidence of the acts of the Board at such meeting, when signed by the presiding officer and the Clerk thereof. The Clerk shall be responsible for and shall be the official custodian of all the records of the Board and shall be the proper person to certify to any action of the Board.
- F. All petitions, applications, communications or business intended for the consideration of the Board (other than those presented by members of the Board or the Executive Director) shall be in writing and shall not be considered nor acted upon by the Board

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unless delivered to the Executive Director at least twenty-four (24) hours prior to the meeting of the Board; although the Board may in its discretion waive such requirement.

- G. Two (2) members shall constitute a quorum of the Board for any meeting; any action of the Board shall be by motion or resolution; the affirmative votes of at least two of the members of the Board shall be required for the adoption of any motion or resolution.
- H. The Chairman shall preside at all meetings and in his/her, absence or inability to serve the Treasurer shall serve. "Robert's Rules of Order Newly Revised" shall govern the proceedings of the Board when not expressly covered or provided for herein.
- I. The business of the Board shall be considered in the following order:
  - 1. Roll Call
  - 2. Board changes or additions to the agenda
  - 3. Comments/Presentations from members of the community
    - a. Public comment shall be limited to five (5) minutes per individual, unless otherwise extended or omitted by the Board in its sole and absolute
  - 4. Staff Reports
  - 5. Reading and disposing of minutes of previous meeting
  - 6. Presentation of financial matters:
    - a. Checking Account Reconciliation reports for the General Fund, Payroll and Capital Fund accounts to include a listing of bills paid and checks issued
    - b. Financial Statement
    - c. Cash & Investment & Capital Accounts Reconciliation Report
    - d. Monthly Revenue & Expense Report of the General Fund
    - e. Year-To-Date Revenue & Expense Report for the General Fund
    - f. Financial Reports for any current Capital Projects
    - g. Other financial items to include but not limited to: Budgets, Appropriations Resolutions, Balance Sheets, YTD Government Funding, etc
  - 7. Review and approval of Bids, Contracts, Deeds, Grants, and Agreements
  - 8. Old Business – unfinished business of the Board
  - 9. New Business – review and consideration of written requests, oral or written communications; miscellaneous, unclassified
  - 10. Executive Session, if necessary
  - 11. Decide on the date and time of the next Board meeting
  - 12. Adjournment
- J. The Board during a Regular or Special Meeting may adjourn to Executive Session. Only matters specifically identified in the Ohio Revised Code 121.22(G) may be discussed in

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executive session. The Board is prohibited from taking any formal action during Executive Session.

Listed below are the limited topics that the Board members may consider in executive session:

1. *Certain Personnel Matters*

- a. To consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official;
- b. To consider the investigation of charges or complaints against a public employee, official, licensee, or regulated individual, unless the employee, official, licensee, or regulated individual requests a public hearing;

2. *The Purchase of Property*

- a. The Board may adjourn into executive session to consider the purchase of property of any sort: real, personal, tangible or intangible.
- b. The Board may also adjourn into executive session to consider the sale of real or personal property by competitive bid if disclosure of the information would result in a competitive advantage to a person whose personal, private interest is adverse to the general public interest. No member of the Board may use this exception as subterfuge to provide covert information to prospective buyers or sellers.

3. *Pending or Imminent Litigation*

- a. The Board may adjourn into executive session with the Board's attorney to discuss a pending or imminent court action. Court action is "pending" if a lawsuit has been commenced or is "imminent" if it is on the point of happening. The Board may not use this exception to adjourn into executive session for discussions with a board member who also happens to be an attorney. The attorney should be the duly appointed counsel for the Board.

4. *Collective Bargaining Matters*

- a. The Board may adjourn into executive session to prepare for, conduct, or review a collective bargaining strategy.

5. *Matters Required to be Kept Confidential*

- a. The Board may adjourn into executive session to discuss matters required to be kept confidential by federal law, federal rules, or state statutes.

6. *Security Matters*

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- a. The Board may adjourn into executive session to discuss details of security arrangements and emergency response protocols where disclosure could be expected to jeopardize the security of the Park District or the Board.

**XI. USE OF FACILITIES/BUILDINGS/LANDS**

**A. FACILITIES/FREE/NO PERMIT REQUIRED**

1. The Park District provides a diversity of facilities for recreational purposes and the enjoyment of the Community it serves. Subject to the foregoing, and except as hereinafter provided, listed below are the Park District facilities, which may be used by members of the general public, without permit, for recreational purposes not inconsistent with the Rules and Regulations of the Park District, as well as consideration as to the type of facility and the safety of the public and of Park District property.
  - a. Playgrounds
  - b. Baseball fields
  - c. Tennis Courts
  - d. Trails
  - e. Sand Volleyball Courts
  - f. Natural Areas
  - g. Green Open Space areas
  - h. Other recreational areas or facilities

**B. RESERVABLE FACILITIES/FEES/CONTRACT REQUIRED**

1. The Board owns, operates and maintains a number of indoor rooms, open-air pavilions and other buildings or facilities {the “Reservable Facilities”} that are available to the general public. The Board permits private citizens and groups to use the Reservable Facilities, with limitation and under certain conditions, to enhance the quality of life for the Community.
2. The Board may accept reservations from the general public for the Facilities of the Park District and pursuant to the Ohio Revised Code 511.23 (G) (1) may charge a fee for the use of the Facilities. A reservation is defined as a period of time, where the individual or group has exclusive use of the Facility. An individual or group that has secured a Reservation is referred to as a “Reservation Holder”.
3. The Board has established Reservable Facility Fee Schedule {the “Schedule”} for the Indoor Rooms, Open-Air Pavilions, St. James Meeting House, the Gazebo, or any other Building or Facility that the Board may acquire or construct, with said

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Schedule reflecting a Boardman Township Resident Rate, a Non-Resident Rate and a Non-Profit Rate. Annually, the Board will review the Schedule in order to decide whether to adjust the Fees.

4. The Board has adopted Rules and Regulations that govern the use of the Facilities of the Park District by Reservation Holders and their guests. The Rules and Regulations have been established based on a due regard for the purpose for which the Facility is established, the safety of those using the Facility, the safety of Park District employees and of the public, the protection and maintenance of Park District property, the need for and the availability of supervisory personnel, and pursuant to the local fire code, the maximum number of people who can safely use the Facility at one time. The Rules and Regulations for Reservable Facilities are delineated in the Reservation Receipt/Contract, as well as in the General Rules and Regulations of the Park District. Each Reservation Holder is required to read and sign the Reservation Receipt/Contract in order to validate the Reservation and be granted entry to the Facility.
5. In order to qualify for the Non-Profit Rate, an organization must be one of the following types of non-profit organizations: civic, educational, government, religious, or charitable group. Upon request, the organization shall submit documentation validating its non-profit status.
6. The Facilities of the Park District are for non-commercial use only. Individuals or groups, who have reserved a Facility of the Park District, shall not be permitted to charge entry fees, or collect fees, nor sell items or services during such reservation; however, the individuals or groups may solicit voluntary donations.

**C. FACILITIES/EVENT PERMIT REQUIRED**

1. This Section pertains to the use of the Facilities and/or the Lands of the Park District by groups for public activities/programs/events involving groups, whose estimated size is equal to or greater than 200 individuals. Furthermore, for use other than the use delineated in Section B above. The Board has established following guidelines based on the intended use and classification of each facility in the Park District and for obtaining permits pursuant to this Section. The Guidelines are based on a due regard for the purpose for which the facility is established, the safety of those using the facility, the safety of the public and the Park District employees. Furthermore, the Guidelines are established for the protection and maintenance of the Park District property, the need for and the availability of supervisory personnel, and the maximum number of people who can safely use the facility at one time.



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2. General - No person shall, without a permit:

- a. conduct, sponsor or promote any meeting, speech, picnic or other public activity involving more than two hundred individuals;
- b. circulate or distribute any leaflets, handbills, notices, pamphlets, books, documents or papers of any kind in any special event facility, limited use area or other area not designated for public assembly;
- c. conduct any exhibit, music or dramatic performance, wedding, fair, circus, concert, festival, parade, play, radio or television broadcast, other than a news transmission;
- d. exhibit or display any motion picture, television program, light or laser light display, or similar event; or film a media broadcast (other than a news transmission), motion picture, or still commercially distributed photography;
- e. operate a vehicle (other than a personal mobility device for handicap accessibility), except upon park roadways or parking lots, or upon a publicly dedicated street, alley, watercourse or other thoroughfare which may abut or traverse a park;
- f. operate or play a radio, TV, musical instrument or other amplifying or sound equipment, except that an individual may operate a radio, recorder, compact disc player or other device possessed and used by an individual for his/her own enjoyment so long as it is operated in such a manner as not to interfere with the use and enjoyment of the Park by any other person;
- g. station or erect any building, tent, play equipment, mechanical ride, canopy, stand, bandstand, stage, tower, scaffold, sound stage, platform, rostrum or other structure (except beach umbrellas and similar items to provide personal shade);
- h. sell or offer for sale any article, thing, privilege or service (unless such sale or offer is pursuant to a contract with the Park District), or otherwise use the Park District for commercial purposes;
- i. post, distribute or place any sign, advertisement, circular, notice or statement, or display any banner, emblem or design, other than a permanent sign (painted or otherwise not readily removable) on a vehicle; or display, post or distribute any other writing containing commercial advertising matter within the Park District;
- j. bring, land or cause to ascend or descend or alight within the Park District property, any airplane, helicopter, flying machine, hot air balloon, parachute or other apparatus for aviation;

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- k. conduct any sporting event (i.e., a pre-arranged activity involving organized teams or clubs, spectators or the like);
  - l. possess, ignite or discharge any fireworks or have in his or her possession or detonate any explosives or explosive devices;
  - m. sell or offer for sale any intoxicating liquor or alcoholic beverage; or consume, possess or display the presence of any alcoholic beverage;
  - n. take surveys or collect signatures in a place other than an area designated as a public forum;
  - o. conduct a religious or political event (i.e., a pre-arranged activity, ceremony, speech, parade, rally or the like);
  - p. remove any property, or part thereof, which is owned, leased, managed or otherwise controlled by the Park District;
  - q. camp or establish or maintain any camp or other temporary lodging or overnight sleeping place within the Park District;
  - r. all other applicable General Rules and Regulations of the Park District.
3. Permits for Activities Involving More Than 500 Individuals.  
No activity involving more than five hundred individuals shall be held within two (2) weeks of any other activity involving more than five hundred individuals.
4. Individuals or Organizations wishing to sponsor an event, where the attendance is expected to be equal to or greater than 200 people must complete and file with the Park District an Activity/Event Application.
5. Events Sponsored by the Park District.  
No permit shall be required for an event or activity sponsored or co-sponsored by the Park District. The Executive Director may nevertheless require co-sponsors to comply with those portions of the permit requirements that the Executive Director deems applicable.

**D. USE OF PARK DISTRICT FACILITIES/STRUCTURES, PROPERTY OR MEETING AREAS FOR PUBLIC ASSEMBLY**

- 1. The term "Public Assembly" includes meetings, demonstrations, speechmaking, vigils and all other public expressions of views protected under the First Amendment of the United States Constitution and the Constitution of the State of Ohio. It also includes educational, informative, social gatherings and entertainment.
- 2. No group or individual shall be excluded from having equal opportunity access to Park District buildings, lands and facilities because of race, sex, religious or

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political persuasion, or because of the political, religious, or social aims or opinions expressed by the individual, the group, or by any group members. However, not all uses are suitable or permitted in all types of spaces, facilities and areas of the Park District.

3. Types/Categories Of Public Spaces:

- a. Under principles of the United States Constitution, the use of Park District spaces by the public is dependent on the type of space or type of forum for which access is being sought.
- b. The property and buildings of the Park District fall under one of three categories of space: "Public Forums", "Limited Public Forums" or "Non-Public Forums".
- c. The purpose of these designations is to assign activities for which permits are issued to appropriate public forums or, if applicable, limited use areas, in order to assure that Park District facilities are used for the purposes for which they are designed and for the other purposes described in Section II above. The Executive Director may from time to time modify these designations as to particular Park District properties and may issue maps and/or guidelines establishing the areas with specificity.

**PUBLIC FORUMS** - Public Forums are, in general, areas open to the public subject to restrictions. Public Forums include, but are not limited to, roadways; parking lots; and certain open space areas of the Park District. Restrictions on speech and assembly in Public Forums are limited to regulations regarding the time, place and manner of assembly. These restrictions deal mainly with public safety and crowd control and to the General Rules and Regulations of the Park District. For example, the Park District must close at dusk, demonstrators must first obtain a permit to assemble, necessary insurance coverage must be obtained, and other standards must be met, which are necessary for the protection of the public and people in these spaces, such as a security and a public health and safety plan, including sanitary facilities and the disposal of waste. The event must be designed in a manner not to unreasonably interfere with the primary purpose of the space, pursuant to Sections A and B above. The Park District's regulations and restrictions are content neutral and narrowly tailored to serve the significant government interest of protecting attendees and other members of the public, their persons and their property, the utilization and speech rights of the general public, and the property itself. These regulations are designed to insure that, to the extent possible, the tax-paying public does not become responsible financially for damage or injury as a result of the event, or incur costs or expenses in addition to its normal costs of operation. Furthermore, the Park District's objective in this Section is to coordinate multiple uses of limited space; to assure preservation of Park District facilities; to prevent dangerous, unlawful, or impermissible uses; and to assure financial accountability for damages caused by an event.

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- a. The following spaces are Public Forums:
  - Drives/Roadways,
  - Parking Lots,
  - Open Spaces, e.g. baseball fields, but excluding wooded natural areas, wetlands, and other natural habitats,
  - the Gazebo and adjacent lawn area,
  - the Maag Theatre and adjacent lawn area,
  - the Masters Pavilion and adjacent lawn area

**LIMITED PUBLIC FORUMS** - “Limited Public Forums” are spaces, which are open to the public on a limited basis and only for designated purposes.

- a. Limited Public Forums include, but are not limited to the following:
  - indoor meeting rooms,
  - open-air pavilions,
  - St. James Meeting House,
  - Gazebo

The primary purpose of Limited Public Forum spaces is set-aside pursuant to Section 11 above, where such spaces are available by Reservation for private events or based on the type of Facility is not conducive to a Public Forum. Therefore, the use of Limited Public Forums spaces for Public Forums is secondary.

Approval for the use of Limited Public Forum space is viewpoint neutral. The restrictions on the type of uses of Limited Public Forum spaces are related to the suitability of the type of space for public use. These restrictions deal mainly with public safety and crowd control and the nature of the space. Furthermore, taken into consideration are factors, which relate to the potential of the event to interfere with the use of adjoining spaces for their primary purpose/function.

The use of these spaces is limited to educational, civic, charitable or cultural purposes. Meetings in which discussions of public or social issues are conducted may be held. Perceived partisanship is often interpreted as an endorsement by the Board of Park Commissioners or other Park District officials and employees. Therefore, meetings or gatherings for partisan, political purposes are prohibited. Partisan political purposes are defined as meetings or gatherings for the promotion or opposition of any candidate for public office, the selection of candidates, conventions, meetings of political parties or advocacy groups or organizations, or meetings of groups for the adoption or opposition of any law, proposal or proposition and solicitation of political contributions. No public official, employee or appointee may solicit, commit to pay or receive payment or commit to contribute to any candidate, public official or political organization. Such activities are strictly prohibited. Partisan political purposes do not include candidate town hall or informational meetings. Use of space for commercial purposes is generally prohibited. No use shall be permitted for which an admission fee is charged, or the sale of any product or service on site is proposed.

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The sale of books, pamphlets, literature, CD's is or videos related to the presentation, other than the sale of computer software, are permitted. Voluntary donations may be solicited. Permission for use will be denied if the nature of the requested use is inconsistent with the nature of use of the public building as a whole or does not fall within the categories enumerated above.

NOTE - For Groups larger than 200, the only spaces available for Public Forums are the following:

- a. the Entire Park, to include all facilities and grounds, but excluding the natural wooded areas of the Park District
- b. the Gazebo and adjacent lawn area
- c. the Maag Theatre and adjacent lawn area
- d. the Masters Pavilion and adjacent lawn area
- e. baseball fields

**NON-PUBLIC FORUMS** - Non-Public Forums are areas which are not open to the public. Access is denied to Non-Public Forums to all outside groups or uses. Non-Public Forums include areas which commonly are utilized only by Park District employees for work, or for Park District governmental purposes, or spaces, which are inaccessible, or would result in the public having access to private work areas, or areas unsafe for general access by the public.

The following spaces are non-public forums:

- a. Areas of Park District buildings which are restricted from public access;
- b. Park District employee office spaces and all other work spaces in rooms or buildings within the Park District where public access is not permitted;
- c. Areas under conservation stewardship, including but not limited to woods, meadows, and wetlands;
- d. Areas not designated as Public Forum or Limited Public Forum spaces above.

**E. APPLICATION FOR PERMITS.**

1. Any person seeking the issuance of a permit shall apply for a permit by completing and filing an Activity/Event Permit Application {copy attached hereto}, with said Application to include but not limited to the following:
  - a. a detailed description of the activity/event, which shall include the names, addresses, phone numbers of the individuals and/or organizations sponsoring the activity/event, if the organization is a corporation, then the articles of incorporation are to be included;
  - b. names, addresses, phone numbers of individuals, who are financially responsible pursuant to Sections 1, 2, 3, and 4 below, if different than the names stated in Section i. above;
  - c. the stated purpose of the activity/event;
  - d. date and time frame of the activity/event;
  - e. estimate for the number of attendees;
  - f. the plan for safety and crowd control;

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- g. the plan for set-up, operation and clean-up of the activity/event to include the equipment involved, the number of sanitary facilities (portable toilets), food/drink concessions, first aid, portable displays/platforms, etc;
- h. the number of staff (volunteers, paid personnel, others), who will implement numbers vi. and vii. above;
- i. permits as required by Local and/or State Government

The application shall be made at least 90 days prior to the event if the event's projected attendance is 500 people or more and 60 days prior to the event if the event's projected attendance is less than 500 people, unless a lesser amount of time is specifically permitted by the Executive Director. Applications shall be filed at The Park District administrative offices, 375 Boardman-Poland Road, Boardman, Ohio 44512, or through such on-line application process as may be provided by the Park District.

2. Indemnification and Reimbursement Agreement:

No application for permit shall be granted unless the applicant shall have executed an agreement with the Park District, on a form to be prescribed by the Executive Director, in which the applicant shall promise and covenant to bear all costs of setting up, policing, producing, cleaning up and restoring the Park upon conclusion of the event or activity; to reimburse the Park District for any such costs incurred by the Park District; and to indemnify the Park District and hold the Park District harmless from any liability to any person resulting from any damage or injury occurring in connection with the permitted event proximately caused by the action of the permittee, the sponsoring organization, its officers, employees or agents or any person under their control insofar as permitted by law.

3. Security Deposit:

No application for permit shall be granted unless the applicant has paid, within the time prescribed by the Executive Director, the security deposit in an amount in accordance with the schedule of fees set by the Executive Director and approved by the Board. The amount of the security deposit set in the schedule of fees shall be equal to the estimated cost of policing, cleaning up, and restoring the Park upon the conclusion of the use or activity. Within 72 hours after the conclusion of a permit activity, the Park District shall inspect the premises and equipment used by the permittee.

- a. If it is determined that there has been no damage to The Park District property or equipment beyond reasonable wear and tear and that any cost reimbursements or other amounts owed to the Park District have been paid, the security deposit shall be refunded in full within thirty (30) days of the conclusion of the permitted event.
- b. If it is determined by such inspection, that the permitted event proximately caused damage to the Park District property in excess of normal wear and tear and which requires repairs in excess of routine maintenance or it is determined that the permittee will be charged with a violation of these Rules and

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Regulations and/or the General Rules and Regulations of the Park District, the Park District shall retain the security deposit or any portion thereof necessary to pay for the cost of repair and any fines assessed against the permittee pursuant to Section 511.18 et seq the Ohio Revised Code. The Executive Director or his/her designee shall give written notice of the assessment of damages or fine and retention of the security deposit to the permittee by personal delivery or by deposit in the United States mail, with proper postage prepaid to the name and address set forth in the application for permit. Any assessment of damages or fine in excess of the security deposit and any assessment of damages in excess of the security deposit shall be paid to The Park District within ten (10) days after notice of such assessment of damages or fine is sent.

4. Fees for Use of Park Facilities:

No application for permit shall be granted unless the applicant has paid, within the time prescribed by the Executive Director, a user fee and any other required fee in an amount in accordance with the schedule of fees (if any) set by the Executive Director and approved by the Board. Fees may be waived for Non-Profit organizations listed in B (5) above. Non-Profit Organizations requesting that the fees be waived must submit their request in writing, with documentation supporting the need to have the fees waived.

5. Insurance:

Applicant shall procure and maintain at all times during its use of the Park District property and liability insurance in such amounts and with such coverages as shall reasonably be required by The Park District and shall name The Park District as an additional insured(s) there under. The amounts and type of insurance required shall be determined by the Executive Director, based upon the nature of the activity and the risk involved. Applicant shall provide the Park District with a certificate from an insurer evidencing such coverage prior to applicant's use of the Park District property, and within the time prescribed by the Executive Director. The certificate shall also provide that the insurer shall give the Park District reasonable advance notice of insurer's intent to cancel the insurance coverage provided.

6. Permits Not Transferable:

No permit or conditionally approved permit application may be transferred.

F. PROCESSING OF APPLICATION FOR PERMITS

1. Order:

Applications for permits shall be processed in order of receipt; and the use of the Park District or part thereof shall be allocated in order of receipt of fully executed applications.

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2. Conditional Approval:

Applications for permits for activities or events which require insurance, approval or permits from other governmental entities, or compliance with other terms or conditions, will be reviewed and, if the application otherwise conforms to all other requirements, a conditional approval will be issued. If, within the time prescribed by the Executive Director, any required fee or security deposit is not paid, or an insurance certificate evidencing the requisite insurance is not filed, or the approval or permit of other governmental entities has not been received, or the other terms and conditions have not been met, the conditional approval will automatically expire, the application for permit will be deemed denied and no written notice of denial will be required. For events or activities described in Section C all terms and conditions for issuance of the permit, including securing insurance and payment of all fees and security deposit, must be completed at least thirty days prior to the event unless a different time period is prescribed by the Executive Director.

3. Written Denials:

If no written denial or conditional approval is issued within twenty-one days of the date on which a permit application is fully completed, executed and filed, the application shall be deemed to have been granted a conditional approval pursuant to Section 2, above. The granting of conditional approval does not relieve the applicant from the obligation to comply with any requirements regarding fees, insurance, security deposits and the like, and to that end, the applicant still must obtain the permit and comply with its requirements.

4. Contents of Notice; Grounds for Denial:

Notice of denial of an application for permit shall clearly set forth the grounds upon for measures by which the applicant may timely cure any defects in the application for permit or otherwise procure a permit.

To the extent permitted by law, the Park District may deny an application for permit if the applicant or the person on whose behalf the application for permit was made has on prior occasions made material misrepresentations regarding the nature or scope of an event or activity previously permitted or has violated the terms of prior permits issued to or on behalf of the applicant. The Park District may also deny an application for permit on any of the following grounds:

- a. the application for permit (including any required attachments and submissions) is not fully completed and executed;
- b. the applicant has not tendered the required user fee, indemnification agreement, insurance certificate, or security deposit within the times prescribed by the Executive Director;
- c. the application for permit contains a material falsehood or misrepresentation;
- d. the applicant is legally incompetent to contract or to sue and be sued;
- e. the applicant or the person on whose behalf the application for permit was made has on prior occasions damaged the Park District property and has not



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- paid in full for such damage, or has other outstanding and unpaid debts to the Park District;
- f. a fully executed prior application for permit for the same time and place has been received, and a permit has been or will be granted to a prior applicant authorizing uses or activities which do not reasonably permit multiple occupancy of the Park District or part hereof;
  - g. the use or activity intended by the applicant would conflict with previously planned programs organized and conducted by the Park District and previously scheduled for the same time and place;
  - h. the proposed use or activity is prohibited by or inconsistent with the classifications and uses of the Park District or part thereof designated pursuant to Section IV {c}, above;
  - i. the use or activity intended by the applicant would present an unreasonable danger to the health or safety of the applicant, or other users of the Park, of the Park District employees or of the public;
  - j. the use or activity intended by the applicant is prohibited by law, by this Code and ordinances of the Park District, or by the regulations of the Executive Director, or by Local or State Government code.
  - k. due to excessive light, noise, odor, traffic or other impacts not confined to the Park District facility, the use or activity intended by the applicant would cause unreasonable disturbance or disruption to neighbors of the Park District facility.

G. PROCEDURES FOR REVIEW/WAIVERS

- 1. Review by Executive Director:
  - a. Any applicant who is denied a permit or denied a request for a waiver of user fee, security deposit, or certificate of insurance, or a permittee who has had all or a portion of its security deposit retained because it was assessed damages or a fine pursuant to this ordinance may, within seven days of the service of notice of such determination, file a written appeal from such determination with the Executive Director;
  - b. The Executive Director shall have seven days from the date on which the appeal was received in which to serve upon the applicant a notice that he/she has affirmed, modified or reversed the denial of the permit or the request for a waiver or the retention of security deposit;
  - c. Such notice shall be deemed served upon the applicant or permittee when it is personally delivered or when it is sent by United States certified mail, with proper postage prepaid, to the name and address set forth on the application for permit;
  - d. If such notice is not served upon the applicant or permittee within seven (7) days of the date upon which the appeal was filed, then the denial of the permit or the request for a waiver or retention of security deposit shall be deemed reversed.

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2. Form of Appeals:

An appeal shall state succinctly the grounds upon which it is asserted that the determination should be modified or reversed and shall be accompanied by copies of the application for permit, the written notice of the determination of the Park District, and any other papers material to the determination.

3. Waiver of Requirements:

Any requirements for a user fee, security deposits or certificate of insurance shall be waived by the Executive Director, if the activity is protected by the First Amendment of the United States Constitution and the requirement would be so financially burdensome that it would preclude the applicant from using the Park District property for the proposed activity. Fees for equipment and services shall not be waived pursuant to this subsection, nor shall any waiver apply with respect to the obligation of a permittee to reimburse the Park District for costs incurred as described in Section V (1). Application for a waiver of a user fee, security deposit, or certificate of insurance shall be made on a form prescribed by the Executive Director and must include an affidavit by applicant and sufficient financial information about the applicant to enable the Executive Director to determine whether the requirements(s) would be so financially burdensome that it would preclude the applicant from using the Park District property for the proposed activity. If the Executive Director determines that the applicant does not have sufficient funds to satisfy the user fee requirement prior to the proposed event, but that the applicant intends to raise sufficient funds at the event, the Executive Director shall require the applicant to pay such user fee out of the proceeds of the proposed event. If no written denial is issued within fourteen (14) days of the date on which the application for such waiver is fully completed, executed and filed with the Executive Director, the waiver request shall be deemed approved, contingent upon the applicant complying with all other permit requirements. Denials of request for such waivers shall be subject to the appeal procedures contained in Section VII (B), above.

**XII. FINANCIAL REQUIREMENTS**

A. The fiscal year of the Board commences on January 1 and ends on December 31 of any year.

B. The Board is responsible for the following financial requirements:

1. The adoption of a Resolution titled – “Accepting the Amounts and Rates as Determined by the Budget Commission of Mahoning County and Authorizing the Necessary Tax Levies and Certifying Them to the County Auditor”, pursuant to the Ohio Revised Code Sections 5705.34 and 5705.35, which must be submitted to the Auditor of Mahoning County no later than October 1 for the following fiscal year

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2. Annual Appropriation Resolution – the Board pursuant to the Ohio Revised Code Section 5705.38 (A), on or about the first day of each year, the Board shall adopt an Annual Appropriation Resolution. Furthermore, the Board during the year may adopt any supplemental/amended Appropriation Resolution as it finds necessary, based on a revised tax budget or the Official Certificate of Estimated Resources or amendments of the Certificate. However, if the Board desires to postpone the passage of the Annual Appropriation Resolution until an Amended Certificate of Estimated Resources is received from the Auditor of Mahoning County based on the actual balances, the Board may adopt a Temporary Appropriation Resolution for meeting the ordinary expenses of the Park District until no later than the first day of April of the current year. The appropriations made in the Temporary Appropriations Resolution shall be chargeable to the appropriations in the Annual Appropriation Resolution for that fiscal year when adopted. The Appropriation Resolution shall be classified so as to set forth separately the amounts appropriated for each of the following General Fund classifications:
- a. Employee Compensation,
  - b. Employee Benefits,
  - c. Capital Improvements & Equipment,
  - d. Insurance,
  - e. Repairs & Maintenance,
  - f. Supplies,
  - g. Utilities,
  - h. Programming,
  - i. Auditor Fees,
  - j. Other,
  - k. Reserve Fund {if any},
  - l. Debt Service {if any},

The Appropriations Resolution shall also reflect the amounts appropriated for any other fund, e.g. trust, investments and capital accounts. The total amount of the aforementioned classifications of the General Fund establishes the legal level of budgetary control. Pursuant to the Ohio Revised Code Section 5705.36 (c) (5), the total appropriations made during the fiscal year from the General Fund or any other Fund shall not exceed the amount set forth as available for expenditure from such fund as reflected in the Official Certificate of Estimated Resources, or any amendment thereof, certified by the Auditor of Mahoning County, prior to the adoption of the Appropriations Resolution.

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3. Annual Budget – the Board in conjunction with the Annual Appropriations Resolution shall adopt an Annual Budget that reflects all projected Revenues and Expenses of the Park District for the fiscal year. The Revenues and Expenses of the Budget shall coincide with the Certificate of Estimated Resources as certified by the Auditor of Mahoning County
4. Amended Certificate of Estimated Resources ORC 5705.36, no later than April 1 of current year
5. 5705.36 Certification of available revenue - additional revenue - amended official certificate.
6. Official Certificate of Estimated Resources ORC 5705.35 & ORC 5705.36, due September 1 for the following year

**XIII. OTHER**

- A. The Board may adopt written governing Board Policies which at the highest levels, address: 1) Results and Priorities or organizational products, impacts, benefits, outcomes; 2) Limitations or constraints on executive authority; 3) Governance process; 4) Board-staff relationships

1. The Board adopted a Policy Manual titled the *Board of Park Commissioners Policy Manual* on November 27, 2006, which covers the following topics: Mission of the Park District, Use of Parklands, Stewardship of Parklands, Cooperation, Operations, Governing Style, Code of Conduct/Conflict of Interest, Board Job Contribution, Delegation to the Park Director, Director Job Contribution, Monitoring Director Performance, Staff Limitation, Budgeting, Financial Condition, Communications & Counsel to the Board, Emergency Executive Succession, Asset Protection, Compensation & Benefits, Public Communication, Board Relationship with Volunteer Groups, Investment of Interim Public Monies, Acceptance and Acknowledgement of Gifts.

- B. Code of Conduct/Conflict of Interest Policy:

1. **Scope.** The following statement of policy applies to the Board of Park Commissioners (the “Board”) of Boardman Township Park District (the “Park District”) and to all persons employed by Park District, regardless of position. The Park District, it’s Board and Staff is committed to ethical, businesslike, and lawful conduct. Each member of the Board and each Staff member will be required to read, agree to and sign the following Code of Conduct/Conflict of Interest Policy. Each Board member shall complete the Annual Conflict of Interest Statement (1) upon entry onto the Board of Park Commissioners, (2) whenever a conflict arises or is suspected and (3) annually while a member of the Board. Each Park District Staff

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member shall sign the Annual Conflict of Interest Statement (1) at the time of hire, (2) at the time a conflict arises or is suspected and (3) annually.

2. **Responsibility.** All decisions of the Board, officers and employees of the Park District are to be made solely based on a desire to promote the best interests of the Park District and those it serves.
3. **Disclosure of Conflicts with Respect to Potential Financial Transactions.** In the event any financial transactions involving the Park District also involves (1) a Commissioner of the Board, employee or a member of their extended family, or (2) an organization with which any Commissioner of the Board or employee of the Park District has any material financial interest, the Commissioner of the Board or employee having the affiliation or interest, at the first knowledge of the transaction shall disclose fully the precise nature of the interest or involvement.
4. **Disclosure Statement.** Each Commissioner of the Board and employee of the Park District shall be required to submit a disclosure statement listing all organizations with which he or she is affiliated and describing the nature of the affiliation as defined below. In the event there is any material change in the information contained in any disclosure statement, the person who submitted it shall promptly submit written notification of the change.

A Commissioner of the Board or employee is deemed to be *affiliated* with any organization that may be potentially related to the financial operation of the Park District of which he or she, or a member of his or her family (1) is a director, officer, partner, employee, or agent; or (2) receives direct financial benefit from sales or services; or (3) have a 35 percent or greater interest. The term *family* shall be deemed to include an individual's spouse, children (including legally adopted children), parents, grandparents, great grandparents, siblings (whether by whole or half blood), spouse of that individual's siblings, children, grandchildren and great grandchildren and members of that individual's household.

In no way should this policy imply that directors, officers or employees should reveal any religious, ethnic or political affiliations.

5. **Administration.** All disclosures required under this policy and amendments thereto, if by a Commissioner of the Board, shall be directed in writing to the Chairman of the Board, or if by employees, to the Executive Director of the Park District. Information disclosed under this policy shall be held in confidence by the persons authorized to receive and act upon it except where, in the judgment any of such persons, the best interest of the Park District requires further disclosure.
6. **Restraint on Participation.** A Commissioner of the Board or employee who has declared or has been found to have a conflict of interest in any proposed transaction

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or other matter shall refrain from participating in consideration of the proposed transaction or other matter, unless for special reasons the Board of Commissioners requests information or interpretation from the person or persons involved. In the case of a Commissioner of the Board, he or she shall not vote on the matter in question. With respect to restraint on participation by staff, the Executive Director of the Park District shall take such action as is necessary to assure that the transaction is completed in the best interests of the Park District without the substantive involvement of the person who has the possible conflict of interest.

C. Spokesperson for the Board:

All members of the Board and those presenting information to the Board must have assurance that information shared will be treated with confidentiality and care, except when information is clearly within the public domain. In order to ensure continuity, clarity, sensitivity of timing and the correct portrayal of issues, the Board Chairperson or the Executive Director are the official spokespersons for the Board of Park Commissioners. Therefore, the official spokesperson for the Board is the Chairperson or the Executive Director, in their absence, any of the other two (2) Commissioners can be the official spokesperson.

D. Policy and procedure for notification of commissioner vacancy and terms for continuation on board:

1. *Notification of vacancy*- In the event that a commissioner position becomes vacant the departing party must notify the Board as soon as possible, preferably thirty (30) days. Upon majority acceptance of the resignation, the Chairman of the Board will, in turn, notify the Township Trustees in writing within five (5) working days. In the absence or disability of the President, the Treasurer shall perform these duties.
2. Terms for dismissal: a commissioner may be asked to vacate his/her position on the Board only by the majority of the Board of Park Commissioners for the following reasons:
  - a. Unethical behavior.
  - b. Violations regarding the above mentioned Code of Conduct/Conflict of Interest
  - c. Unwarranted absences and/or excessive absences.
  - d. Other reasons brought forth by the majority of the Board for just cause.
  - e. Felony conviction or prior felony conviction.
  - f. Conviction or prior conviction of animal cruelty.

E. The Board of Trustees of Boardman Township may make contributions of moneys, lands, supplies, equipment, office facilities, and other personal property or services to the Board of Park Commissioners of Boardman Township Park District for the purposes of park planning, acquisition, management, and improvement. The Board of Park Commissioners may accept the contributions without the approval of the terms by the appointing authority, if applicable.

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F. The Bylaws of the Board can only be amended by a unanimous decision of the Board. Resolutions to amend such Bylaws shall be voted upon at the next regular meeting following a public reading of the amendment(s) at a regular public meeting.

G. Public Records Policy - Adopted by the Board of Park Commissioners on the 25<sup>th</sup> day of August 2008.

It is the policy of Boardman Township Park District that openness leads to a better-informed citizenry, which leads to better government and better public policy. It is the policy of Boardman Township Park District to strictly adhere to the state's Public Records Act. All exemptions to openness are to be construed in their narrowest sense and any denial of public records in response to a valid request must be accompanied by an explanation, including legal authority, as outlined in the Ohio Revised Code. If the request is in writing, the explanation must also be in writing.

### **Section 1**

Boardman Township Park District {the "Park District"}, in accordance with the Ohio Revised Code, defines records as including the following: Any document – paper, electronic (including, but not limited to, e-mail), or other format – that is created or received by, or comes under the jurisdiction of the Park District that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the Park District. The Park District is not required to create new records to respond to a public records request, even if it is only a matter of compiling information from existing records. All records of Boardman Township Park District are public unless they are specifically exempt from disclosure under the Ohio Revised Code.

#### **Section 1.1 Available for Inspection**

It is the policy of Boardman Township Park District that, as required by Ohio law, records will be organized and maintained so that they are readily available for inspection and copying (See Section 4 for the e-mail record policy). Record retention schedules are to be updated regularly and posted prominently.

#### **Section 1.2 Exemptions to Public Records Law**

Generally, the confidential nature of certain types of information or records precludes their release. Federal and state law provides numerous exceptions to the general rule that disclosure of public records is mandatory. However, most of the exceptions do not, by themselves, prohibit the release of the prescribed records. Rather, these records merely are excluded from the general rule of mandatory disclosure.

In the event a request is made to inspect or obtain a copy of a record maintained by the Park District whose release may be prohibited or exempted by either state or federal law, the request shall be forwarded to the County Prosecutor for research and/or review. The requester shall be

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advised that their request is being reviewed by the County Prosecutor to ensure that protected exempted information is not improperly released.

**Section 2      Record requests**

Each request for public records should be evaluated for a response using the following guidelines:

**Section 2.1   Identification of Public Record**

Although no specific language is required to make a request, the requester must at least identify the records requested with sufficient clarity to allow the Park District to identify, retrieve, and review the records. If it is not clear what records are being sought, the records custodian must contact the requester for clarification, and should assist the requestor in revising the request by informing the requestor of the manner in which the Park District keeps its records.

**Section 2.2   Format of Request**

The Park District or the person responsible for public records may ask a requester to make the request in writing, may ask for the requester's identity, and may inquire about the intended use of the information requested, but only after all of the following occur:

- Disclosure to the requester that a written request is not mandatory;
- Disclosure to the requester that the requester may decline to reveal the requester's identity or intended use;
- Determination by the Park District that a written request or disclosure of the identity or intended use would benefit the requester by enhancing the ability to identify, locate, or deliver the public records sought by the requester.

**Section 2.3   Choices of Medium**

Public records are to be available for inspection during regular business hours, with the exception of published holidays. Public records must be made available for inspection promptly. The requester can choose to have the record (1) on paper, (2) in the same form as the Park District keeps it, or (3) on any medium upon which the Park District determines the record can "reasonably be duplicated as an integral part of the normal operations of the Park District". Copies of public records must be made available within a reasonable period of time. "Prompt" and "reasonable" take into account the volume of records requested; the proximity of the location where the records are stored; and the necessity for any legal review of the records requested.

**Section 2.4   Response Time to Requests**

Each request should be evaluated for an estimated length of time required to gather the records. Routine requests for records should be satisfied immediately if feasible to do so. Routine requests include, but are not limited to, meeting minutes (in both draft and final form), budgets,



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salary information, forms and applications, personnel rosters, etc. If fewer than 20 pages of copies are requested or if the records are readily available in an electronic format that can be e-mailed or downloaded easily, these should be made as quickly as the equipment allows.

All requests for public records must either be satisfied (see Section 2.4) or be acknowledged in writing by Boardman Township Park District within three business days following the Park District's receipt of the request. If a request is deemed significantly beyond "routine", such as seeking a voluminous number of copies or requiring extensive research, the acknowledgement must include the following:

**Section 2.4a** – An estimated number of business days it will take to satisfy the request.

**Section 2.4b** – An estimated cost if copies are requested.

**Section 2.4c** – Any items within the request that may be exempt from disclosure.

**Section 2.5 Prohibition Against Requesters Right to Make Copies Themselves**

A requester seeking copies of public records is not permitted to make their own copies of the requested records by any means. This measure is to protect the integrity of the original document.

**Section 2.6 Limit to Number of Request by Mail**

The Park District may limit the number of records requested by a person that the Park District will transmit by United States mail to ten per month, unless the person certifies to the Township in writing that the person does not intend to use or forward the requested records, or the information contained in them, for commercial purposes.

**Section 2.7 Requests by Incarcerated Persons**

Under Ohio law, an incarcerated person may receive public records, but only if the records concern a criminal investigation. The incarcerated person must follow very strict guidelines.

- The records must be "public records" which are not subject to an exemption from disclosure.
- The incarcerated person must have secured a finding from the judge who imposed the sentence of incarceration (or that judge's successor) that the information sought in the public record is necessary to support a justifiable claim of the person.

Courts have denied the public records requests of inmates because this procedure was not followed.

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**Section 3 Denial of Public Record Requests**

Any denial of public records requested must include an explanation, including legal authority. If portions of a record are public and portions are exempt, the exempt portions are to be redacted and the rest released. If there are redactions, each redaction must be accompanied by a supporting explanation, including legal authority. Further, if the initial request was provided in writing, then the explanation shall be provided to the requester in writing.

**Section 3.1 Denial of an Ambiguous or Overly Broad Request for Public Record**

If a requester makes an ambiguous or overly broad request or has difficulty in making a request for copies of inspection of public records such that the Park District cannot reasonably identify what public records are being requested:

- The Park District may deny the request
- However, the Park District shall provide the requester with an opportunity to revise the request by informing the requester of the manner in which records are maintained in the ordinary course of business.

**Section 3.2 Denial of a Public Information Record Not Maintained by the Park District**

If the Park District receives a request for a record that it does not maintain or the request is for a record, which is no longer maintained, the requester shall be so notified in writing utilizing Form PR-1.

**Section 3.3 Denial of a Public Record Maintained by the Park District**

The Park District may deny a request for a record maintained by the Park District if the record that is requested is prohibited from release due to applicable state and federal law.

- If the record request is denied in its entirety:
  - The Park District may check the appropriate box on Form PR-1 if the employee is simply applying the statutory exclusion.
  - The Park District shall consult the County Prosecutor if the employee is unsure if the record requested is exempt from disclosure.
- If only part of the record is not subject to release, the Park District will redact such information and release the non-exempted information:
  - "Redaction" means obscuring or deleting any information that is exempt from the duty to permit public inspection or copying from an item that otherwise meets the definition of a "record".
  - The Park District will check the appropriate box on Form PR-1 and cite the exemption from Appendix A, B, or C with the corresponding redaction.
  - The Park District shall consult the County Prosecutor if the employee is unsure if a part of the record requested is exempt from disclosure.

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**Section 4      Costs for Public Records**

Those seeking public records will be charged only the actual costs of reproduction. Employee time will not be calculated into the "actual cost" charge. The Park District may require a requester to pay in advance the cost involved in providing the copy of the public record, as requested.

**Section 4.1** The charge for paper copies is 5 cents per page.

**Section 4.2** The charge for downloaded computer files to a compact disc is \$1 per disc.

**Section 4.3** There is no charge for documents e-mailed.

**Section 4.4**

Requesters may ask that documents be mailed to them. They will be charged the actual cost of the postage and mailing supplies.

**Section 5      E-mail**

Documents in electronic mail format are records as defined by the Ohio Revised Code when their content relates to the business of the Park District. E-mail is to be treated in the same fashion as records in other formats and should follow the same retention schedules.

**Section 5.1   Public Email Accounts**

- Records in private e-mail accounts used to conduct public business are subject to disclosure, and all employees or representatives of the Park District are instructed to retain their e-mails that relate to public business (see Section 1 Public Records) and to copy them to their business e-mail accounts and/or to the Park District's records custodian.
- The records custodian is to treat the e-mails from private accounts as records of the Park District, filing them in the appropriate way, retaining them per established schedules and making them available for inspection and copying in accordance with the Public Records Act.

**Section 5.2   Private Email Accounts**

- Records in private email accounts used to conduct public business on public property may be subject to disclosure, and all officials, employees, or other representatives of the Park District are instructed to retain such private emails only if they relate to public business.

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- Such emails from private account should be treated as records of the Park District, retaining them per established schedules, and making them available for inspection and copying in accordance with the Public Records Act.

**Section 6      Failure to respond to a public records request**

The Park District recognizes the legal and non-legal consequences of failure to properly respond to a public records request. In addition to the distrust in government that failure to comply may cause, the Park District's failure to comply with a request may result in a court ordering the Park District to comply with the law and to pay the requester attorney's fees and damages.

**H. Audit Committee, adopted August 29, 2011**

The Board shall establish an Audit Committee to assist the Board in its oversight of the following:

- (1) The integrity of the financial reporting of the Park District,
- (2) The performance of the Park District's internal audit function, and
- (3) The Park District's compliance with legal and regulatory requirements

Furthermore, the Audit Committee shall perform the following functions:

- (1) Review the annual unaudited financial reports submitted to the Auditor Of State;
- (2) Periodically review the process used to prepare interim financial information submitted to the Board;
- (3) Provide an independent review and oversight of the Park District's financial reporting processes and internal controls;
- (4) Review the results of the State Audit;
- (5) Assure that the State Audit recommendations are appropriately addressed; and
- (6) Serve as liaison between the Board and any independent auditors.

The composition of the Audit Committee may consist of the three (3) members of the Board or the Board may elect to establish the Audit Committee consisting of two (2) Board members and one (1) member, who is independent of the Park District's Board and Management and possess some level of expertise in governmental accounting and auditing so he/she can make informed decisions and effectively serve the Audit Committee.

The Board may also choose to establish the Audit Committee consisting of five (5) members, with two (2) members, who are independent of the Park District's Board and Management, and who possess some level of expertise in governmental accounting and auditing so they can make informed decisions and effectively serve the Audit Committee.

The Audit Committee should be formally established by charter or resolution. The written documentation establishing the Audit Committee should prescribe the scope of the Committee's responsibilities, as well as its structure, processes, and membership

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requirements. The Audit Committee shall designate one member as Chairperson and one member as Secretary.

The Audit Committee should meet quarterly to monitor the Park District's financial reporting and control activities, with at least one (1) member of the audit committee having financial experience. The Committee should meet at least twice during the State Audit process itself: once, before the State Auditors have begun the Audit in order to review Audit plans and communicate any special areas of concern or focus, and once, near the end of the Audit, to review the draft audit report.

**XIV. STATUTORY PROVISIONS OF OHIO REVISED CODE CHAPTER 511.18 ET SEQ.**

- a. 511.18 Petition to organize park district
- b. 511.181 Resolution to convert parks owned and operated by park district into parks owned and operated by township
- c. 511.19 Board of park commissioners
- d. 511.20 Report of board as to site and cost
- e. 511.21 Notice of submission of question
- f. 511.22 Form of ballot
- g. 511.23 Powers and duties of Park Board
- h. 511.231 Appraisal of Park District property
- i. 511.232 Law enforcement in Park District
- j. 511.233 Liability insurance
- k. 511.234 Authorizing use of Park District credit card
- l. 511.235 Mutual aid contracts for law enforcement purposes
- m. 511.236 Providing police services without a contract
- n. 511.24 Appropriating land and materials for Park purposes
- o. 511.241 Exchange of real property with the Township
- p. 511.25 Sale and disposal of Park lands
- q. 511.26 Disposition of money from sale of Park lands
- r. 511.27 Tax levy to defray expenses of Park District
- s. 511.28 Submission of tax levy - form of ballot
- t. 511.29 Collection of tax - bond issue
- u. 511.30 Issuance of revenue securities
- v. 511.31 Obligations of Park Board
- w. 511.35 Construction and meaning
- x. 511.37 Contributions of property or funds by Township Trustees to the Park District