

**As Passed by the House**

**127th General Assembly  
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**Sub. H. B. No. 47**

**Representative Gibbs**

**Cosponsors: Representatives Fessler, Combs, Collier, Aslanides, Zehringer,  
Hagan, J., Batchelder, Carmichael, Flowers, Healy, Hottinger, Oelslager**

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**A B I L L**

To amend sections 6101.10, 6101.29, 6101.30, 6101.48, 1  
6101.53, 6101.70, and 6101.77 and to enact section 2  
6101.101 of the Revised Code to revise the 3  
membership of the board of directors of a 4  
conservancy district that includes all or parts of 5  
more than sixteen counties, to require the board 6  
of directors of such a district rather than the 7  
conservancy court to perform certain functions 8  
under the Conservancy Districts Law, to prohibit 9  
the levying of a first-time assessment by the 10  
board of directors of a conservancy district on 11  
land that is owned by a church within the district 12  
unless the governing authority of the church 13  
requests that the church's land be subject to the 14  
assessment, and to authorize the board of 15  
directors of such a conservancy district to revise 16  
the boundaries of the district to include lands 17  
that are within the watershed in which the 18  
district is located. 19

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

Section 1. That sections 6101.10, 6101.29, 6101.30, 6101.48, 20  
6101.53, 6101.70, and 6101.77 be amended and section 6101.101 of 21  
the Revised Code be enacted to read as follows: 22

Sec. 6101.10. (A) Except as provided in division (B) of this 23  
section, within thirty days after entering the decree 24  
incorporating a conservancy district, the court shall appoint 25  
three persons, at least two of whom are residents of counties, all 26  
or part of which are included within the territorial limits of the 27  
district, as a board of directors of the conservancy district, one 28  
for a term of three years, one for a term of five years, and one 29  
for a term of seven years. At the expiration of their terms of 30  
office, appointments shall be made for terms of five years. The 31  
court shall fill any vacancy ~~which~~ that may occur on the board for 32  
the unexpired term. 33

(B) Within thirty days after the entering of a decree under 34  
section 6101.09 of the Revised Code incorporating a conservancy 35  
district that includes all or parts of more than sixteen counties, 36  
the court presidents of the boards of county commissioners of the 37  
counties all or part of which are included within the territorial 38  
limits of the district shall appoint ~~five~~ nine persons, each of 39  
whom is a resident of a ~~different~~ county ~~and at least three of~~ 40  
~~whom are residents of counties~~ all or part of which ~~are~~ is 41  
included within the territorial limits of the district, as a 42  
members of the board of directors of the conservancy district. In 43  
appointing members of the board, the presidents of boards of 44  
county commissioners shall divide the district into three distinct 45  
geographic regions based on the three largest subwatersheds within 46  
the district. The board shall include three members from each of 47  
the three geographic regions. The presidents of the boards of 48  
county commissioners shall establish procedures for accepting 49  
applications for positions on the board of directors. 50

A majority vote of the presidents of the boards of county commissioners is necessary for appointment of a member of the board of directors of the conservancy district. Of the initial appointments made to the board, ~~one~~ two shall be for a term of two years, two for a term of three years, ~~one~~ two for a term of four years, ~~one~~ and three for a term of five years, ~~one for a term of six years, and one for a term of seven years.~~ At the expiration of their terms of office, appointments shall be ~~made~~ for terms of five years. The ~~court~~ presidents of the boards of county commissioners of the counties all or part of which are included within the territorial limits of the district shall fill any vacancy ~~which~~ that may occur on the board for the unexpired term. A member of the board of directors of the conservancy district may be reappointed.

(C) Within thirty days after issuing an order under section 6101.30, 6101.70, or 6101.72 of the Revised Code annexing lands to a district or uniting districts and resulting in a district that includes all or parts of more than sixteen counties, ~~the court shall appoint to the~~ a board of directors ~~two additional members, each of whom is a resident of a different county and does not reside in the same county as any member of the existing board, for terms of not more than five years, provided that the terms of those two members shall not expire in the same year or in the year in which any existing member's term expires. At the expiration of their terms of office, appointments shall be made for terms of five years. In appointing the two additional members, the court shall ensure that at least three of the five members of the board are residents of counties all or part of which are included within the territorial limits of the district. The court shall fill any vacancy which may occur on the board for the unexpired term and, in filling vacancies or making subsequent appointments, shall ensure that all members of the board reside in different counties for the resulting conservancy district shall be appointed in~~

accordance with division (B) of this section. Upon the appointment 84  
of the new board of directors, the prior board of directors of the 85  
conservancy district shall terminate, and the new board of 86  
directors shall govern and operate the conservancy district. 87

**Sec. 6101.101.** (A) On and after the effective date of this 88  
section and notwithstanding any other section of the Revised Code 89  
to the contrary, the board of directors of a conservancy district 90  
that includes all or parts of more than sixteen counties shall 91  
perform all of the functions of the conservancy court established 92  
under this chapter for the district except the functions of the 93  
court specified in sections 6101.01, 6101.03, 6101.05, 6101.06, 94  
6101.061, 6101.07, 6101.08, 6101.09, 6101.10, 6101.11, 6101.13, 95  
6101.181, 6101.26, 6101.29, 6101.30, 6101.31, 6101.32, 6101.33, 96  
6101.34, 6101.35, 6101.36, 6101.37, 6101.38, 6101.39, 6101.40, 97  
6101.43, 6101.44, 6101.45, 6101.48, 6101.53, 6101.54, 6101.59, 98  
6101.60, 6101.66, 6101.67, 6101.68, 6101.69, 6101.70, 6101.71, 99  
6101.72, 6101.73, 6101.74, 6101.76, 6101.77, 6101.78, and 6101.79 100  
of the Revised Code. 101

(B) In performing the functions of the court pursuant to 102  
division (A) of this section, the board shall resolve reasonably 103  
any conflicts that may occur and shall avoid duplication of any 104  
requirement. 105

**Sec. 6101.29.** (A) If the board of appraisers of a conservancy 106  
district finds that lands or other property not embraced within 107  
the boundaries of the district will be affected by the proposed 108  
improvement, or should be included in the district, it shall 109  
appraise the benefits and damages to such land, and shall file 110  
notice in the court of the appraisal ~~which~~ that it has made upon 111  
the lands beyond the boundaries of the district, and to the land 112  
~~which~~ that in its opinion should be included in the district. The 113  
board shall also report to the court any lands ~~which~~ that in its 114

opinion should be eliminated from the district. 115

(B) If the board of directors of a conservancy district that 116  
includes all or parts of more than sixteen counties determines 117  
that any lands within the watershed in which the district is 118  
located are not included within the boundaries of the district, 119  
the board may adopt a resolution, by a two-thirds vote of the 120  
board, revising the boundaries of the district to include those 121  
lands. The board shall file notice in the court of the resolution. 122  
Not later than thirty days after adopting a resolution under this 123  
division, the board shall provide written notice, by United States 124  
mail, to each property owner whose land is proposed to be 125  
incorporated into the district. The notice shall include both of 126  
the following: 127

(1) A statement that land owned by the property owner is 128  
proposed to be included in the district; 129

(2) Information regarding the procedure for objecting to the 130  
incorporation of the land in the district. 131

**Sec. 6101.30.** (A) If the report of the board of appraisers of 132  
a conservancy district includes recommendations under division (A) 133  
of section 6101.29 of the Revised Code that other lands and public 134  
corporations be included in the district or that certain lands and 135  
public corporations be excluded from the district, the clerk of 136  
the court before which the proceeding is pending shall give to the 137  
owners of that property and to the public corporations by 138  
publication notice of a hearing on the petition for the creation 139  
of the district. The notice to those owners whose lands are or the 140  
public corporations to be added to the district may be 141  
substantially as shown in section 6101.84 of the Revised Code. The 142  
time and place of the hearing may be the same as those of a 143  
hearing on appraisals. To the owners of property and public 144  
corporations to be excluded from the district, it is sufficient to 145

notify them of that fact. 146

(B) Within ninety days of the filing of notice of a 147  
resolution adopted under division (B) of section 6101.29 of the 148  
Revised Code, a property owner whose land is to be incorporated 149  
into the district in accordance with the resolution may file 150  
objections to the incorporation with the court. All objections 151  
shall be heard by the court not later than one hundred eighty days 152  
after the filing of notice of the resolution adopted under 153  
division (B) of that section. The court shall provide for a 154  
hearing on the objections in the county seat of each county in 155  
which property is located with respect to which objections have 156  
been filed. Hearings shall be conducted at a time and a place 157  
fixed by the court. Notice of the time and place of a hearing 158  
shall be given in the manner that the court determines 159  
appropriate. 160

The court, at a hearing, shall approve or deny the 161  
incorporation of land in the district as specified in the 162  
resolution adopted by the board of directors. If the court 163  
approves the incorporation, the land that is the subject of the 164  
hearing shall be incorporated into the district. If the court 165  
disapproves the incorporation, the land that is the subject of the 166  
hearing shall not be incorporated into the district. 167

**Sec. 6101.48.** After (A) Except as otherwise provided in 168  
division (B) of this section, after the conservancy appraisal 169  
record as approved by the court, or that part of it from which no 170  
appeal is pending, has been filed with the secretary of the 171  
conservancy district as provided in section 6101.37 of the Revised 172  
Code, from time to time, as the affairs of the district demand it, 173  
the board of directors of the conservancy district shall levy on 174  
all real property and on all public corporations, upon which 175  
benefits have been appraised, an assessment of the portion of the 176

benefits that is found necessary by the board to pay the cost of 177  
the execution of the official plan, including superintendence of 178  
construction and administration, plus one-ninth of that total to 179  
be added for contingencies, but not to exceed in the total of 180  
principal the appraised benefits so adjudicated. 181

The assessment shall be apportioned to and levied on each 182  
tract of land or other property and each public corporation in the 183  
district in proportion to the benefits appraised, and not in 184  
excess of the benefits appraised. Interest at a rate not to exceed 185  
the rate provided in section 9.95 of the Revised Code, payable 186  
semiannually, shall be included in and added to the assessment, 187  
but the interest shall not be considered as a part of the cost in 188  
determining whether or not the expenses and costs of making the 189  
improvement are equal to or in excess of the benefits appraised. 190

After the assessment is levied, the board shall report it to 191  
the court for confirmation. Upon the entry of the order of the 192  
court confirming the assessment, the clerk of the court shall 193  
transmit a certified copy of the order to the governing or taxing 194  
body of each political subdivision assessed, and the governing or 195  
taxing body shall receive and file the order. Thereafter, the 196  
board may order the issuance of notes in an amount not exceeding 197  
ninety per cent of the assessment in anticipation of the 198  
collection of the assessment. 199

After the court has confirmed the assessment, the secretary 200  
of the conservancy district, at the expense of the district, shall 201  
prepare an assessment record named "Conservancy Assessment Record 202  
of ..... District." It shall contain a notation of the items of 203  
property appraised and the public corporations to which benefits 204  
have been appraised, the total amount of benefits appraised 205  
against each item or public corporation, and the total assessment 206  
levied against each item or public corporation. If successive 207  
levies of assessment are made for the execution of the official 208

plan and the acquisition or construction of improvements, the 209  
conservancy assessment record shall contain suitable notations to 210  
show the number of levies and the amount of each, to the end that 211  
the conservancy assessment record may disclose the aggregate of 212  
all such levies made up to that time. 213

Upon the completion of the conservancy assessment record, it 214  
shall be signed and certified by the president of the board and by 215  
the secretary of the conservancy district and placed on file and 216  
shall become a permanent record in the office of the district. 217  
After the expiration of the thirty-day period for the payment of 218  
assessments as provided by section 6101.49 of the Revised Code, a 219  
copy of that part of the conservancy assessment record affecting 220  
lands or public corporations in any county shall be filed with the 221  
county auditor of the county. 222

If it is found at any time that the total amount of 223  
assessments levied is insufficient to pay the cost of works set 224  
out in the official plan or of additional work done, the board may 225  
make an additional levy to provide funds to complete the work, 226  
provided the total of all levies of the assessment exclusive of 227  
interest does not exceed the total of benefits appraised. 228

(B)(1) The board of directors of a conservancy district that 229  
has not collected an assessment under this section prior to the 230  
effective date of this amendment and that subsequently proposes to 231  
collect such an assessment shall not levy the assessment on real 232  
property that is owned by a church or on which a church operates a 233  
camp and that is located within the district unless the governing 234  
authority of the church has specifically requested in writing that 235  
the assessment be imposed on the church's real property or on the 236  
property on which the church operates a camp. If a board of 237  
directors receives such a written request from the governing 238  
authority of a church, the board shall levy and collect the 239  
assessment in accordance with the procedures and requirements 240



established in this chapter. 241

(2) Prior to the levying of an assessment as described in 242  
division (B)(1) of this section, the board of directors of a 243  
conservancy district may send a written notice to the governing 244  
authority of a church that is located within the district or that 245  
operates a camp in the district that explains the benefits of the 246  
proposed assessment and that requests the governing authority of 247  
the church to choose to voluntarily allow the proposed assessment 248  
to be imposed on the church's real property or on the property on 249  
which the church operates a camp. 250

(3) The governing authority of a church that has requested in 251  
writing that an assessment be imposed on the church's real 252  
property or on the property on which the church operates a camp in 253  
accordance with division (B)(1) of this section may cease paying 254  
the assessment if the governing authority of the church 255  
specifically requests in writing to the board of directors of the 256  
conservancy district that the assessment cease to be imposed on 257  
the church's real property or the property on which the church 258  
operates a camp. If the board of directors of a conservancy 259  
district receives such a written request from the governing 260  
authority of a church, the board shall cease levying and 261  
collecting the assessment. 262

(4) A written request from the governing authority of a 263  
church to impose an assessment on the church's real property or on 264  
the property on which the church operates a camp in accordance 265  
with division (B)(1) of this section and a church's payment of 266  
such an assessment shall not be construed to abdicate, abridge, or 267  
limit the rights and privileges pertaining to a church that are 268  
established under any other section of the Revised Code. 269

(5) As used in this section and section 6101.53 of the 270  
Revised Code, "church" means a fellowship of believers, 271  
congregation, society, corporation, convention, or association 272

that is formed primarily or exclusively for religious purposes and 273  
that is not formed for the private profit of any person. 274

(C) The owner of real property that is exempt from an 275  
assessment levied under this section may specifically request in 276  
writing to the board of directors of the conservancy district that 277  
the assessment be imposed on the owner's real property. The 278  
procedures established in division (B) of this section apply to 279  
such a request. 280

**Sec. 6101.53.** ~~To~~ (A) Except as otherwise provided in division 281  
(B) of this section, to maintain, operate, and preserve the 282  
reservoirs, ditches, drains, dams, levies, canals, sewers, pumping 283  
stations, treatment and disposal works, or other properties or 284  
improvements acquired or made pursuant to this chapter, to 285  
strengthen, repair, and restore the same, when needed, and to 286  
defray the current expenses of the conservancy district, the board 287  
of directors of the district may, upon the substantial completion 288  
of the improvements and on or before the first day of September in 289  
each year thereafter, levy an assessment upon each tract or parcel 290  
of land and upon each public corporation within the district, 291  
subject to assessments under this chapter, to be known as a 292  
conservancy maintenance assessment. No assessment shall be made 293  
with respect to works and improvements acquired or constructed for 294  
the purpose of providing a water supply for domestic, industrial, 295  
and public use within the district, when the water supply can be 296  
metered or measured when furnished to persons or public 297  
corporations. If the district, for the benefit of one or more 298  
persons or political subdivisions, provides a water supply that 299  
recharges underground aquifers and thereby replenishes wells or 300  
provides a source of water for new wells, or increases the natural 301  
low flow of a stream used for water supply, or creates an 302  
impoundment, in such a way that the augmented use of water cannot 303  
be metered or measured for individual or public consumption, the 304

board may make a maintenance assessment against benefited property 305  
and public corporations in the same manner provided in this 306  
section for maintenance of other properties or improvements. 307

The maintenance assessment shall be apportioned upon the 308  
basis of the total appraisal of benefits accruing for original and 309  
subsequent construction, shall not exceed one per cent of the 310  
total appraisal of benefits in any one year unless the court by 311  
its order authorizes an assessment of a larger percentage, shall 312  
not be less than two dollars, and shall be certified to the county 313  
auditor of each county in which lands of the district are located 314  
in the conservancy assessment record but in a separate column in 315  
like manner and at the same time as the annual installment of the 316  
assessment levied under section 6101.48 of the Revised Code is 317  
certified, under the heading maintenance assessment. The auditor 318  
shall certify the same to the county treasurer of the county at 319  
the same time that the auditor certifies the annual installment of 320  
the assessments levied under that section, and the sum of the 321  
levies for any tract or public corporation may be certified as a 322  
single item. The treasurer shall demand and collect the 323  
maintenance assessment and make return of it, and shall be liable 324  
for the same penalties for failure to do so as are provided for 325  
the annual installment of the assessment levied under section 326  
6101.48 of the Revised Code. 327

The amount of the maintenance assessment paid by any parcel 328  
of land or public corporation shall not be credited against the 329  
benefits assessed against the parcel of land or public 330  
corporation, but the maintenance assessment shall be in addition 331  
to any assessment that has been or can be levied under section 332  
6101.48 of the Revised Code. 333

To maintain, operate, and preserve the works and improvements 334  
of the district acquired or constructed for the purpose of 335  
providing a water supply, to strengthen, repair, and restore the 336

same, and to defray the current expenses of the district for this 337  
purpose, the board may impose rates for the sale of water to 338  
public corporations and persons within the district. The rates to 339  
be charged for the water shall be fixed and adjusted by the board 340  
at intervals of not less than one year, so that the income thus 341  
produced will be adequate to provide a maintenance fund for the 342  
purpose of water supply. Contracts for supplying water to public 343  
corporations and persons shall be entered into before the service 344  
is rendered by the district. Contracts shall specify the maximum 345  
quantity of water to be furnished to the public corporation or 346  
person, and the quantity shall be fixed so as equitably to 347  
distribute the supply. Preference shall be given to water supply 348  
furnished to public corporations for domestic and public uses. 349  
Bills for water supplied to public corporations shall be rendered 350  
at regular intervals and shall be payable from the waterworks fund 351  
of the public corporation or, if it is not sufficient, from the 352  
general fund. 353

(B)(1) The board of directors of a conservancy district that 354  
has not collected a maintenance assessment under this section 355  
prior to the effective date of this amendment and that 356  
subsequently proposes to collect such a maintenance assessment 357  
shall not levy the maintenance assessment on land that is owned by 358  
a church or on which a church operates a camp and that is located 359  
within the district unless the governing authority of the church 360  
has specifically requested in writing that the maintenance 361  
assessment be imposed on the church's land or on the land on which 362  
the church operates a camp. If a board of directors receives such 363  
a written request from the governing authority of a church, the 364  
board shall levy and collect the maintenance assessment in 365  
accordance with the procedures and requirements established in 366  
this chapter. 367

(2) Prior to the levying of a maintenance assessment as 368

described in division (B)(1) of this section, the board of 369  
directors of a conservancy district may send a written notice to 370  
the governing authority of a church that is located within the 371  
district or that operates a camp in the district that explains the 372  
need for the proposed maintenance assessment and that requests the 373  
governing authority of the church to choose to voluntarily allow 374  
the proposed maintenance assessment to be imposed on the church's 375  
land or on the land on which the church operates a camp. 376

(3) The governing authority of a church that has requested in 377  
writing that a maintenance assessment be imposed on the church's 378  
land or on the land on which the church operates a camp in 379  
accordance with division (B)(1) of this section may cease paying 380  
the maintenance assessment if the governing authority of the 381  
church specifically requests in writing to the board of directors 382  
of the conservancy district that the maintenance assessment cease 383  
to be imposed on the church's land or the land on which the church 384  
operates a camp. If the board of directors of a conservancy 385  
district receives such a written request from the governing 386  
authority of a church, the board shall cease levying and 387  
collecting the maintenance assessment. 388

(4) A written request from the governing authority of a 389  
church to impose a maintenance assessment on the church's land or 390  
on the land on which the church operates a camp in accordance with 391  
division (B)(1) of this section and a church's payment of such a 392  
maintenance assessment shall not be construed to abdicate, 393  
abridge, or limit the rights and privileges pertaining to a church 394  
that are established under any other section of the Revised Code. 395

(C) The owner of land that is exempt from a maintenance 396  
assessment levied under this section may specifically request in 397  
writing to the board of directors of the conservancy district that 398  
the maintenance assessment be imposed on the owner's land. The 399  
procedures established in division (B) of this section apply to 400

such a request. 401

**Sec. 6101.70.** (A) If two or more conservancy districts have 402  
been organized in a territory ~~which~~ that, in the opinion of the 403  
board of directors of the conservancy district of any one of the 404  
districts, should constitute only one district, the board of any 405  
one of the districts may petition the court for an order uniting 406  
those districts into a single district. The petition shall be 407  
filed in the office of the clerk of the court of common pleas of 408  
that county that has the greatest valuation of real property 409  
within the districts sought to be included, as shown by the tax 410  
duplicates of the respective counties. The petition shall set 411  
forth the necessity for the union of the two or more districts and 412  
that the union of the districts would be conducive to the public 413  
health, convenience, safety, or welfare and to the economical 414  
execution of the purposes for which the districts were organized. 415  
Upon receipt of the petition, the clerk shall give notice by 416  
publication or by personal service to the boards of the districts 417  
that it is desired to unite with the district of the petitioners. 418  
The notice shall contain the time and place where the hearing on 419  
the petition will be had and the purpose of the hearing. The 420  
hearing shall be had in accordance with this chapter as for an 421  
original hearing. If, after the hearing, the court finds that the 422  
averments of the petition are true and that the districts, or any 423  
of them, should be united, it shall so order, and thereafter those 424  
districts shall be united into one and proceed as one. The court 425  
shall designate the corporate name of the united district, and 426  
further proceedings shall be taken as provided for in this 427  
chapter. ~~In accordance with division (A) or (B) of section 6101.10~~ 428  
~~of the Revised Code, as applicable~~ 429

If the united district includes all or parts of sixteen 430  
counties or less, the court shall direct in the order in 431  
accordance with division (A) of section 6101.10 of the Revised 432

Code who shall be the members of the board of the united district, 433  
who shall thereafter have the powers and be subject to the 434  
regulations as are provided for the board in districts created in 435  
the first instance. However, if the united district includes all 436  
or parts of more than sixteen counties, the presidents of the 437  
boards of county commissioners of the counties all or part of 438  
which are included within the territorial limits of the united 439  
district shall appoint the members of the board of the united 440  
district in accordance with divisions (B) and (C) of section 441  
6101.10 of the Revised Code, who shall thereafter have the powers 442  
and be subject to the regulations as are provided for the board in 443  
districts created in the first instance. 444

(B) All legal proceedings already instituted by or against 445  
any of the constituent districts united into a single district 446  
under division (A) of this section may be revived and continued 447  
against the united district by an order of court substituting the 448  
name of the united district for the constituent district, and 449  
those proceedings shall then proceed as provided in this chapter. 450

(C) Instead of organizing a new district from the constituent 451  
districts, the court may do one of the following: 452

(1) Direct that one or more of the districts described in the 453  
petition be included into another of the districts, which other 454  
district shall continue under its original corporate name and 455  
organization, unless the resulting district includes all or parts 456  
of more than sixteen counties, in which case ~~the court shall~~ 457  
~~appoint two additional members whose appointments and terms of~~ 458  
~~office shall comply with the requirements established in division~~ 459  
a new board of directors shall be appointed in accordance with 460  
divisions (B) and (C) of section 6101.10 of the Revised Code; 461

(2) Direct that the districts absorbed as described in 462  
division (C)(1) of this section shall be represented on the board 463  
of the original district, designating what members of the board of 464

the original district shall be retired from the new board and what 465  
members representing the included districts shall take their 466  
places, except that, if the resulting district includes all or 467  
parts of more than sixteen counties, ~~the court also shall appoint~~ 468  
~~two additional members whose appointments and terms of office~~ 469  
~~shall comply with the requirements established in division~~ a new 470  
board of directors shall be appointed in accordance with divisions 471  
(B) and (C) of section 6101.10 of the Revised Code; 472

(3) Direct that the included districts shall become 473  
subdistricts of the main district. 474

(D) If the districts sought to be united were organized in 475  
different counties, the court to determine the question involved 476  
shall consist of one judge from each of the counties in the court 477  
of which one of the districts was organized, and a majority shall 478  
be necessary to render a decision. From the decision or from a 479  
failure to decide, any interested property owner may appeal. No 480  
action under this section shall interrupt or delay any proceeding 481  
under this chapter, until the questions involved are finally 482  
determined. 483

**Sec. 6101.77.** The performance of all duties prescribed in 484  
this chapter concerning the organization and administration or 485  
operation of the conservancy district may be enforced ~~against any~~ 486  
~~officer of the district~~ by mandamus at the instance of the board 487  
of directors of the district or of any person or public 488  
corporation interested in any way in the district. The board of 489  
directors may institute court proceedings to enforce compliance by 490  
any person or public corporation with any order of the board. The 491  
board may institute those proceedings in the court of appeals in 492  
the first instance. 493

**Section 2.** That existing sections 6101.10, 6101.29, 6101.30, 494



6101.48, 6101.53, 6101.70, and 6101.77 of the Revised Code are 495  
hereby repealed. 496

**Section 3.** (A) This section addresses the appointment of 497  
members to the board of directors of a conservancy district in 498  
existence on the effective date of this section that includes all 499  
or parts of more than sixteen counties in order to comply with the 500  
amendments made by this act to section 6101.10 of the Revised 501  
Code. The five existing members of the board of directors of such 502  
a conservancy district shall be appointed to the new nine-member 503  
board in accordance with division (B) of this section. In 504  
addition, four new members shall be appointed to the board as 505  
provided in division (B) of this section so that the total 506  
membership of the board is nine members. 507

(B) Not later than thirty days after the effective date of 508  
this section, the presidents of the boards of county commissioners 509  
of the counties all or part of which are included within the 510  
territorial limits of a conservancy district in existence on the 511  
effective date of this section that includes all or parts of more 512  
than sixteen counties shall appoint four additional persons as 513  
members of the existing board of directors of the conservancy 514  
district. The terms of office of the resulting nine-member board 515  
shall be as follows: two years for one of the new additional 516  
persons, three years for one of the new additional persons and one 517  
existing member, four years for one of the new additional persons 518  
and two existing members, and five years for one of the new 519  
additional persons and two existing members. Each member of the 520  
board shall be a resident of a county all or part of which is 521  
included within the territorial limits of the district. In 522  
addition, the presidents of the boards of county commissioners in 523  
appointing the new members to the board shall ensure, to the 524  
extent possible, that the membership of the board includes three 525  
members from each of the three geographic regions of the district 526

that are required to be established under division (B) of section 527  
6101.10 of the Revised Code, as amended by this act. The 528  
procedures and requirements established in division (B) of section 529  
6101.10 of the Revised Code, as amended by this act, shall govern 530  
the filling of vacancies, terms of office of future appointments, 531  
reappointments, and other appointment matters. 532

Upon the appointment of the four additional members to the 533  
existing board of directors of an existing conservancy district 534  
under this section, the new board of directors shall govern and 535  
operate the conservancy district. 536