

AN ORDINANCE CREATING AN AGENCY OF THE CITY OF BLUEFIELD
KNOWN AS THE "BLUEFIELD WEST VIRGINIA MUNICIPAL LAND BANK", ESTABLISHING THE BOARD OF
DIRECTORS THEREOF AND SETTING FORTH THE POWERS OF SUCH AGENCY

WHEREAS, the City of Bluefield is the owner of a number of parcels of real estate located within the City; and

WHEREAS, many of such parcels are of limited value to the City of Bluefield, but may have value to adjacent and nearby property owners; and

WHEREAS, the City of Bluefield desires an efficient yet transparent means of transferring certain City-owned property to persons or entities who can put such property to use and return such property to the tax rolls; and

WHEREAS, West Virginia Code Sections 31-18E-1 through 31-18E-18 permits the creation of a "municipal land bank" to facilitate the return of vacant, abandoned and tax-delinquent properties to productive use; and

WHEREAS, pursuant to the West Virginia Code as aforesaid, the City of Bluefield desires to create the Bluefield, West Virginia Municipal Land Bank, to be codified in the Code of Ordinances of the City of Bluefield as set forth below, and, to that end, hereby ordains as follows:

CHAPTER 2 – ADMINISTRATION

ARTICLE II – BOARDS AND COMMISSIONS

DIVISION 4 – BLUEFIELD, WEST VIRGINIA MUNICIPAL LAND BANK

Sec. 2-124. – Declaration of Necessity

The Board of Directors of the City finds:

- A. That the City of Bluefield is the owner of numerous parcels of property located throughout the City, only some of which are necessary for City operations; and
- B. That Chapter 31, Article 18E of the West Virginia Code authorizes the creation of a "municipal land bank", which shall have the power to acquire and dispose of property as more particularly set forth in the West Virginia Code; and
- C. That it is necessary for the efficient operation of City government to establish a municipal land bank as set forth herein.

Sec. 2-125. Creation of Agency.

There is hereby created a municipal land bank for the City of Bluefield, West Virginia, to be known as the "Bluefield, West Virginia Municipal Land Bank", in which is hereby vested the power and authority to acquire and dispose of real property and to finance its operations, as provided in Chapter 31, Article 18E

of the West Virginia Code, and as more particularly set forth herein. The Bluefield, West Virginia Municipal Land Bank shall be hereinafter referred to as the "Land Bank."

Sec. 2-126. Board of Directors – Composition; Terms.

The Board of Directors of the Land Bank shall consist of six persons: 1) One member of the Board of Directors of the City of Bluefield, elected from any of the three City Districts; 2) One at-large member of the Board of Directors of the City of Bluefield; 3) the City Attorney of the City of Bluefield; 4) the Treasurer of the City of Bluefield; 5) the City Manager of the City of Bluefield; 6) the Community and Economic Development Director of the City of Bluefield; and 7) one resident of the City of Bluefield. The Board of Directors of the City of Bluefield shall appoint the resident member and the members selected from the Board of Directors of the City. The resident member shall be a member in good standing of a recognized civic organization within the City of Bluefield. The resident member shall serve for a term of 3 years. All other members shall serve according to the terms of their respective offices or positions.

The initial board of Directors shall consist of the following persons:

Barbara Thompson-Smith, member of the City Board of Directors elected from any of the City Districts

Peter Taylor, at-large member of the City Board of Directors

Colin M. Cline – City Attorney

Kelly Davis – City Treasurer

Dane Rideout – City Manager

Jim Spencer – Community and Economic Development Director

_____ - resident member

Sec. 2-127. Board of Directors – Meetings.

A. *Frequency.* The Board of Directors of Land Bank shall meet not less than once per (quarter), on the (second Wednesday, for example) of each of the following months: March, June, September and December. In addition, such Board may meet in special session as convened by the Chair or upon written notice signed by a majority of the members thereof.

B. *Quorum.* A majority of the Board, excluding vacancies, shall constitute a quorum. Physical presence is required.

C. *Voting.*

(i) Except as set forth in subdivision (ii) or (iii) of this subsection or as provided in the West Virginia Code, action of the Board must be approved by the affirmative vote of a majority of the Board present and voting.

(ii) Action of the Board on the following matters must be approved by a majority of the entire board membership:

(a) Adoption of bylaws;

(b) Adoption of rules under subsection (d) of West Virginia Code §31-18E-5;

(c) Hiring or firing of an employee or contractor of the Land Bank. This function may, by majority vote of the entire Board membership, be delegated by the Board to a specified officer or committee of the Land Bank;

(e) Incurring of debt;

(f) Adoption or amendment of the annual budget; or
(g) Sale, lease, encumbrance or alienation of real property or personal property with a value of more than \$50,000.

(iii) A resolution relating to dissolution of the Land Bank must be approved by two thirds of the entire Board membership.

(iv) A member of the Board may not vote by proxy.

(v) A member may request a recorded vote on any resolution or action of the Land Bank.

D. *Open Meetings; Records.*

The Board of Directors of the Land Bank shall keep a record of its proceedings. The meetings of the Board shall be subject to the requirements of article nine-a, chapter six of the West Virginia Code, relating to open meetings, and chapter twenty-nine-b of the West Virginia Code, relating to public records.

Sec. 2-128.. Employees; Staff

(a) Employees. – The Land Bank may employ or enter into a contract for an executive director, counsel and legal staff, technical experts and other individuals and may determine the qualifications and fix the compensation and benefits of those employees, and may enter into a contract with the City for:

(1) The City to provide staffing services to the Land Bank; or

(2) The Land Bank to provide staffing services to the City.

Sec. 2-129. Status; Powers

The Land Bank is a public body, corporate and politic, exercising public and essential governmental functions and having all the powers necessary or convenient to carry out and effectuate the purposes for which it is created, including but not limited to the following:

(1) To adopt, amend and repeal bylaws for the regulation of its affairs and the conduct of its business;

(2) To sue and be sued in its own name and be a party in a civil action. This paragraph includes actions to clear title to property of the Land Bank, and for expedited proceedings to quiet title pursuant to West Virginia Code §31-18E-16;

(3) To adopt a seal and to alter the same at pleasure;

(4) To borrow from federal government funds, from the state, from private lenders or from municipalities or counties, as necessary, for the operation and work of the Land Bank;

(5) To issue negotiable revenue bonds and notes according to the provisions of this article;

(6) To procure insurance or guarantees from the federal government or the state of the payment of debt incurred by the Land Bank and to pay premiums in connection with the insurance or guarantee;

(7) To enter into contracts and other instruments necessary, incidental or convenient to the performance of its duties and the exercise of its powers. This paragraph includes intergovernmental cooperation agreements for the joint exercise of powers under this article;

(8) To enter into contracts and intergovernmental cooperation agreements with municipalities or counties for the performance of functions by municipalities or counties on behalf of the Land Bank or by the Land Bank on behalf of municipalities or counties;

(9) To make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the Land Bank. Any contract or instrument signed shall be executed by and for the Land Bank if the contract or instrument is signed, including an authorized facsimile signature, by:

- (A) The chair or vice chair of the Board of Directors of the Land Bank; and
(B) Either:
(i) The secretary or Treasurer of the Land Bank.
(10) To procure insurance against losses in connection with the real property, assets or activities of the Land Bank;
(11) To invest money of the Land Bank at the discretion of the Board in instruments, obligations, securities or property determined proper by the Board and to name and use depositories for its money;
(12) To enter into contracts for the management of, the collection of rent from or the sale of real property of the Land Bank;
(13) To design, develop, construct, demolish, reconstruct, deconstruct, rehabilitate, renovate, relocate and otherwise improve real property or rights or interests in real property;
(14) To fix, charge and collect rents, fees and charges for the use of real property of the Land Bank and for services provided by the Land Bank;
(15) To grant or acquire licenses, easements, leases or options with respect to real property of the Land Bank;
(16) To enter into partnerships, joint ventures and other collaborative relationships with municipalities, counties and other public and private entities for the ownership, management, development and disposition of real property;
(17) To organize and reorganize the executive, administrative, clerical and other departments of the Land Bank and to fix the duties, powers and compensation of employees, agents and consultants of the Land Bank; and
(18) To do all other things necessary or convenient to achieve the objectives and purposes of the Land Bank or other law related to the purposes and responsibility of a land reuse agency.

Sec. 2-130. Eminent Domain

The Land Bank does not and shall not possess the power of eminent domain and shall not acquire property obtained by the power of eminent domain.

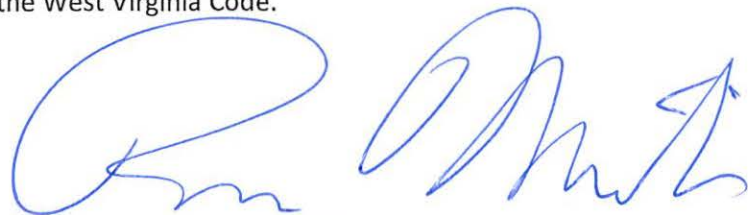
Sec. 2-131. Property Acquisition, Title, and Maintenance

- (a) Title to be held in its name. – The Land Bank shall hold in its own name all real property it acquires.
(b) Methods of acquisition. – The Land Bank may acquire real property or interests in real property by any means on terms and conditions and in a manner the Land Bank considers proper: Provided, That the Land Bank may not acquire any interest in oil, gas or minerals which have been severed from the realty.
(c) Acquisitions from municipalities or counties. – (1) The Land Bank may acquire real property by purchase contracts, lease purchase agreements, installment sales contracts and land contracts and may accept transfers from municipalities or counties upon terms and conditions as agreed to by the Land Bank and the municipality or county.
(d) Maintenance. – The Land Bank shall maintain all of its real property in accordance with the statutes and ordinances of the City of Bluefield.
(e) Prohibition. – The Land Bank may not own or hold real property located outside the corporate limits of the City of Bluefield, West Virginia.
(e) Acquisition of tax delinquent properties. – The Land Bank may acquire interests in tax delinquent property in accordance with the applicable provisions of the West Virginia Code.

Sec. 2-132. Disposition of Property

Attest:

Bobbi H. Kewsey
City Clerk


Mayor

- (a) Public access to inventory. – The Land Bank shall maintain and make available for public review and inspection an inventory of real property held by the Agency.
- (b) Power. – The Land Bank may convey, exchange, sell, transfer, lease, grant or mortgage interests in real property of the Land Bank in the form and by the method determined to be in the best interests of the Land Bank.
- (c) Consideration. -- (1) The Land Bank shall determine the amount and form of consideration necessary to convey, exchange, sell, transfer, lease as lessor, grant or mortgage interests in real property.
(2) Consideration may take the form of monetary payments and secured financial obligations, covenants and conditions related to the present and future use of the property, contractual commitments of the transferee and other forms of consideration as determined by the board to be in the best interest of the Land Bank
- (d) Policies and procedures. -- (1) The Board of Directors of the Land Bank shall determine and state in policies and procedures the general terms and conditions for consideration to be received by the Land Bank for the transfer of real property and interests in real property, including but not limited to, a process for distribution of any proceeds to any claimants, taxing entities and the land reuse Land Bank.
- (f) Land use plans. – The Land Bank shall consider the comprehensive plan of the City of Bluefield, as the same may be adopted and amended from time to time, and make reasonable efforts to coordinate the disposition of Land Bank real property with such plan.
- (g) The Board of Directors of the Land Bank may delegate to officers and employees the authority to enter into and execute agreements, instruments of conveyance and other related documents pertaining to the conveyance of real property by Land Bank.

Sec. 2-133. Financing; Borrowing and Issuance of Bonds

- (a) The Land Bank may receive funding from any source and by any means authorized by West Virginia Code §31-18E-11.
- (b) The Land Bank may issue a bond or bonds for its corporate purposes pursuant to the provisions of West Virginia Code §31-18E-12.

Sec. 2-134. Audit; Report

- (a) The Land Bank shall annually, within one hundred twenty days after the end of the fiscal year, submit an audit of income and expenditures, together with a report of its activities for the preceding year, to the West Virginia Housing Development Fund.
- (b) A duplicate of the audit and the report shall be filed with the governing body of the City of Bluefield, West Virginia and, if applicable, any political subdivision which opted to participate in the Land Bank pursuant to an intergovernmental agreement.

Sec. 2-135. Dissolution.

The Land Bank may be dissolved by its Board of Directors in accordance with the procedures set forth in West Virginia Code §31-18E-14.