

**Agenda**  
**Planning and Policy Committee**  
**West Olive Administration Building – Board Room**  
**12220 Fillmore Street, West Olive, Michigan 49460**  
**Thursday, January 14, 2010**  
**9:30 AM**

**Consent Items:**

1. Approval of the Agenda
2. Approval of December 10, 2009 Planning and Policy Committee Minutes

**Action Items:**

3. Election of Committee Vice Chair  
Suggested Motion:  
To elect \_\_\_\_\_ as Vice Chairperson of the Planning and Policy Committee for 2010
4. US 31/Blue Star Highway (West Michigan Pike) Heritage Route Resolution  
Suggested Motion:  
To approve and forward to the Board of Commissioners the Resolution of Support for the nomination of US 31/Blue Star Highway (West Michigan Pike) as a heritage route.
5. "Mission Statement" and "Priorities and Policies" of the Ottawa County Land Bank Authority  
Suggested Motion:  
To approve and forward to the Finance and Administration Committee the Resolution of the proposed the "Mission Statement" and "Priorities and Policies for Property Acquisition and Disposition" of the Ottawa County Land Bank Authority.
6. Articles of Incorporation and By-Laws of the Ottawa County Land Bank Authority  
Suggested Motion:  
To approve and forward to the Finance and Administration Committee the Resolution to approve the proposed Articles of Incorporation and By-Laws of the Ottawa County Land Bank Authority.
7. Intergovernmental Agreement to Create the Ottawa Land Bank Authority  
Suggested Motion:  
To approve and forward to the Finance and Administration Committee the Resolution to approve the proposed Intergovernmental Agreement between the Michigan Land Bank East Track Authority and the Treasurer of Ottawa County establishing the Ottawa County Land Bank Authority.
8. Loan of \$50,000 from the Land Sale Proceeds Account to the Ottawa County Land Bank Authority  
Suggested Motion:  
To approve and forward to the Finance and Administration Committee the request of the Ottawa County Treasurer to loan \$50,000 (interest-free) from the Land Sale Proceeds Account to fund the start-up operations of the Ottawa County Land Bank Authority.

**Discussion Item:**

9. None

**Adjournment**

**Comments on the day's business are to be limited to three (3) minutes.**

**PLANNING AND POLICY COMMITTEE**

**Proposed Minutes**

DATE: December 10, 2009

TIME: 9:32 a.m.

PLACE: Fillmore Street Complex

PRESENT: Dennis Swartout, Roger Rycenga, Jane Ruitter, Philip Kuyers

ABSENT: Matthew Hehl

STAFF & GUESTS: Alan Vanderberg, Administrator; Keith VanBeek, Assistant Administrator; John Scholtz, Parks & Recreation Director; Mark Knudsen, Planning & Performance Director; Justin Roebuck, Deputy Clerk; Greg Rappleye, Corporation Counsel; David Hulst, IT Director

**SUBJECT: CONSENT ITEMS**

Approve by consent the Agenda of today as presented and amended removing Discussion Item #1 – Closed Session and approve the Minutes of the November 12, 2009, meeting as presented.

**SUBJECT: SPECIAL COMMITTEE ON TECHNOLOGY**

PP 09-062 Motion: To approve and forward to the Board of Commissioners the County Technology Master Plan 2009 Update.  
Moved by: Swartout **UNANIMOUS**

**SUBJECT: SPECIAL COMMITTEE ON TECHNOLOGY**

PP 09-063 Motion: To approve and forward to the Board of Commissioners the Special Committee on Technology Mission Statement and proposed membership with terms being changed from a one-year term to two-year staggered terms.  
Moved by: Ruitter **UNANIMOUS**

**SUBJECT: LOW INCOME FEE WAIVER POLICY**

PP 09-064 Motion: To approve and forward to the Board of Commissioners approval of the Low Income Fee Waiver Policy as proposed by the Parks and Recreation Commission.  
Moved by: Swartout **UNANIMOUS**

**SUBJECT: PURCHASE OF DEVELOPMENT RIGHTS**

PP 09-065 Motion: To approve and forward to the Board of Commissioners the proposed Monitoring Plan for the Ottawa County Purchase of Development Rights Program.  
Moved by: Kuyers UNANIMOUS

**SUBJECT: PURCHASE OF DEVELOPMENT RIGHTS**

PP 09-066 Motion: To approve and forward to the Board of Commissioners the proposed scoring system criteria for the Ottawa County Purchase of Development Rights Program.  
Moved by: Ruiters UNANIMOUS

**SUBJECT: ADJOURNMENT**

PP 09-067 Motion: To adjourn at 10:10 a.m.  
Moved by: Kuyers UNANIMOUS

# Action Request



<b>Committee:</b> Planning and Policy
<b>Meeting Date:</b> 1/14/2010
<b>Requesting Department:</b> Fiscal Services
<b>Submitted By:</b> June Hagan
<b>Agenda Item:</b> Election of Committee Vice Chair

## SUGGESTED MOTION:

To elect \_\_\_\_\_ as Vice Chairperson of the Planning and Policy Committee for 2010

## SUMMARY OF REQUEST:

Election of Vice Chairperson per Rule IV of the Board Rules.

## FINANCIAL INFORMATION:

Total Cost: \$0	County Cost: \$0	Included in Budget:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
-----------------	------------------	---------------------	------------------------------	--

If not included in budget, recommended funding source:  
N/A

## ACTION IS RELATED TO AN ACTIVITY WHICH IS:

<input checked="" type="checkbox"/> Mandated	<input type="checkbox"/> Non-Mandated	<input type="checkbox"/> New Activity
--	---------------------------------------	---------------------------------------

## ACTION IS RELATED TO STRATEGIC PLAN:

Goal:  
#1-4

Objective:

## ADMINISTRATION RECOMMENDATION:

<input checked="" type="checkbox"/> Recommended	<input type="checkbox"/> Not Recommended
---	--

County Administrator:

Digitally signed by Alan G. Vanderberg  
DN: cn=Alan G. Vanderberg, c=US, o=County of Ottawa, ou=Administrator's Office,  
email=avanderberg@mottawa.org  
Date: 2010.01.07 16:51:40 -0500

Committee/Governing/Advisory Board Approval Date:

# Action Request



**Committee:** Planning and Policy Committee

**Meeting Date:** 1/14/2010

**Requesting Department:** Fiscal Services

**Submitted By:** June Hagan

**Agenda Item:** US 31/Blue Star Highway (West Michigan Pike) Heritage Route Resolution

## SUGGESTED MOTION:

To approve and forward to the Board of Commissioners the Resolution of Support for the nomination of US 31/Blue Star Highway (West Michigan Pike) as a heritage route.

## SUMMARY OF REQUEST:

Marci Cisneros, Grand Haven Area Convention and Visitor's Bureau, has submitted a request for the Board of Commissioners to consider adoption of a resolution of support for the nomination of US 31/Blue Star Highway (West Michigan Pike) as a heritage route.

## FINANCIAL INFORMATION:

Total Cost: \$0      County Cost: \$0      Included in Budget:     Yes     No

If not included in budget, recommended funding source:  
N/A

## ACTION IS RELATED TO AN ACTIVITY WHICH IS:

Mandated       Non-Mandated       New Activity

## ACTION IS RELATED TO STRATEGIC PLAN:

Goal: #3

Objective: #1

## ADMINISTRATION RECOMMENDATION:

Recommended       Not Recommended

County Administrator:

*Alan G. Vanderberg*

Digitally signed by Alan G. Vanderberg  
DN: cn=Alan G. Vanderberg, c=US, o=County of Ottawa, ou=Administrator's Office,  
email=avanderberg@miottawa.org  
Date: 2010.01.07 16:47:27 -0500

Committee/Governing/Advisory Board Approval Date:

## **PRESS RELEASE**

### **Beachtowns Association Reveals Heritage Route Plans**

Michigan's Beachtowns Inc., an association of nine lakeshore convention & visitors bureaus plans to certify US Route 31 as a heritage route. Working in conjunction with the Michigan Historical Center, a division of the Department of History, Arts, and Libraries, the group obtained a \$160,000 Preserve America Grant plus a \$50,000 matching grant from the Michigan Council of the Arts and Cultural Affairs, to meet Federal and State guidelines to fulfill qualifications for participation in Michigan's Heritage Route Program.

The Heritage Route Corridor under consideration will extend from the Indiana border to Ludington along the Lake Michigan shoreline. The route also known as Blue Star Highway or the West Michigan Pike was built between 1911 and 1922. It was the first continuous, improved road between Chicago and Mackinaw City and opened West Michigan to automobile tourism. According to Beachtowns organizers, historic route designation does not "make" anything happen but "allows" things to happen by qualifying the area to tap into Federal and State grant opportunities such as transportation enhancement grants, private foundations, Michigan transportation funds and potentially scenic by-ways grants. Heritage Trail designation does not add any layers of government, presents no additional liability issues or land use issues; however, it has great potential to attract and keep visitors coming to the area. The State's Heritage Trail Program aims to find "linear" destinations that become global destinations by setting mutual goals and collaborating with neighboring communities.

The certification process takes approximately three years. The Beachtowns Organization has already completed a substantial portion of that process and is currently applying for a Corridor Management Planning Grant through the Michigan Department of Transportation for 2010. Next steps include meetings with all municipalities along the route to secure resolutions affirming local government support for the concept of the Heritage Route. The Beachtowns corridor management team will also work with a variety of organizations and governmental groups to develop a corridor map identifying assets along the route that should be promoted and liabilities that should be improved or enhanced through private/public partnerships or through grant resources.

The Beachtowns Association formed in 2001 to promote nine southwest Michigan lakeshore communities as a major regional tourist destination. In partnership with the State of Michigan: Beachtowns has launched spring and fall advertising campaigns in Chicago, Indianapolis and Michigan at a combined cost of just over \$1.5 million dollars. The group initiated a public relations effort in cooperation with PBS throughout the Midwest that netted the organization close to \$36 million dollars worth of free publicity in 2006. The Heritage Trail project will create additional promotional opportunities and draw attention to the areas cultural and historic assets.

###

COUNTY OF OTTAWA

STATE OF MICHIGAN

RESOLUTION

At a regular meeting of the Board of Commissioners of the County of Ottawa, Michigan, held at the Fillmore Street Complex in the Township of Olive, Michigan on the \_\_\_ day of \_\_\_\_\_, 2010, at \_\_\_\_\_ o'clock p.m. local time.

PRESENT: Commissioners: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

ABSENT: Commissioners: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

It was moved by Commissioner \_\_\_\_\_ and sponsored by

Commissioner \_\_\_\_\_ that the following Resolutions be adopted:

WHEREAS the Michigan Department of Transportation (MDOT), pursuant to the Heritage Route Act of 1993 (P.A. 69 of 1993), is empowered to designate scenic, recreational and historic highways in the state and;

WHEREAS the public highway known as US 31/Bluestar Highway (West Michigan Pike) extending from the Indiana boarder to within the Grand Haven/Spring Lake/Ferrysburg/Ottawa County area and north to Ludington exhibits scenic/recreational/historic quality and passes through an area of significant regional importance and;



WHEREAS a study has been undertaken by the Michigan Beachtowns Association and the Michigan History Center, a division of the Department of History, Arts and Libraries which assesses the quality of and documents the character and features of the historical assets of the highway corridor and;

WHEREAS it is intended that the study be forwarded to MDOT in order to nominate US 31/Bluestar Highway (West Michigan Pike) as a heritage route;

THEREFORE, BE IT RESOLVED that the County of Ottawa Board of Commissioners enthusiastically supports the nomination of US 31/Blue Star Highway (West Michigan Pike) as a heritage route and authorizes it by this resolution.

BE IT FURTHER RESOLVED, that all resolutions and parts of resolutions insofar as they conflict with this resolution are hereby repealed.

YEAS: Commissioners: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NAYS: Commissioners: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ABSTENTIONS: Commissioners: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

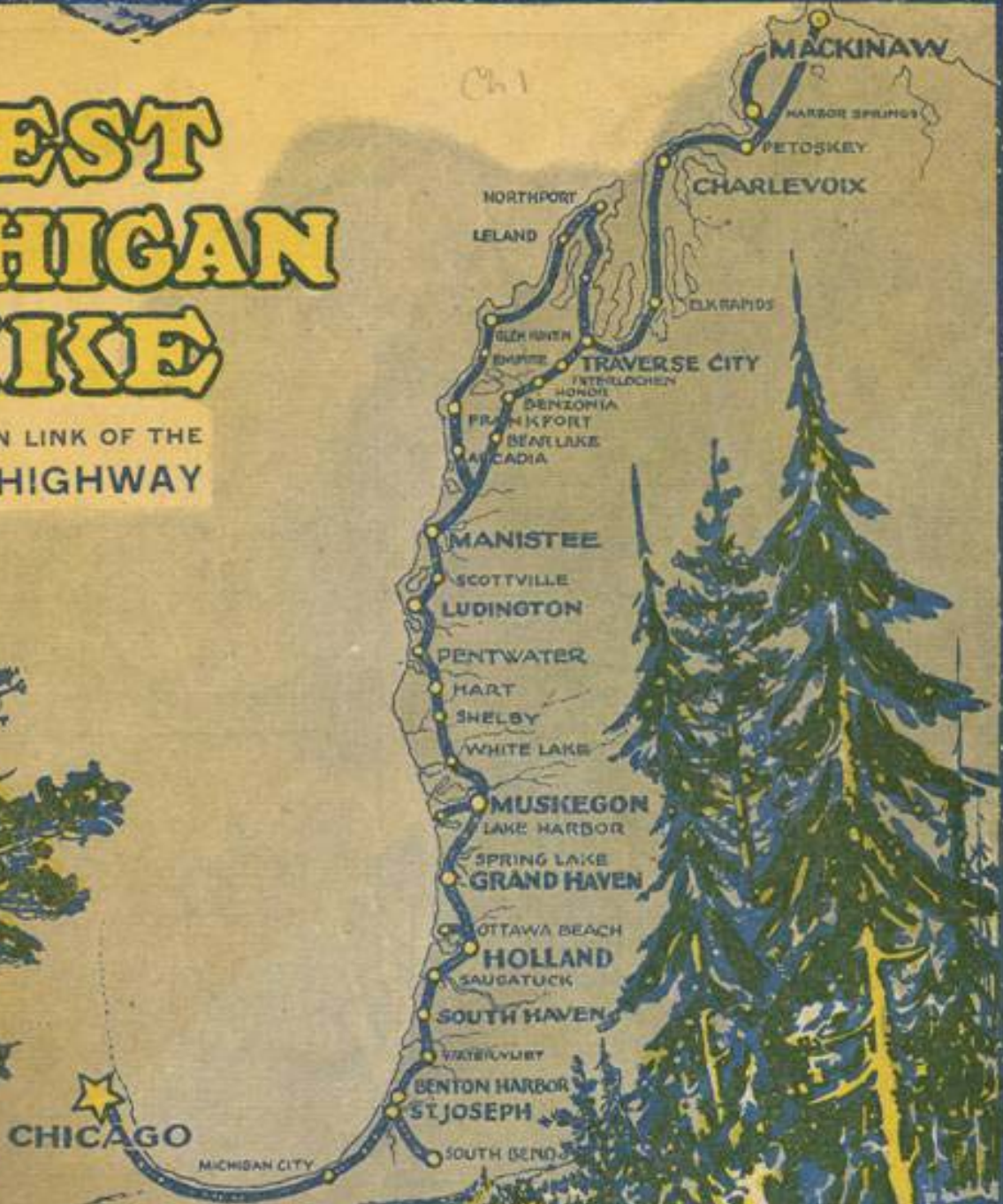
RESOLUTION ADOPTED.

\_\_\_\_\_  
Chairperson, Ottawa County  
Board of Commissioners

\_\_\_\_\_  
Ottawa County Clerk

# WEST MICHIGAN PIKE

NORTHERN LINK OF THE DIXIE HIGHWAY



Take Shore all the Way

# LAKE SHORE ALL THE WAY CHICAGO TO MACKINAW



**This Sign Marks  
Every Turn**

*Numbers on Routes  
refer to corresponding  
route numbers in  
Vol. 4 AutoBlue Book*



**BOOKLET AND MAPS**  
ON APPLICATION TO - THE PUBLICITY BUREAU  
**WEST MICHIGAN PIKE ASSOCIATION**  
MUSKEGON - MICHIGAN

*Yesterday*  
on the  
**WEST MICHIGAN PIKE**

**AN EXHIBITION  
FEATURING THE PHOTOGRAPHY  
OF VINCENT J. MUSI**



**SILVER BEACH VENETIAN FESTIVAL, ST. JOSEPH**



**Grand Beach and the original pike**

*"It is a place to hand down, to preserve and stubbornly protect.  
It is the distant relative you want to be introduced to and the  
friendship you will spend a lifetime sharing."*

**Vincent J. Musi**

# Action Request



<b>Committee:</b> Planning and Policy
<b>Meeting Date:</b> January 14, 2010
<b>Requesting Department:</b> Treasurer
<b>Submitted By:</b> Greg Rappleye
<b>Agenda Item:</b> "Mission Statement" and "Priorities and Policies" of the Ottawa County Land Bank Authority

## SUGGESTED MOTION:

To approve and forward to the Finance and Administration Committee the Resolution of the proposed the "Mission Statement" and "Priorities and Policies for Property Acquisition and Disposition" of the Ottawa County Land Bank Authority.

## SUMMARY OF REQUEST:

The Ottawa County Board of Commissioners has previously discussed the concept of establishing a land bank to facilitate the return of tax-reverted real property to the active tax-rolls. To facilitate this, the Treasurer has proposed that the Board of Commissioners approve the "Mission Statement" and the "Priorities and Policies for Property Acquisition and Disposition" of the Ottawa County Land Bank Authority. See MCC 124.751 et. seq.

## FINANCIAL INFORMATION:

Total Cost: \$0	County Cost: \$0	Included in Budget:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
-----------------	------------------	---------------------	------------------------------	--

If not included in budget, recommended funding source:  
N/A

## ACTION IS RELATED TO AN ACTIVITY WHICH IS:

<input type="checkbox"/> Mandated	<input checked="" type="checkbox"/> Non-Mandated	<input checked="" type="checkbox"/> New Activity
-----------------------------------	--	--

## ACTION IS RELATED TO STRATEGIC PLAN:

Goal: #4

Objective: #6

## ADMINISTRATION RECOMMENDATION:

<input checked="" type="checkbox"/> Recommended	<input type="checkbox"/> Not Recommended
---	--

County Administrator:

Digitally signed by Alan G. Vanderberg  
DN: cn=Alan G. Vanderberg, c=US, o=County of Ottawa, ou=Administrator's Office, email=avanderberg@miottawa.org  
Date: 2010.01.07 16:48:54 -0500

Committee/Governing/Advisory Board Approval Date:

**COUNTY OF OTTAWA**

**STATE OF MICHIGAN**

**RESOLUTION**

At a regular meeting of the Board of Commissioners of the County of Ottawa, Michigan, held at the Fillmore Complex in the Township of Olive, Michigan on the \_\_\_\_\_ day of \_\_\_\_\_, 2010 at \_\_\_\_\_ o'clock p.m. local time.

PRESENT: Commissioners: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ABSENT: Commissioners: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

It was moved by Commissioner \_\_\_\_\_ and supported by Commissioner \_\_\_\_\_ that the following Resolution be adopted:

WHEREAS, the State of Michigan recognizes the need to strengthen and revitalize the economy of the State and the local units of government through assembling or disposing of public property, including tax reverted property, in a coordinated manner to foster the development of that property and to promote economic growth; and,

WHEREAS, the Land Bank Fast Track Act, 2003 PA 258, MCL 124.751 to 124.774, authorizes the creation of a Land Bank at the County level that owns, holds, and accepts property for the purpose of maintaining it and returning it to a productive and economically viable use; and,

WHEREAS, the Ottawa County Treasurer has proposed the creation of the "Ottawa County Land Bank Authority"; and,

WHEREAS, the Intergovernmental Agreement between the Ottawa County Treasurer and the Michigan Land Bank Fast Track Authority establishing and organizing the authority; and,

WHEREAS, to facilitate the orderly operation of the proposed Ottawa County Land Bank Authority, the Ottawa County Treasurer has proposed a “Mission Statement” and “Priorities and Policies for Property Acquisition and Disposition” by the Authority, copies of which are attached as Exhibit “A” and “B”;

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the Ottawa County Board of Commissioners approve the attached Mission Statement of the Ottawa County Land Bank Authority (Exhibit “A”) and the attached “Priorities and Policies for Property Acquisition and Disposition” of the Ottawa County Land Bank Authority; and,

BE IT FURTHER RESOLVED, that all resolutions and parts of resolutions insofar as they conflict with this Resolution are hereby repealed.

YEAS: Commissioners: \_\_\_\_\_

\_\_\_\_\_

NAYS: Commissioners: \_\_\_\_\_

\_\_\_\_\_

ABSTENTIONS: Commissioners: \_\_\_\_\_

\_\_\_\_\_

RESOLUTION ADOPTED:

\_\_\_\_\_  
Chairperson, Ottawa County  
Board of Commissioners

\_\_\_\_\_  
Ottawa County Clerk

## **Direction for the Ottawa County Land Bank Authority**

### **Mission Statement**

The Ottawa County Land Bank Authority will utilize tax-reverted properties, acquired properties and other resources for encouraging housing, economic development opportunities, and other public purposes through collaboration with community organizations and local governmental units; while providing the right for local government units to consent to projects



OTTAWA COUNTY  
LAND BANK AUTHORITY

PRIORITIES AND POLICIES  
FOR  
PROPERTY ACQUISITION AND DISPOSITION

APPROVED BY THE OTTAWA COUNTY BOARD OF COMMISSIONERS AS OF  
\_\_\_\_\_, 2010.

## Contents

<b>1.</b>	<b>Policies Governing the Acquisition of Properties</b>	<b>1</b>
<b>2.</b>	<b>Priorities Concerning the Disposition of Properties</b>	<b>2</b>
<b>3.</b>	<b>Factors in Determining Consideration Due Upon Transfers</b>	<b>3</b>
<b>4.</b>	<b>Side Lot Disposition Program</b>	<b>4</b>
	A. Side Lot Disposition Policies	
	B. Side Lot Disposition Requirements	
<b>5.</b>	<b>Land Transfers</b>	<b>6</b>
	A. Land Transfer Policies	
	B. Land Transfer Requirements – Individual Transferees	
	C. Land Transfer Requirements – Corporate Transferees	
<b>6.</b>	<b>Land Banking Policies</b>	<b>11</b>
	A. Requirements for Conveyances to the LBA in its Land Banking Capacity	
	B. Requirements for Conveyances to the LBA in its Land Banking Capacity	
	C. Right of Repurchase by the Transferor	

The acquisition and disposition of properties acquired by the Treasurer of Ottawa County through tax foreclosure procedures in accordance with 1893 P.A. 206, as amended by 1999 P.A. 123, MCL §211.1 et. seq., and properties that are owned by the Ottawa County Land Bank Fast Track Authority (the “LBA”), shall be governed by the following basic priorities and policies.

The acquisition, use, and disposition of such properties shall at all times be consistent with the authority granted by the Constitution of Michigan, the laws of the state of Michigan, the Land Bank Agreement by and between Ottawa County, Michigan and the State of Michigan dated \_\_\_\_\_, 2009, the articles of incorporation, bylaws of the Ottawa County Land Bank Fast Track Authority, and the public purposes set forth therein, along with the understanding that Local Unit control of property and developmental direction is foundational.

## **1. Policies Governing the Acquisition of Properties**

The LBA will not acquire or transfer properties where the local unit of government requests the LBA to refrain. In all other determinations of which, if any, properties shall be acquired that become available through the tax foreclosure processes or otherwise for acquisition by Ottawa County or by the Land Bank Authority, the LBA shall give consideration to the following factors:

1. Proposals and requests by nonprofit corporations that identify specific properties for ultimate acquisition and redevelopment.
2. Proposals and requests by governmental entities that identify specific properties for ultimate use and redevelopment.
3. Residential properties that are available for immediate occupancy without need for substantial rehabilitation.
4. Improved properties that are the subject of an existing order for demolition of the improvements and properties that meet the criteria for demolition of improvements.
5. Vacant properties the best use of which would be to place the property into the Side Lot Disposition Program.
6. Properties that would be in support of local plans, and have a determined timeline in place which also meets the mission of the Ottawa County Land Bank Authority.
7. Properties that would form a part of a land assemblage development plan by the Ottawa County Land Bank Authority.
8. Properties that will generate operating resources for the functions of the Ottawa County Land Bank Authority.

9. Properties that will result in a planned development that benefits the community, and are supported by the local government.
10. All properties should have clear title and must be absent of any financial liabilities. Ottawa County Land Bank Authority must be aware of any environmental conditions, if any adverse conditions are determined; a Baseline Environmental Assessment must be conducted prior to the Land Bank taking title to the property.

The LBA may request the Treasurer to combine properties from one or more of the foregoing categories in structuring the terms and conditions of the statutorily required auctions of the tax foreclosure properties, and may acquire any such properties prior to auctions, at such auctions, or subsequent to auctions as authorized by law. In determining the nature and extent of the properties to be acquired the Treasurer shall also give consideration to underlying values of the subject properties, the financial resources available for acquisitions, the operational capacity of the LBA, and the projected length of time for transfer of such properties to the ultimate transferees.

## **2. Priorities Concerning the Disposition of Properties**

The disposition of properties shall be based upon the local unit of government's intended or planned use of the property. The disposition of any given parcel will be based upon an assessment of the most efficient and effective way to maximize the aggregate policies and priorities. The Board and Staff of the LBA shall at all times retain flexibility in evaluating the appropriate balancing of the priorities for the use of property and priorities as to the nature of the transferee of properties.

### Priorities for Use of Property

1. Return of the property to productive tax paying status.
2. Affordable housing.
3. Neighborhood revitalization.
4. Land assemblage for economic development.
5. Provision of financial resources for operating functions of the Ottawa County Land Bank Authority.
6. Long term "banking" of properties for future strategic uses.

Individuals and entities that were the prior owners of property at the time of the tax foreclosure which transferred title to the Treasurer shall be ineligible to be the transferee of such property from the Treasurer.

### **3. Factors in Determining Consideration Due Upon Transfers**

The following factors shall constitute general guidelines for determination of the consideration to be received by the LBA for the transfer of properties. In each and every transfer of real property the LBA shall require good and valuable consideration in an amount determined by the LBA in its sole discretion. The LBA will consider both the fair market value of the property and the Property Costs in its determination of consideration for each property. "Property Costs" shall mean the aggregate costs and expenses of the LBA attributable to the specific property in question, including costs of acquisition, maintenance, repair, demolition, marketing of the property and indirect costs of the operations of the LBA allocable to the property.

The consideration to be provided by the transferee to the LBA may take the form of cash, deferred financing, performance of contractual obligations, imposition of restrictive covenants, or other obligations and responsibilities of the transferee, or any combination thereof.

1. Transfers to Nonprofit entities for affordable housing.
  - (a) Transfers of property to nonprofit entities for the development, operation or maintenance of affordable housing shall require consideration not less than the Property Costs.
  - (b) Consideration shall be established at a level between the Property Costs and fair market value of the property. To the extent that the consideration exceeds the Property Costs, such amount shall be reflected by a combination of contractual obligations to develop, maintain, or preserve the property for specified affordable housing purposes. Such amount may be secured by subordinate financing in which amortization of the obligation occurs by virtue of annual performance of the required conditions.
  - (c) The dominant priority in determining the amount of and method of payment of the consideration shall be to facilitate the development of affordable housing and simultaneously to ensure that the property is dedicated over an appropriate period of time for affordable housing.
2. Transfers to Governmental Entities.
  - (a) To the extent that transfers of property to governmental entities are designed to be held by such governmental entities in perpetuity for governmental purposes, the aggregate consideration for the transfer shall be based upon deed restrictions upon the use of the property.
  - (b) To the extent that transfers of property to governmental entities are anticipated as conduit transfers by such governmental entities to third parties, the consideration shall consist of not less than Property Costs, to be paid in cash.

The difference between the Property Costs and the fair market value may be included in consideration depending upon the relationship between the anticipated uses and the governing priorities of the LBA.

3. Side Lot Disposition Program.

The pricing policies applicable to the Side Lot Disposition Program shall be as set forth in the policies and procedures applicable to the Side Lot Disposition Program (Section 4).

4. Transfers of Property at Open Market Conditions.

Property that is transferred on the open real estate market, whether through auction or negotiated transfers, without restrictions as to future use shall be based upon consideration equal to the fair market value of the property. Such consideration shall be paid in full at the time of the transfer.

#### **4. Side Lot Disposition Program**

Individual parcels of property may be acquired by the Treasurer, the County, or the Land Bank Authority, and transferred by the LBA to individuals in accordance with the following policies. The transfer of any given parcel of property in the Side Lot Disposition Program is subject to override by higher priorities as established by the LBA.

##### **A. Side Lot Disposition Policies**

1. Qualified Residential Properties. Parcels of property eligible for inclusion in the Side Lot Disposition Program shall meet the following minimum criteria:
  - (a) The property shall be vacant unimproved real property.
  - (b) The property shall be physically contiguous (with not less than a 75% common boundary line at the side).
  - (c) The property shall consist of no more than one lot capable of development. Initial priority shall be given to the disposition of properties of insufficient size to permit independent development.
  - (d) No more than one lot may be transferred per contiguous lot.
  
2. Qualified Commercial Properties
  - (a) The property shall be vacant unimproved real property.
  - (b) The property shall be physically contiguous.
  - (c) The property shall consist of only properties that are of insufficient size to permit independent development.

3. Transferees.

- (a) All transferees must own and occupy the contiguous property, and priority is given to Transferees who personally occupy the contiguous property.
- (b) The transferee must not own any real property (including both the contiguous lot and all other property in Ottawa County) that is subject to any unremediated citation of violation of the state and local codes and ordinances.
- (c) The transferee must not own any real property (including both the contiguous lot and all other property in Ottawa County) that is tax delinquent.
- (d) The transferee must not have been the prior owner of any real property in Ottawa County that was transferred to the Treasurer or to a local government as a result of tax foreclosure proceedings unless the LBA approves the anticipated disposition prior to the effective date of completion of such tax foreclosure proceedings.

4. Pricing

- (a) Parcels of property that are not capable of independent development may be transferred for nominal consideration.
- (b) Parcels of property that are capable of independent development or non-residential properties shall be transferred for consideration in an amount not less than the amount of the costs incurred in acquisition, demolition and maintenance of the lot.

5. Additional Requirements

- (a) In the event that multiple adjacent property owners desire to acquire the same side lot, the lot shall either be transferred to the highest bidder for the property, or divided and transferred among the interested contiguous property owners.
- (b) In the event that a contiguous property needs land for a driveway or other local code compliance issues this subsection will take precedence.

**B. Side Lot Disposition Requirements**

1. The prospective buyer must submit the following documents to the LBA Transaction Specialist:

- (1) List of property address(es)

- (2) Project Description – property use must be consistent with current zoning requirements
- (3) Picture Identification
- (4) Evidence of compliance with all Ottawa County Land Bank Authority Side Lot Disposition Policies

## **5. Residential Land Transfers**

### **A. Land Transfer Policies**

These policies pertain to transfers whose future use is residential. At time of transfer the property may be vacant, improved or ready to occupy.

1. The transferee must not own any real property that has any unremediated citation of violation of the state and/or local codes and ordinances.
2. The transferee must not own any real property that is tax delinquent.
3. The subject property must not have been used by the transferee or a family member of the transferee as his or her personal residence at any time during the twelve (12) months immediately preceding the submission of application (except in rental cases).
4. The transferee must not have been the prior owner of any real property in Ottawa County that was transferred to the Treasurer or to a local government as a result of tax foreclosure proceedings unless the LBA approves the anticipated disposition prior to the effective date of completion of such tax foreclosure proceedings.
5. Parcels of property shall be transferred for consideration in an amount not less than the costs incurred in acquisition, demolition and maintenance of the lot/building.
6. All development projects should be started and completed within a time frame negotiated with LBA.
7. Options are available for 10% of the parcel price for up to a 12-month period. This fee will be credited to the parcel price at closing. If closing does not occur, the fee is forfeited. All option agreements are subject to all policies and procedures of the LBA pertaining to property transfers.
8. A precise narrative description of future use of the property is required.
9. Transactions shall be structured in a manner that permits the LBA to enforce recorded covenants or conditions upon title pertaining to development and use of the property for a specified period of time. Such restrictions may be enforced, in certain cases, through reliance on subordinate financing held by the LBA.



10. The transferee must agree to pay future property taxes from time of transfer.
11. The dwelling must not be in violation of any local code or ordinances, including building maintenance with respect to the property at the time of transfer; or the transfer agreements shall specify a maximum period of time for elimination or correction of such violations, with the period of time being established as appropriate to the nature of the violation of the anticipated redevelopment or reuse of the property.
12. The proposed use must be consistent with current zoning requirements or a waiver for non-conforming use is a condition precedent to the transfer.
13. Where part or all of the consideration for the transfer is the prospective affordability of the housing units, affordability requirements may be set forth in the transfer agreement and enforceable through recorded covenants, conditions or limitations upon title.
14. Where rehabilitation of a property by the transferee is a condition of the transfer, the requirement for such rehabilitation shall be in accordance with rehabilitation standards as established by the LBA and adequate completion of such rehabilitation shall be a condition to the release of restrictions or lien securing such performance.
15. Transfer of a property may be refused by the LBA following a written request from the affected local municipality, in instances in which properties owned by the proposed transferee within the affected municipality are properties upon which the proposed transferee permits or has permitted criminal activity to occur.

#### **B. Residential Land Transfer Requirements - Individual Transferees**

1. The prospective transferee must submit the following documents to the LBA:
  - (1) List of property address(es)
  - (2) Rehabilitation / Improvement Specifications
  - (3) Time Line for Rehabilitation / Improvement Completion (if applicable)
  - (4) Project Financing (Pre-Qualification Letter from a Lender)
  - (5) Development Budget (if applicable)
  - (6) Picture Identification
  - (7) Most Recent Federal Tax Return

#### **C. Residential Land Transfer Requirements – Corporate Transferees**

1. Required Application Documentation. The prospective buyer must submit the following documents to the LBA.
  - (1) List of property address(es)

- (2) Project Description
- (3) Development Team Description, including complete information on the following parties:
  - (a) Developer:
  - (b) Co-developer/Partner:
  - (c) Owner:
  - (d) General Contractor:
  - (e) Consultants:
  - (f) Architect:
  - (g) Project Manager (during construction):
  - (h) Lead Construction Lender:
  - (i) Marketing Agent:
  - (j) Project Management (post-construction):
- (4) Market Information / Plan
- (5) Project Financing
- (6) Development Budget
- (7) All Rental Transactions Must Attach an Operating Budget
- (8) Most Recent Audited Financial Statement
- (9) List of Potential Tenants and pre-lease agreements
- (10) Evidence of compliance with all applicable LBA policies

## **6. Commercial Industrial Land Transfers**

### **A. Commercial Land Transfer Policies**

These policies pertain to transfers of real property for which the intended future use is non-residential. At time of transfer the property may be vacant, improved or ready to occupy.

1. The transferee must not own any real property that has any un-remediated citation or violation of the state and local codes and ordinances.
2. The transferee must not own any real property that is tax delinquent.
3. The transferee must not have been the prior owner of any real property in Ottawa County that was transferred to the Treasurer or to a local government as a result of tax foreclosure proceedings unless the LBA approves the anticipated disposition prior to the effective date of completion of such tax foreclosure proceedings.
4. The use of transferred property must give consideration to the Community/Neighborhood Plan (if one is in place) and received a letter of comment from the appropriate planning groups.
5. Parcels of property shall be transferred for consideration in an amount not less than the lesser of the fair market value or the amount of the costs incurred in acquisition, demolition and maintenance of the lot/building.

6. All development projects should be started and completed within a time frame negotiated with the LBA.
7. Options are available for 10% of the parcel price for up to a 12-month period. This fee will be credited to the parcel price at closing. If closing does not occur, the fee is forfeited. All option agreements are subject to all policies and procedures of the LBA pertaining to property transfers.
8. A precise narrative description of future use of the property is required.
9. Transactions shall be structured in a manner that permits the LBA to enforce recorded covenants or conditions upon title pertaining to development and use of the property for a specified period of time. Such restrictions may be enforced, in certain cases, through reliance on subordinate financing held by the LBA.
10. The transferee must agree to pay future property taxes from time of transfer.
11. If code or ordinance violations exist with respect to the property at the time of the transfer, the transfer agreements shall specify a maximum period of time for elimination or correction of such violations, with the period of time be established as appropriate to the nature of the violation of the anticipated redevelopment or reuse of the property.
12. The proposed use must be consistent with current zoning requirements, or a waiver for non-conforming use is a condition precedent to the transfer.

## **B. Commercial Land Transfer Procedures**

1. Required Application Documentation The prospective buyer must submit the following documents to the LBA Transaction Specialist.
  - (1) List of property address(es)
  - (2) Project Description
  - (3) Development Team Description, including complete information on the following parties:
    - (a) Developer
    - (b) Co-developer/Partner
    - (c) Owner
    - (d) General Contractor
    - (e) Consultants
    - (f) Architect
    - (g) Project Manager (during construction)
    - (h) Lead Construction Lender
    - (i) Marketing Agent
    - (j) Project Management (post-construction)

- (4) Market Information Plan
- (5) Project Financing
- (6) Development Budget
- (7) Operating Budget
- (8) Most Recent Audited Financial Statement
- (9) List of Potential Tenants and pre-lease agreements
- (10) Evidence of compliance with all applicable LBA policies

## **7. Approvals of Land Transfers**

### **A. Transfers Requiring Board Approval**

1. The Board of Directors must approve all transfers that require any exceptions to policies and procedures adopted by the Board of Directors.
2. The Board of Directors must approve all transfers in which the property in the hands of the transferee will be exempt from property taxes.
3. The Board of Directors must approve all transfers that involve more than one interested party.
4. The Board of Directors must approve all transfers for non-residential projects.
5. The Board of Directors must approve all transfers to governmental entities.

### **B. Transfers Requiring Director Approval**

1. The Chairperson may approve all transfers in the Side Lot Disposition Program and may further delegate, by written policy, such approval authority.
2. The Chairperson may approve all transfers to individuals as part of the homeownership program.
3. The Chairperson may approve all single parcel land transfers (single-family) to nonprofit corporations for residential use. If a prospective transferee seeks to acquire more than three (3) properties within a twelve month period, the request must go to the LBA Board for approval.
4. All transfers authorized by the Chairperson must be reported in writing to the Board of Directors at the immediately following Board meeting.

## **8. Requests from Non-Profit Organizations**

- A. All policies and procedures of the LBA are applicable to non-profit entities, and such entities shall comply with all policies and procedures in all transactions with the LBA.

## **9. Land Banking Policies**

The LBA is willing to receive title to properties from community development corporations and other entities, and hold title to such properties pending future use by the LBA, by the transferor of the property, or by other third parties. The receipt by the LBA of any and all conveyances of real property shall at all times be solely within the discretion of the LBA, and nothing in this policy shall be deemed to require the LBA to take title to any properties nor to limit the discretion of the LBA in negotiating the terms of its acquisition of any property, whether as donated transfers or otherwise.

All conveyances received by the LBA in its land banking capacity must comply with the requirements set forth below in Part A, and will be reviewed and considered by the LBA in accordance with the procedures set forth in Part B. If the transfer is approved by the LBA, the LBA shall hold the subject property, and may use or convey the subject property or any interest in the subject property, subject only to the right of repurchase set forth in Part C.

Following the transfer of any properties to the LBA in accordance with this policy, the LBA shall have the right, but not the obligation, to maintain, repair, demolish, clean, and grade the subject property and perform any and all other tasks and services with respect to the subject property as the LBA may deem necessary and appropriate in its sole discretion.

### **A. Requirements for Conveyances to the LBA in its Land Banking Capacity**

1. Property that is intended to be conveyed to the LBA and to be held by the LBA in its land banking capacity shall be clearly designated as such in the proposal for the transfer, and in the records of the LBA.
2. No property shall be transferred to the LBA pursuant to this land banking policy unless the transferor is a registered Michigan company, a private nonprofit entity or a governmental entity.
3. The subject property must not be occupied by any party or parties as of the date of transfer to the LBA.
4. The subject property must, as of the date of the transfer to the LBA, be free of any and all liens for ad valorem taxes, special assessments, and other liens or encumbrances in favor of local, state or federal government entities.
5. The subject property must, as of the date of the transfer to the LBA, be free of all outstanding mortgages and security instruments.
6. Property must be located in Ottawa County, Michigan.

## **B. Requirements for Conveyances to the LBA in its Land Banking Capacity**

1. The transferor of any proposed conveyance to the LBA in its land banking capacity shall prepare a written proposal containing the following information:
  - (a) A legal description of the property.
  - (b) A title report, or other similar evidence, indicating that the property is free of all liens and encumbrances specified in Part A.
  - (c) A description of the transferor's intended uses of the property and the time frame for use and development of the property by the transferor.
2. Following receipt of the proposal, the LBA shall review the proposal and notify of the transferor of its approval or disapproval, and of any changes or additions that may be necessary as determined by the LBA in its sole discretion.

## **C. Right of Repurchase by the Transferor**

1. The transferor shall have a right to repurchase the subject property from the LBA at any time within a timeline determined by the LBA on a case by case basis.
2. The right of repurchase may be exercised by the transferor upon payment to the LBA of the Purchase Price. The Purchase Price shall be an amount equal to (i) all expenditures of the LBA (whether made directly by the LBA or through payments to a third party contractor) in connection with the subject property incurred subsequent to the date of conveyance to the LBA, and (ii) an amount determined by the LBA as its average indirect costs, on a per parcel basis, of holding its portfolio of properties.
3. The LBA shall have the right, at any time within the determined time period following the date of the original transfer, to require the transferor to exercise its right of repurchase by giving written notice to the transferor of the requirement that it exercise its right of repurchase and the amount of the Purchase Price. The transferor must exercise its right of repurchase, and close the re-conveyance of the property within sixty (60) days of receipt of such notice. Failure of the transferor to exercise and close upon its right of repurchase within such period of time shall result in a termination of all rights of repurchase with respect to the subject property.

## **10. Transfer of Rehabilitated Properties**

These policies apply to the disposition by the LBA of improved real property which is rehabilitated by or on behalf of the LBA prior to its disposition to a transferee.

### **A. Rehabilitation and Marketing**

1. The LBA shall undertake, in its sole discretion, rehabilitation of properties prior to the transfer to third parties. The nature and extent of any such rehabilitation shall be determined by the LBA in its sole discretion.
2. At the commencement of rehabilitation a sign shall be placed on the property indicating that the property is owned by the LBA.
3. A real estate agent, or realtor, shall be selected in accordance with LBA guidelines to assist in the marketing of the property. A listing agreement will normally be signed with such agent approximately two months prior to completion of the rehabilitation. Marketing of the property will normally commence at this point. The LBA Office Manager will make available information on the property and on the procedures to be followed by parties interested in the possible acquisition of the property.

### **B. Sale of Rehabilitated Properties**

1. A nonrefundable escrow deposit shall be required for all contracts for the disposition of property rehabilitated by the LBA. Such deposit shall be in an amount established by the LBA, but shall not be less than \$500 for a purchase price less than \$30,000, and \$1000 for a purchase price greater than \$30,000.
2. A sales contract shall be submitted to a Transaction Specialist for review, and must comply with all policies and procedures of the LBA. The sales contract shall not be binding upon the LBA until approved by the Director, or by the Board of Directors if required by LBA policies and procedures.
3. Closing of the transfer shall occur with the assistance of a title company selected and approved in accordance with the LBA guidelines.

# Action Request



<b>Committee:</b> Planning and Policy
<b>Meeting Date:</b> January 14, 2010
<b>Requesting Department:</b> Treasurer
<b>Submitted By:</b> Greg Rappleye
<b>Agenda Item:</b> Articles of Incorporation and By-Laws of the Ottawa County Land Bank Authority

## SUGGESTED MOTION:

To approve and forward to the Finance and Administration Committee the Resolution to approve the proposed Articles of Incorporation and By-Laws of the Ottawa County Land Bank Authority.

## SUMMARY OF REQUEST:

The Ottawa County Board of Commissioners has previously discussed the concept of establishing a land bank to facilitate the return of tax-reverted real property to the active tax-rolls. To facilitate this, the Board is required to approve Articles of Incorporation and By-Laws for the proposed Ottawa County Land Bank Authority. See MCC 124.751 et. seq.

## FINANCIAL INFORMATION:

Total Cost: \$0	County Cost: \$0	Included in Budget:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
-----------------	------------------	---------------------	------------------------------	--

If not included in budget, recommended funding source:  
N/A

## ACTION IS RELATED TO AN ACTIVITY WHICH IS:

<input type="checkbox"/> Mandated	<input checked="" type="checkbox"/> Non-Mandated	<input checked="" type="checkbox"/> New Activity
-----------------------------------	--	--

## ACTION IS RELATED TO STRATEGIC PLAN:

Goal: #4

Objective: #6

## ADMINISTRATION RECOMMENDATION:

<input checked="" type="checkbox"/> Recommended	<input type="checkbox"/> Not Recommended
---	--

County Administrator:

Digitally signed by Alan G. Vanderberg  
DN: cn=Alan G. Vanderberg, c=US, o=County of Ottawa, ou=Administrator's Office, email=avanderberg@mioottawa.org  
Date: 2010.01.07 16:50:07 -0500

Committee/Governing/Advisory Board Approval Date:



**COUNTY OF OTTAWA**

**STATE OF MICHIGAN**

**RESOLUTION**

At a regular meeting of the Board of Commissioners of the County of Ottawa, Michigan, held at the Fillmore Complex in the Township of Olive, Michigan on the \_\_\_\_\_ day of \_\_\_\_\_, 2010 at \_\_\_\_\_ o'clock p.m. local time.

PRESENT: Commissioners: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ABSENT: Commissioners: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

It was moved by Commissioner \_\_\_\_\_ and supported by Commissioner \_\_\_\_\_ that the following Resolution be adopted:

WHEREAS, the State of Michigan recognizes the need to strengthen and revitalize the economy of the State and the local units of government through assembling or disposing of public property, including tax reverted property, in a coordinated manner to foster the development of that property and to promote economic growth; and,

WHEREAS, the Land Bank Fast Track Act, 2003 PA 258, MCL 124.751 to 124.774, authorizes the creation of a Land Bank at the County level that owns, holds, and accepts property for the purpose of maintaining it and returning it to a productive and economically viable use; and,

WHEREAS, the establishment of the Land Bank requires that Ottawa County establishes a corporate land bank authority;

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the Ottawa County Board of Commissioners approves the attached:

- (1) Articles of Incorporation of the Ottawa County Land Bank Authority; and,
- (2) Bylaws of the Ottawa County Land Bank Authority;

and,

BE IT FURTHER RESOLVED, that all resolutions and parts of resolutions insofar as they conflict with this Resolution are hereby repealed.

YEAS: Commissioners: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

NAYS: Commissioners: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

ABSTENTIONS: Commissioners: \_\_\_\_\_

\_\_\_\_\_

RESOLUTION ADOPTED:

\_\_\_\_\_  
Chairperson, Ottawa County  
Board of Commissioners

\_\_\_\_\_  
Ottawa County Clerk

**ARTICLES OF INCORPORATION  
OF  
OTTAWA COUNTY LAND BANK AUTHORITY**

Incorporated under the laws of the State of Michigan

**ARTICLE ONE  
NAME, LOCATION AND OFFICES**

The name of this corporation shall be Ottawa County Land Bank Authority (hereinafter referred to as the "Corporation"). The Corporation may also elect to be identified simply as the Ottawa County Land Bank.

The Corporation shall maintain an office in the State of Michigan, and shall have an agent whose address is 12220 Fillmore St., West Olive, Michigan 49460. The initial agent of the Corporation shall be the County Treasurer, Ottawa County, Michigan.

The principal office of the Corporation shall be located at 12220 Fillmore St., West Olive, Michigan 49460. The Corporation may have other offices at such place or places, within the State of Michigan, as the Board of Directors may determine from time-to-time or the affairs of the Corporation may require or make desirable.

**ARTICLE TWO  
PUBLIC BODY CORPORATE**

The Corporation shall be organized and operated as a land bank authority under the provisions, of the Michigan Land Bank Fast Track Act, 2003 P.A. 258, MCL 124.751 et seq., (the "Land Bank Act") and the Intergovernmental Agreement by and between the Michigan Land Bank Fast Track Authority and the Treasurer of the County of Ottawa, Michigan dated \_\_\_\_\_, 2010 (hereinafter referred to as the "Intergovernmental Agreement").

The Corporation shall have all of the powers, duties, functions, rights, privileges, immunities, and responsibilities of a county land bank fast track authority pursuant to the Land Bank Act and the Intergovernmental Agreement. The Corporation is created to acquire, assemble, dispose of, and quiet title to property located in the County of Ottawa, to provide for financing of the acquisition, assembly, disposition, and quieting of title to such property, and to exercise other powers granted to an authority under the Land Bank Act.

**ARTICLE THREE  
BOARD OF DIRECTORS**

The Corporation is a Michigan corporation governed by a Board of Directors. The Corporation shall be financed in accordance with the provisions of the Land Bank Act

and the Intergovernmental Agreement. The Corporation shall be governed by its articles of incorporation and its bylaws. The number of Directors of the Corporation and method of appointment shall be as set out in the bylaws, or as directed in the Organizational Resolution of the Ottawa County Board of Commissioners.

**ARTICLE FOUR  
DISSOLUTION OF CORPORATION**

The Corporation shall exist for an initial terms of five (5) years, and after that until either terminated by joint action of the Michigan Land Bank Fast Track Authority, the Treasurer of Ottawa County, and the Board of Commissioners of Ottawa County, or by the withdrawal of a party to the Intergovernmental Agreement. Upon the dissolution of the Corporation, the Board of Directors shall, after paying or making provisions for the payment of all liabilities of the Corporation, distribute all assets of the Corporation exclusively to Ottawa County, Michigan and to such other local units of government as may be required pursuant to interlocal agreements entered into by the Corporation and such other local units of government.

**ARTICLE FIVE  
AMENDMENTS**

These Articles of Incorporation may be amended or repealed by a majority vote of the Directors of the Corporation present at a meeting at which a quorum is present; provided, however, that the Board of Directors shall have no power or authority to make any changes which would be inconsistent with the Land Bank Act or the Intergovernmental Agreement.

**ARTICLE SIX  
FILING**

These Articles of Incorporation, pursuant to and in accordance with the Intergovernmental Agreement, are filed by:

Ottawa County Treasurer  
Ottawa County, Michigan  
12220 Fillmore St.  
West Olive, MI 49460  
616-994-4505

---

Bradley Slagh, Treasurer  
Ottawa County, Michigan

BYLAWS  
OF  
OTTAWA COUNTY LAND BANK AUTHORITY

An authority organized pursuant to  
the Michigan Land Bank Fast Track Act and an  
Intergovernmental Agreement between the Michigan Land Bank Fast Track  
Authority, and  
the Treasurer of the County of Ottawa, Michigan

Adopted by the Board of Director as of \_\_\_\_\_, 2010.

APPROVED BY THE OTTAWA COUNTY BOARD OF COMMISSIONERS AS OF  
\_\_\_\_\_, 2010

**TABLE OF CONTENTS**

	PAGE
<b>ARTICLE ONE: NAME, LOCATION AND OFFICES</b> .....	1
1.1 Name .....	1
1.2 Office and Agent .....	1
1.3 Other Offices .....	1
<b>ARTICLE TWO: PURPOSE AND GOVERNING INSTRUMENTS</b> .....	1
2.1 Public Body Corporate .....	1
2.2 Governing Instruments .....	1
<b>ARTICLE THREE: BOARD OF DIRECTORS</b> .....	1
3.1 Powers and Duties of the Board of Directors .....	1
3.2 Initial and Regular Board of Directors .....	2
3.3 Term of Office .....	2
3.4 Removal .....	2
3.5 Vacancies .....	2
3.6 Conflict of Interest .....	2
<b>ARTICLE FOUR: MEETINGS OF THE BOARD OF DIRECTORS</b> .....	3
4.1 Regular Meetings; Notice .....	3
4.2 Special 1 Notice .....	3
4.3 Annual Meeting .....	3
4.4 Waiver .....	3
4.5 Quorum .....	3
4.6 Vote Required for Action .....	3
4.7 Adjournments .....	3
<b>ARTICLE FIVE: NOTICE AND WAIVER</b> .....	4
5.1 Procedure .....	4
5.2 Waiver .....	4
<b>ARTICLE SIX: BOARD OF ADVISORS</b> .....	4
6.1 Appointment .....	4
6.2 Purpose .....	4
<b>ARTICLE SEVEN: OFFICERS</b> .....	4
7.1 Number and Qualifications .....	4
7.2 Removal .....	4

7.3 Chairperson .....	4
7.4 Vice-Chairperson .....	5
7.5 Secretary .....	5
7.6 Treasurer .....	5
<b>ARTICLE EIGHT: COMMITTEES OF DIRECTORS.....</b>	<b>5</b>
8.1 Executive Committee .....	5
8.2 Other Committees of Directors .....	6
8.3 Term of Appointment .....	6
8.4 Chairman .....	6
8.5 Vacancies .....	6
8.6 Quorum .....	6
8.7 Rules .....	6
<b>ARTICLE NINE: EMPLOYEES, CONTRACTED SERVICES .....</b>	<b>6</b>
9.1 Employees .....	6
9.2 Executive Director .....	6
<b>ARTICLE TEN: CONTRACTS, CHECKS, DEPOSITS AND FUNDS .....</b>	<b>7</b>
10.1 Contracts .....	7
10.2 Checks, Drafts, Notes, Etc .....	7
10.3 Deposits .....	7
10.4 Gifts .....	7
<b>ARTICLE ELEVEN: MISCELLANEOUS .....</b>	<b>7</b>
11.1 Books and Records .....	7
11.2 Corporate Seal .....	8
11.3 Fiscal Year .....	8
11.4 Budget .....	8
11.5 Audit .....	8
11.6 Construction .....	8
11.7 Table of Contents Headings .....	8
11.8 Relation to Articles of Incorporation .....	8
<b>ARTICLE TWELVE: AMENDMENTS .....</b>	<b>8</b>
12.1 Power to Amend Bylaws .....	8
12.2 Conditions .....	8

**BYLAWS**

**OTTAWA COUNTY LAND BANK AUTHORITY**

Incorporated under the laws of the State of Michigan

**ARTICLE ONE**

**NAME, LOCATION AND OFFICES**

1.1 Name. The name of this corporation shall be “Ottawa County Land Bank Authority” (hereinafter referred to as the “Corporation”). The Corporation may also elect to be identified simply as the “Ottawa County Land Bank”

1.2 Office and Agent. The Corporation shall maintain an office in the State of Michigan, and shall have an agent whose address is 12220 Fillmore St. West Olive, Michigan 49460. The initial agent of the Corporation shall be Brad Slagh, Treasurer, Ottawa County, Michigan.

1.3 Other Offices. The principal office of the Corporation shall be located in West Olive, Ottawa County, Michigan. The Corporation may have other offices at such place or places, within the State of Michigan, as the Board of Directors may determine from time to time or the affairs of the Corporation may require or make desirable.

**ARTICLE TWO**

**PURPOSE AND GOVERNING INSTRUMENTS**

2.1 Public Body Corporate. The Corporation shall be organized and operated as a land bank authority under the provisions of the Michigan Land Bank Fast Track Act, 2003 P.A. 258, 124.751 (the “Land Bank Act”) and the Intergovernmental Agreement by and between the Michigan Land Bank Fast Track Authority and the Treasurer of the County of Ottawa, Michigan, dated \_\_\_\_\_, 2009, (hereinafter referred to as the Intergovernmental Agreement”). The Corporation is an authority governed by a Board of Directors.

2.2 Governing Instruments. The Corporation shall be governed by its articles of incorporation and its bylaws, with specific direction from Priorities and Policies document.

**ARTICLE THREE**

**BOARD OF DIRECTORS**

3.1 Powers and Duties of the Board of Directors

- (a) Except as otherwise provided in the articles of incorporation of the Corporation or in these bylaws, all the powers, duties, and functions of the Corporation conferred by the Land Bank, Act, the Intergovernmental Agreement, the articles of incorporation, these bylaws, other state statutes, common law, court decisions, or otherwise shall by exercised, performed, or controlled by the Board of Directors.
- (b) The Board of Directors shall be the governing body of the Corporation and shall have general charge of the affairs, property and assets of the Corporation. It shall be the duty of the Board of Directors to determine the policies of the Corporation or changes therein, actively to prosecute the purposes and objectives of the Corporation, and, to this end, to manage and control all of its property and assets and to supervise the disbursement of its funds. The Board of Directors may adopt, by majority vote, such rules and regulations for the conduct of its business and the



business of the Corporation as shall be deemed advisable, and, in the execution of the powers granted, may delegate certain of its authority and responsibility to an executive committee. Under no circumstances, however, shall any actions be taken which are inconsistent with the articles of incorporation and these bylaws, or the understanding that Local Unit control of property and developmental direction is foundational. Members of the Board of Directors shall receive no compensation for service as a member of the Board of Directors, but shall be entitled to be reimbursed by the Corporation for actual and necessary expenses incurred in connection with performance of official functions of the Corporation subject to available appropriations.

- (c) The Board of Directors may, from time to time, appoint, as advisors, persons whose advice, assistance, and support may be deemed helpful in determining policies and formulating programs for carrying out the purposes and functions of the Corporation.

3.2 Initial and Regular Board of Directors. The Board of Directors of the Ottawa County Land Bank shall consist of nine (9) members including:

- (a) The Treasurer of Ottawa County;

And,

- (b) Eight (8) members appointed by the Ottawa County Board of Commissioners all of whom must be residents of Ottawa County;

1. Two (2) representatives of the Cities & Villages – one from a large and one from a small municipality (from senior elective or appointed officials);
2. Two (2) representatives of the Townships - one from a large and one from a small municipality (from senior elective or appointed officials);
3. A member of the Ottawa County Board of Commissioners;
4. A representative from Ottawa County Administration;
5. A representative from the Ottawa County Economic Development Office OCEDO;
6. A person not married to or directly related to an Ottawa County employee.

3.3 Term of Office. The Treasurer of Ottawa County shall serve as a member of the Board of Directors without a term. Other members on a six year rotation basis.

3.4 Removal. Other than the Treasurer of Ottawa County a director may be removed from office for cause by the Board of Commissioners of Ottawa County, and shall be automatically terminated from any “ex officio” appointment upon leaving the office which was the basis for appointment.

3.5 Vacancies. Any vacancy in the Board of Directors, other than the Treasurer, arising at any time and from any cause, may be filled for the unexpired term by the Board of Commissioners of Ottawa County. Each director so appointed shall hold office until the

expiration of his term, or the unexpired term of his predecessor, as the case may be, and until his successor is appointed.

3.6 Conflict of Interest. A director who has a direct or indirect personal or financial interest in any matter before the Corporation shall disclose his or her interest prior to any action on the matter by the Corporation, which disclosure shall become part of the record of the Corporation's official proceedings. The disclosure shall be made by written instrument, and copies of the disclosure form shall be filed with the Secretary of the Board of Directors. The interested director shall further refrain from participation in the Corporation's action relating to the matter. Each director, upon taking office and annually thereafter, shall acknowledge in writing that they have read and agreed to abide by this section.

## **ARTICLE FOUR**

### **MEETINGS OF THE BOARD OF DIRECTORS**

4.1 Regular Meetings. Regular meetings of the Board of Directors shall be held from time to time at such times and at such places as the Board of Directors may prescribe. Notice of the time and place of each such regular meeting shall be given by the secretary either personally or by telephone or by mail not less than seven (7) nor more than thirty (30) days before such regular meeting. The meetings of the Board of Directors shall be public, and the appropriate notice of such meetings provided to the public. Notice of any and all meetings of the Board of Directors shall be given in accordance with the Open Meetings Act, 1976 P.A. 267, as amended. The Board of Directors shall meet at least annually.

4.2 Special Meetings. Special meetings of the Board of Directors may be called by or at the request of the Chairperson or by any three (3) of the directors in office at that time. Notice of the time, place and purpose of any special meeting of the Board of Directors shall be given by the secretary either personally or by telephone or by mail at least twenty-four (24) hours before such meeting.

4.3 Annual Meeting. The first meeting of the Board of Directors in each calendar year shall be deemed to be the annual meeting of the Board of Directors. All officers of the Board of Directors shall be elected at the annual meeting by the Board of Directors, unless a vacancy in such office occurs prior to the annual meeting, and each officer shall hold such office until the following annual meeting.

4.4 Waiver. Attendance by a director at a meeting shall constitute waiver of notice of such meeting, except where a director attends a meeting for the express purpose of objecting to the transaction of business because the meeting is not lawfully called.

4.5 Quorum. A majority of the Board of Directors shall be required to constitute a quorum for the transaction of business. The Board of Directors shall act by a majority vote at a meeting at which a quorum is present. A quorum shall be necessary for the transaction of business. Presence in person for both quorum and voting may include electronic communication by which such member is both seen and heard.

4.6 Vote Required for Action. Except as otherwise provided in these bylaws or by law, the act of a majority of the directors present at a meeting at which a quorum is present at the time shall be the act of the Board of Directors. Adoption, amendment and repeal of a bylaw are provided for in Article Twelve of these bylaws. Vacancies in the Board of Directors may be filled as provided in Section 3.5 of these bylaws.

4.7 Adjournments. A meeting of the Board of Directors, whether or not a quorum is present, may be adjourned by a majority of the directors present to reconvene at a specific time and place. Notice of any reconvened meeting of the Board of Directors shall be given in accordance with the Open Meetings Act, MCL 15.261 et seq., as amended. At any such reconvened meeting at which a quorum is present, any business may be transacted which could have been transacted at the meeting which was adjourned.

## **ARTICLE FIVE**

### **NOTICE AND WAIVER**

5.1 Procedure. Whenever these bylaws require notice to be given to any director, the notice shall be given as prescribed in Article Four. Whenever notice is given to a director by mail, the notice shall be sent first-class mail by depositing the same in a post office or letter box in a postage prepaid sealed envelope addressed to the director at his or her address as it appears on the books of the Corporation; and such notice shall be deemed to have been given at the time the same is deposited in the United States mail.

5.2 Waiver. Whenever any notice is required to be given to any director by the articles of incorporation or by these bylaws a waiver thereof in writing signed by the director entitled to such notice, whether before or after the meeting to which the waiver pertains, shall be deemed equivalent thereto but only in those circumstances in which such notice is not required by law.

## **ARTICLE SIX**

### **BOARD OF ADVISORS**

6.1 Appointment. The Board of Directors may appoint such persons as it reasonably deems necessary or desirable to act as the Board of Advisors of the Corporation. To the extent possible, the Board of Advisors should consist of representatives of the community who have demonstrated an interest in and commitment to the redevelopment of properties within the geographical boundaries of Ottawa County. The number of persons appointed to constitute the Board of Advisors shall be determined in the sole discretion of the Board of Directors.

6.2 Purpose. It shall be the function and purpose of the Board of Advisors to advise the Board of Directors on matters relating to the business and affairs of the Corporation, and to suggest or be available for consultation with regard to projects or activities which the Corporation may undertake, consistent with its purposes, in furtherance of its goals and objectives. The Board of Advisors shall serve solely in an advisory capacity.

## **ARTICLE SEVEN**

## **OFFICERS**

7.1 Number and Qualifications. The officers of the Corporation shall be members of the Board of Directors and shall consist of a Chairperson, who shall act as the chairperson of the Board of Directors, a secretary, a treasurer, and such other officers as may be designated by the Board of Directors. The Chairperson of the Corporation shall be the Treasurer of Ottawa County.

7.2 Removal. Any officer of the Corporation other than the Chairperson may be removed as an officer by the Board of Directors of the Corporation with or without cause at any time.

7.3 Chairperson. The Chairperson shall be the principal executive officer of the Corporation and shall preside at all meetings of the Board of Directors. Subject to any policies adopted by the Board of Directors, the Chairperson shall have the right to supervise and direct the management and operation of the Corporation and to make all decisions as to policy and otherwise which may arise between meetings of the Board of Directors, and the other officers and employees of the Corporation shall be under the Chairperson's supervision and control during such interim. The Chairperson shall perform such other duties and have such other authority and powers as the Board of Directors may from time to time prescribe.

7.4 Vice-Chairperson. The Vice-Chairperson, if such office has been designated by the Board of Directors, shall, in the absence or disability of the Chairperson, perform the duties and have the authority and exercise the powers of the Chairperson. The Vice Chairperson shall perform such other duties and have such other authority and powers as the Board of Directors may from time to time prescribe or as the Chairperson may from time to time delegate.

7.5 Secretary. The secretary shall attend all meetings of the Board of Directors and record all votes, actions and the minutes of all proceedings in a book, to be kept for that purpose and shall perform like duties for the executive and other committees when required.

- (a) The Secretary shall give, or cause to be given, notice of all meetings of the Board of Directors.
- (b) The Secretary shall keep in safe custody the seal of the Corporation and, when authorized by the Board of Directors or the Chairperson, affix it to any instrument requiring it. When so affixed, it shall be attested by his or her signature or by the signature of the treasurer.
- (c) The Secretary shall be under the supervision of the Chairperson. He or she shall perform such other duties and have such other authority and powers as the Board of Directors may from time to time delegate.

7.5 Treasurer.

- (a) The Treasurer shall have the custody of the corporate funds and securities and shall keep full and accurate accounts of receipts and disbursements of the Corporation and shall deposit all monies and other valuables in the name and to the credit of the Corporation into depositories designated by the Board of Directors.
- (b) The Treasurer shall disburse the funds of the Corporation as ordered by the Board of Directors, and prepare financial statements each month or at such other intervals as the Board of Directors shall direct.

- (c) The Treasurer shall be under the supervision of the Chairperson. The Treasurer shall perform such other duties and have such other authority and powers as the Board of Directors may from time to time prescribe or as the Chairperson may from time to time delegate.

## ARTICLE EIGHT

### COMMITTEES OF DIRECTORS

8.1 Executive Committee. By resolution adopted by a majority of the directors in office, the Board of Directors may designate from among its members an executive committee which shall consist of three (3) or more directors, including the Chairperson or a Vice Chairperson of the Corporation, which executive committee, to the extent provided in such resolution, shall have and exercise the authority of the Board of Directors in the management of the affairs of the Corporation; provided, however, the designation of such executive committee and the delegation thereto of authority shall not operate to relieve the Board of Directors, or any individual director, of any responsibility imposed upon it or him by law and such executive committee may not do the following:

- (a) Approve the dissolution or the sale, pledge, or transfer of all or substantially all of the Corporation's assets;
- (b) Elect, appoint, or remove directors or fill vacancies on the Board of Directors or on any of its committees; or
- (c) Adopt, amend, or repeal the Corporation's Articles of Incorporation or these Bylaws.

8.2 Other Committees of Directors. Other committees, each consisting of two (2) or more directors, not having and exercising the authority of the Board of Directors in the management of the Corporation may be designated by a resolution adopted by a majority of directors present at a meeting at which a quorum is present. Such resolution shall assign the duties and responsibilities of such committees. Except as otherwise provided in such resolution, members of each such committee shall be appointed by the Chairperson of the Corporation. Any member of any committee may be removed by the person or persons authorized to appoint such member whenever in their judgment the best interests of the Corporation shall be served by such removal.

8.3 Term of Appointment. Each member of a committee shall continue as such until his successor is appointed, unless the committee shall be sooner terminated, or unless such member shall be removed from such committee, or unless such member shall cease to qualify as a member thereof.

8.4 Chairman. One member of each committee shall be appointed chairman thereof.

8.5 Vacancies. Vacancies in the membership of any committee may be filled by appointments made in the same manner as provided in the case of the original appointments.

8.6 Quorum. Unless otherwise provided in the resolution of the Board of Directors designating a committee, a majority of the whole committee shall constitute a quorum; and the act of a majority of members present at a meeting at which a quorum is present shall be the act of the committee.

8.7 Rules. Each committee may adopt rules for its own government, so long as such rules are not inconsistent with these bylaws or with rules adopted by the Board of Directors.

## **ARTICLE NINE**

### **EMPLOYEES, CONTRACTED SERVICES**

9.1 Employees. The Corporation may employ or otherwise contract for the services of any staff deemed necessary to carry out the duties and responsibilities of the Corporation. Such staff may be employed as employees of the Corporation, or the services of such staff may be retained pursuant to contracts with Ottawa County, with the Treasurer of Ottawa County, or other public or private entities.

9.2 Executive Director. The Board of Directors may select and retain an Executive Director. An Executive Director selected and retained by the Board of Directors shall administer the Corporation in accordance with the operating budget adopted by the Board of Directors, general policy guidelines established by the Board of Directors, other applicable governmental procedures and policies, and the Intergovernmental Agreement. The Executive Director shall be responsible for the day-to-day operations of the Corporation, the control, management, and oversight of the Corporation's functions; and supervision of all Corporation employees. All terms and conditions of the Executive Director's length of service shall be specified in a written contract between the Executive Director and the Board of Directors, provided that the Executive Director shall serve at the pleasure of the Board of Directors.

## **ARTICLE TEN**

### **CONTRACTS, CHECKS, DEPOSITS AND FUNDS**

10.1 Contracts. The Board of Directors may authorize any officer or officers, agent or agents of the Corporation, in addition to the officers so authorized by these bylaws, to enter into any contract or execute and deliver any instrument in the name and on behalf of the Corporation. Such authority must be in writing and may be general or confined to specific instances. In the absence of such express authority granted by the Board of Directors, or a vacancy in the office to which the authority is delegated by the Board of Directors, the Chairperson shall have all authority necessary and appropriate to execute any and all documents, instruments and agreements on behalf of the Corporation.

10.2 Checks, Drafts, Notes, Etc. All checks, drafts or other orders for the payment of money, notes or other evidences of indebtedness issued in the name of the Corporation shall be signed by such officer or officers, agent or agents, of the Corporation and in such other manner as may from time to time be determined by resolution of the Board of Directors. In the absence of such determination by the Board of Directors, such instruments shall be signed by the treasurer or an assistant treasurer and countersigned by the Chairperson or the Vice-Chairperson of the Corporation. The Board of Directors shall require all individuals who handle funds of the Corporation to qualify for a security bond to be obtained by the Corporation, at the expense of the Corporation, in an amount not less than \$100,000.00.

10.3 Deposits. All funds of the Corporation shall be deposited from time to time to the credit of the Corporation in such banks, trust companies or other depositories as the Board of Directors may select.

10.4 Gifts. The Corporation may acquire by gift, bequest, or devise any real or personal property or interests in real or personal property for the general purposes or for any special purpose of the Corporation on terms and conditions and in a manner the Board of Directors considers appropriate.

**ARTICLE ELEVEN**  
**MISCELLANEOUS**

11.1 Books and Records. The Corporation shall keep and maintain at the principal office of the Corporation all documents and records of the Corporation. The records of the Corporation shall include, but not be limited to, a copy of the Intergovernmental Agreement along with any amendments to the Intergovernmental Agreement. The records shall also include correct and complete books and records of accounts and minutes of the proceedings of its Board of Directors and committees having any of the authority of the Board of Directors. All records of the Corporation shall be made available to the public to the extent required by the Michigan Freedom of Information Act, 1976 P.A. 442, as amended. Not less than annually the Corporation shall file with the parties to the Intergovernmental Agreement, and with the Board of commissioners of Ottawa County a report detailing the activities of the Corporation and any additional information as requested by such parties.

11.2 Corporate Seal. The corporate seal (of which there may be one or more exemplars) shall be in such form as the Board of Directors may from time to time determine.

11.3 Fiscal Year. The fiscal year of the Corporation shall begin on January 1 of each year and end on the following December 31.

11.4 Budget. The Board of Directors shall adopt annually a budget for all operations, income, expenses and assets. The Corporation shall be subject to and comply with the Budget Act, 1968 PA 2, MCL 14 1.421 to 141 .440a. The Chairperson or Executive Director shall prepare and the Board of Directors shall approve a budget for the Corporation for each Fiscal Year. Each budget shall be approved by the November 1 immediately preceding the beginning of the Fiscal Year of the Corporation.

11.5 Audit. The Corporation shall provide for the conduct of audits in accordance with section 6 to 13 of the Budget Act, 1968 PA 2, MCL 141.421 to 141 .440a, which shall be made available to the parties to the Intergovernmental Agreement. The Corporation shall establish a dedicated audit committee of the Board of Directors for the purpose of overseeing the accounting and financial reporting processes of the Corporation and audits of its financial statements. The Corporation shall establish specific duties and obligations of the audit committee and standards and qualifications for membership on the audit committee. The Corporation may require at least one member to be specifically knowledgeable about financial reports.

11.6 Construction. Whenever the context so requires, the masculine shall include the feminine and neuter, and the singular shall include the plural, and conversely. If any portion of these bylaws shall be invalid or inoperative, then, so far as is reasonable and possible:

- (a) The remainder of these bylaws shall be considered valid and operative.
- (b) Effect shall be given to the intent manifested by the portion held invalid or inoperative.

11.7 Table of Contents Headings. The table of contents and headings are for organization, convenience and clarity. In interpreting these bylaws, they shall be subordinated in importance to the other written material.

11.8 Relation to Articles of Incorporation. These bylaws are subject to, and governed by, the articles of incorporation and the Land Bank Act.

**ARTICLE TWELVE**

**AMENDMENTS**

12.1 Power to Amend Bylaws. The Board of Directors being directed by the “Policies and Procedures for Property Acquisition and Disposition” shall have the power to alter, amend, or repeal these bylaws, or adopt new bylaws; provided, however, that the Board of Directors shall have no power or authority to make any changes in the bylaws which would be inconsistent with the Land Bank Act or the Intergovernmental Agreement.

12.2 Conditions. Action by the Board of Directors with respect to these bylaws shall be taken by the affirmative vote of a majority of all directors then holding office.

Whereas those Bylaws of the Ottawa County Land Bank Authority were adopted by the Board of Directors on the \_\_\_\_ day of \_\_\_\_\_, 2010.

---

Chairperson, Ottawa County Land Bank Authority

---

Secretary, Ottawa County Land Bank Authority



# Action Request



<b>Committee:</b> Planning and Policy
<b>Meeting Date:</b> January 14, 2010
<b>Requesting Department:</b> Treasurer
<b>Submitted By:</b> Greg Rappleye
<b>Agenda Item:</b> Intergovernmental Agreement to Create the Ottawa Land Bank Authority

## SUGGESTED MOTION:

To approve and forward to the Finance and Administration Committee the Resolution to approve the proposed Intergovernmental Agreement between the Michigan Land Bank Fast Track Authority and the Treasurer of Ottawa County establishing the Ottawa County Land Bank Authority.

## SUMMARY OF REQUEST:

The Ottawa County Board of Commissioners have previously discussed the concept of establishing a land bank to facilitate the return of tax-reverted real property to the active tax-rolls. This action is a required part of the process to establish the Ottawa County Land Bank Authority. See MCC 124.751 et. seq.

## FINANCIAL INFORMATION:

Total Cost: \$0	County Cost: \$0	Included in Budget:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
-----------------	------------------	---------------------	------------------------------	--

If not included in budget, recommended funding source:  
N/A

## ACTION IS RELATED TO AN ACTIVITY WHICH IS:

<input type="checkbox"/> Mandated	<input checked="" type="checkbox"/> Non-Mandated	<input checked="" type="checkbox"/> New Activity
-----------------------------------	--	--

## ACTION IS RELATED TO STRATEGIC PLAN:

Goal: #4

Objective: #6

## ADMINISTRATION RECOMMENDATION:

<input checked="" type="checkbox"/> Recommended	<input type="checkbox"/> Not Recommended
---	--

County Administrator:

Digitally signed by Alan G. Vanderberg  
DN: cn=Alan G. Vanderberg, c=US, o=County of Ottawa, ou=Administrator's Office, email=avanderberg@miottawa.org  
Date: 2010.01.07 16:49:32 -0500

Committee/Governing/Advisory Board Approval Date:

**COUNTY OF OTTAWA**

**STATE OF MICHIGAN**

**RESOLUTION**

At a regular meeting of the Board of Commissioners of the County of Ottawa, Michigan, held at the Fillmore Complex in the Township of Olive, Michigan on the \_\_\_\_\_ day of \_\_\_\_\_, 2010 at \_\_\_\_\_ o'clock p.m. local time.

PRESENT: Commissioners: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ABSENT: Commissioners: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

It was moved by Commissioner \_\_\_\_\_ and supported by Commissioner \_\_\_\_\_ that the following Resolution be adopted:

WHEREAS, the Ottawa County Board of Commissioners recognizes the need to strengthen and revitalize the economy of the State and the local units of government through assembling or disposing of public property, including tax reverted property, in a coordinated manner to foster the development of that property and to promote economic growth; and,

WHEREAS, the Land Bank Fast Track Act, 2003 PA 258, MCL 124.751 to 124.774, authorizes the creation of a county land bank that owns, holds, and accepts property for the purpose of maintaining it and returning it to a productive and economically viable use; and,

WHEREAS, the establishment of a land bank for Ottawa County requires approval of an Intergovernmental Agreement between the Ottawa County Treasurer and the Michigan Land Bank Fast Track Authority establishing and organizing the authority; and,

WHEREAS, the land bank will enable Ottawa County to hold, manage and redevelop tax reverted, donated and purchased property; and,

WHEREAS, a copy of a proposed “Intergovernmental Agreement between the Michigan Land Bank Fast Track Authority and the Treasurer of Ottawa County is attached as Exhibit “A”;

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the Ottawa County Board of Commissioners approve the attached Intergovernmental Agreement between the Michigan Land Bank Fast Track Authority and Treasurer of the County to create the Ottawa County Land Bank Authority; and,

BE IT FURTHER RESOLVED, that all resolutions and parts of resolutions insofar as they conflict with this Resolution are hereby repealed.

YEAS: Commissioners: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NAYS: Commissioners: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ABSTENTIONS: Commissioners: \_\_\_\_\_  
\_\_\_\_\_

RESOLUTION ADOPTED:

\_\_\_\_\_  
Chairperson, Ottawa County  
Board of Commissioners

\_\_\_\_\_  
Ottawa County Clerk

**INTERGOVERNMENTAL AGREEMENT**

BETWEEN THE

**MICHIGAN LAND BANK FAST TRACK AUTHORITY**  
(a Michigan public body corporate and politic)

AND THE

**TREASURER OF THE COUNTY OF OTTAWA, MICHIGAN**

CREATING THE

**OTTAWA COUNTY LAND BANK AUTHORITY**  
(a Michigan public body corporate)

This Agreement is entered into under Section 5 of Article 3 and Section 28 of Article 7 of the Michigan Constitution of 1963 and the Land Bank Fast Track Act, 2003 PA 258, MCL 124.751 to 124.774, between the **MICHIGAN LAND BANK FAST TRACK AUTHORITY**, a Michigan public body corporate and politic, and the **TREASURER OF THE COUNTY OF OTTAWA, MICHIGAN**, for the purpose of establishing and creating the **OTTAWA COUNTY LAND BANK AUTHORITY**, a separate legal entity and public body corporate to administer and execute the purposes and objectives of this Agreement.

## **RECITALS**

A. In enacting the Land Bank Fast Track Act, 2003 PA 258, MCL 124.751 to 124.774, the 92<sup>nd</sup> Michigan Legislature found that there exists in the State of Michigan a continuing need to strengthen and revitalize the economy of the State of Michigan and local units of government in this state and that it is in the best interests of the State of Michigan and local units of government in this state to assemble or dispose of public property, including tax reverted property, in a coordinated manner to foster the development of the property and to promote economic growth in the State of Michigan and local units of government in this state.

B. The Michigan Land Bank Fast Track Authority is created as a public body corporate and politic within the Michigan Department of Labor and Economic Growth, a principal department of the executive branch of state government, under the Land Bank Fast Track Act, 2003 PA 258, MCL 124.751 to 124.774, and is authorized to enter into an intergovernmental agreement with a county foreclosing governmental unit providing for the creation of a county authority to exercise the powers, duties, functions, and responsibilities of an authority under that act.

C. The Treasurer of the County of Ottawa, Michigan is a foreclosing governmental unit under the Land Bank Fast Track Act, 2003 PA 258, MCL 124.751 to 124.774, and Section 78 of The General Property Tax Act, 1893 PA 206, MCL 211.78.

D. It is the intent of the Michigan Land Bank Fast Track Authority and the Treasurer of the County of Ottawa, Michigan to establish a county authority as a separate legal entity and as a public body corporate under the Land Bank Fast Track Act, consistent with this agreement. Accordingly, the Michigan Land Bank Fast Track Authority and the Treasurer of the County of Ottawa, Michigan agree to the following:

## **ARTICLE I DEFINITIONS**

As used in this Agreement:

**Section 1.01. “Act 7”** means the Urban Cooperation Act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to 124.512.

**Section 1.02. “Agreement”** means this intergovernmental agreement between the Michigan Land Bank Fast Track Authority, a Michigan public body corporate and politic, and the Treasurer of the County of Ottawa, Michigan.

**Section 1.03. “Budget Act”** means the Uniform Budgeting and Accounting Act, 1968 PA 2, MCL 141.421 to 141.440a.

**Section 1.04. “County Authority”** means the Ottawa County Land Bank Authority, the public body corporate created under this Agreement pursuant to the Land Bank Act.

**Section 1.05. “County Authority Board”** means the board of directors of the county authority created under Article IV.

**Section 1.06. “County Board”** means the Board of Commissioners for the County of Ottawa, Michigan.

**Section 1.07. “Effective Date”** means the date upon which all of the following are satisfied, as provided under Section 23 of the Land Bank Act:

- (a) The Agreement is entered into by the Treasurer.
- (b) The Agreement is approved by the County Board.
- (c) The Agreement is entered into by the State Authority.
- (d) The Agreement is filed with the County Clerk for the County of Ottawa, Michigan.
- (e) The Agreement is filed with the County Clerk for the County of Ingham, Michigan.
- (f) The Agreement is filed with the Secretary of State.

**Section 1.08. “Executive Director”** means the executive director of the County Authority selected under Section 4.12.

**Section 1.09. “Fiscal Year”** means the fiscal year of the County Authority, which shall begin on January 1 of each year and end on the following December 31.

**Section 1.10. “FOIA”** means the Freedom of Information Act, 1976 PA 442, MCL 15.231 to 15.246.

**Section 1.11. “Foreclosing Governmental Unit”** means that term as defined under Section 3(f) of the Land Bank Act, and Section 78 of The General Property Tax Act, 1893 PA 206, MCL 211.78.

**Section 1.12. “Ottawa County”** means the County of Ottawa, Michigan.

**Section 1.13 “Land Bank Act”** means the Land Bank Fast Track Act, 2003 PA 258, MCL 124.751 to 124.774.

**Section 1.14. “Open Meetings Act”** means the Open Meetings Act, 1976 PA 267, MCL 15.261 to 15.275.

**Section 1.15 “Party” or “Parties”** means either individually or collectively as applicable, the State Authority or the Treasurer as each is a signatory to this Agreement.

**Section 1.16. “Person”** means an individual, authority, Limited Liability Company, partnership, firm, corporation, organization, association, joint venture, trust, governmental entity, or other legal entity.

**Section 1.17. ”State”** means the State of Michigan.

**Section 1.18. “State Authority”** means the Michigan Land Bank Fast Track Authority, a Michigan public body corporate and politic created under the Land Bank Act.

**Section 1.19. “Tax Reverted Property”** means that term as defined under Section 3(q) of the Land Bank Fast Track Act, 2003 PA 258, MCL 124.753(3)(q).

**Section 1.20. “Treasurer”** means the Treasurer of Ottawa County.

## ARTICLE II

### PURPOSE

**Section 2.01. Purpose.** The purpose of this Agreement is to create and empower the County Authority to exercise the powers, duties, functions, and responsibilities of an authority under the Land Bank Act for the benefit of Ottawa County and the State.

**Section 2.02. Programs and Functions.** The County Authority shall endeavor to carry out the powers, duties, and functions, and responsibilities of an authority under the Land Bank Act consistent with this Agreement, including, but not limited to, the power, privilege, and authority to acquire, manage, and dispose of interests in property, and doing all other things necessary or convenient to implement the purposes, objectives, and provisions of the Land Bank Act and the purposes, objectives, and powers delegated to a County Authority under other laws or executive orders.

## ARTICLE III

### CREATION OF COUNTY AUTHORITY

**Section 3.01. Creation and Legal Status of County Authority.** The County Authority is established as a separate legal entity and public body corporate to be known as the “Ottawa County Land Bank Authority” for the purposes of acting as an authority under the Land Bank Act and administering and executing this Agreement.

**Section 3.02. Articles of Incorporation.** At its initial meeting, the County Authority Board shall adopt articles of incorporation consistent with the provisions of this Agreement and the Land Bank Act.

**Section 3.03. Principal Office.** The principal office of the County Authority is at the location within the area of West Olive, as determined by the County Authority Board.

**Section 3.04. Title of County Authority Assets.** Except as otherwise provided in this Agreement, the County Authority shall have exclusive title to all of its property and no Party shall have an ownership interest in County Authority property.

**Section 3.05. Tax-exempt Status.** The County Authority shall not be operated for profit. No earnings of the County Authority shall inure to the benefit of a Person other than the County Authority or the Parties. The Parties intend the activities of the County Authority to be governmental functions carried out by an instrumentality or political subdivision of government as described in Section 115 of Internal Revenue code of 1986, 26 USC 115, or any corresponding provisions of any future tax code. The Parties also intend the activities of the County Authority to be governmental functions carried out by a political subdivision of this State, exempt to the extent provided under Michigan law from taxation by this State, including, but not limited to, the Michigan business tax under the Michigan Business Tax Act, 2007 PA 36, MCL 208.1101 to 208.1601, and property taxes under the General Property Tax Act, 1893 PA 206, MCL 211.1 to 211.157 or corresponding provisions of future State tax laws. The property of the County Authority and its income and operations are exempt from all taxation by the State or its political subdivisions under Section 4(5) of the Land Bank Act.

**Section 3.06. Compliance with Law.** The County Authority shall comply with all federal and State laws, rules, regulations, and orders applicable to this Agreement.

**Section 3.07. Relationship of Parties.** The Parties agree that no Party shall be responsible, in whole or in part, for the acts of the employees, agents, and servants of any other Party, whether acting separately or in conjunction with the implementation of this Agreement. The Parties shall only be bound and obligated under this Agreement as

expressly agreed to by each Party. No Party may obligate any other Party. No employee, agent, or servant of the County Authority shall be or shall be deemed to be an employee, agent or servant of the State for any reason.

**Section 3.08. No Third-Party Beneficiaries.** Except as otherwise specifically provided, this Agreement does not create in any Person, other than a Party, and is not intended to create by implication or otherwise, any direct or indirect benefit, obligation, duty, promise, right to be indemnified (such as contractually, legally, equitably, or by implication), right to be subrogated to any Party's rights under this Agreement, and/or any other right or benefit.

#### ARTICLE IV

##### COUNTY AUTHORITY BOARD AND EXECUTIVE DIRECTOR

**Section 4.01. County Authority Board Composition.** The County Authority shall be governed by the County Authority Board, a board of directors that shall be appointed within thirty (30) calendar days of the Effective Date. Elected officials and other public officers are eligible to serve as members of the County Authority Board to the extent permitted under Michigan law.

The County Authority Board, all of whom shall be residents, shall consist of the following members except as provided in Section 4.02:

- (a) The Treasurer.
- (b) One member of the County Board residing in Ottawa County, appointed by the County Board.
- (c) One member representing the Ottawa County Economic Development Corporation appointed by the County Board.
- (d) Two members representing townships in the County of Ottawa, appointed by the County Board.
- (e) Two members representing cities/village in the County of Ottawa, appointed by the County Board.
- (f) One member representing citizens in the County of Ottawa, appointed by the County Board.
- (g) One member being the Ottawa County Administrator or their designate, appointed by the County Board.

**Section 4.02. Appointments by Elected County Executive.** If Ottawa County adopts a unified form of county government providing for an elected county executive under 1973 PA 139, MCL 45.551 to 45.573, or if Ottawa County adopts a county charter providing for an elected county executive under 1966 PA 293, MCL 45.501 to 45.521, the appointments under Sections 4.01(b) shall be made by the elected county executive.

**Section 4.03. Term of Office.** Except as otherwise provided under this section, the members of the County Authority Board appointed under Sections 4.01(b) through 4.01(g) shall be appointed for a term of six (6) years. To provide for staggered terms, of the members initially appointed under Section 4.01(b) through 4.01(g), (2) members shall be appointed for a term expiring December 31, 2010, two (2) member shall be appointed for a term expiring December 31, 2011, two (2) members shall be appointed for a term expiring December 31, 2012, two (2) members shall be appointed for a term expiring December 31, 2013. After the expiration of the initial terms, members appointed under Section 4.01(b) through 4.01(g) shall be appointed in the same manner as the original appointments but for terms of six (6) years. An elected official appointed under Section



4.01(b) may serve on the County Authority Board only while he/she maintains that elected status. A vacancy resulting from an election will be filled by appointment of the County Board, except for the Treasurer, who holds a statutory position on the County Authority.

**Section 4.04. Removal.** A member of the County Authority Board appointed under Section 4.01(b) through 4.01(g) may be removed for cause by the County Board.

**Section 4.05. Vacancies.** A vacancy among the appointed members of the County Authority Board appointed under Section 4.01(b) through (g) caused by death, resignation, or removal of a County Authority Board member shall be filled in the same manner as the original appointment for the balance of the unexpired term.

**Section 4.06. Meetings.** The County Authority Board shall conduct its first meeting no later than forty-five (45) calendar days after the Effective Date, provided that a quorum of the County Authority Board has been appointed. The County Authority Board shall meet at least annually and hold such other meetings at the place, date, and time as the County Authority Board shall determine. All meetings of the County Authority Board shall comply with the Open Meetings Act. Public notice of the time, date, and place of the meetings shall be given in the manner required by the Open Meetings Act.

**Section 4.07. Quorum and Voting.** A majority of the County Authority Board shall be required to constitute a quorum for the transaction of business. The County Authority Board shall act by a majority vote at a meeting at which a quorum is present. A quorum shall be necessary for the transaction of business by the County Authority Board. Presence in person for both quorum and voting at a meeting may include electronic communication by which such member of the County Authority Board is both seen and heard by the members of the County Authority Board and any members of the public at the meeting.

**Section 4.08. County Authority Board Responsibilities.** The County Authority Board shall do all of the following by a majority vote of its members appointed and serving:

(a) Consistent with this Agreement and the Land Bank Act, adopt amendments to the initial articles of incorporation adopted under Section 3.02 and adopt subsequent amendments to the articles of incorporation as deemed necessary by the County Authority Board.

(b) Adopt bylaws, rules, and procedures governing the County Authority Board and its actions and meetings. Initial bylaws shall be adopted within six (6) months of the first meeting of the County Authority Board.

(c) Elect officers. Initial officers shall be elected within thirty (30) days of the first meeting of the County Authority Board.

(d) Approve policies to implement day-to-day operation of the County Authority, including policies governing any staff of the County Authority.

(e) Provide for a system of accounts to conform to a uniform system required by law, and review and approve the County Authority's budget to assure that the budgets are approved and administered in accordance with the Budget Act.

(f) Provide for an annual audit in accordance with the Budget Act.

(g) Adopt personnel policies and procedures.

(h) Adopt policies and procedures for contracting and procurement.

(i) Adopt an investment policy in accordance with 1943 PA 20, MCL 129.91 to 129.96, and establish banking arrangements for the County Authority.

(j) Take such other actions and steps as shall be necessary or advisable to accomplish the purposes of this Agreement.

**Section 4.09. Fiduciary Duty.** The members of the County Authority Board are under a fiduciary duty to conduct the activities and affairs of the County Authority in the best interests of the County Authority, including the safekeeping and use of all County Authority monies and assets. The members of the County Authority Board shall discharge their duties in good faith, with the care an ordinarily prudent individual in a like position would exercise under similar circumstances.

**Section 4.10. Chairman.** The County Treasurer shall be the Chairman of the County Authority Board.

**Section 4.11. Compensation.** The members of the County Authority Board shall receive no compensation for the performance of their duties. A County Authority Board member may engage in private or public employment, or in a profession or business, except to the extent prohibited by law. The County Authority may reimburse members of the County Authority Board for actual and necessary expenses including mileage incurred in the discharge of their official duties as provided by the County Authority Board.

**Section 4.12. Executive Director.** The County Authority Board may select and retain an Executive Director. An Executive Director selected and retained by the County Authority Board shall administer the County Authority in accordance with the operating budget adopted by the County Authority Board, general policy guidelines established by the County Authority Board, other applicable governmental procedures and policies, and this Agreement. The Executive Director shall be responsible for the day-to-day operations of the County Authority, the control, management, and oversight of the County Authority's function and the supervision of all County Authority employees. All terms and conditions of the Executive Director's length of service shall be specified in a written contract between the Executive Director and the County Authority Board, provided that the Executive Director shall serve at the pleasure of the County Authority Board.

**Section 4.13. Ethics.** Within six (6) months of the first meeting of the County Authority Board, the County Authority Board shall adopt ethics policies governing the conduct of the County Authority Board members, directors, officers, appointees, and employees as required under Section 4(9) of the Land Bank Act. The policies shall be no less stringent than those provided for public officers and employees under 1973 PA 196, MCL 15.341 to 15.348.

**Section 4.14. Conflicts of Interest.** Members of the County Authority Board and directors, officers, appointees, and employees of the County Authority shall be deemed to be public servants for the purposes of 1968 PA 317, MCL 15.321 to 15.330, and are subject to any other applicable law with respect to conflicts of interest. As required under Section 4(10) of the Land Bank Act, the County Authority shall establish policies and procedures requiring the disclosure of relationships that may give rise to a conflict of interest. The County Authority Board shall require that any member of the County Authority Board with a direct or indirect interest in any matter before the County Authority Board disclose the member's interest to the governing body before the board takes any action on the matter.

**Section 4.15 Relationship to the County.** The County Authority shall exercise its powers, duties, functions and responsibilities independently of the County Board. Subject to available appropriations, Ottawa County may provide the County Authority staff and other support, including but not limited to, legal, clerical and information technology services.

**ARTICLE V**  
**GENERAL POWERS OF COUNTY AUTHORITY**

**Section 5.01. General Powers Under Land Bank Act.** The County Authority may exercise all of the powers, duties, functions, and responsibilities of an authority under the Land Bank Act, including, but not limited to, each of the following:

(a) Adopt, amend, and repeal bylaws for the regulation of its affairs and the conduct of its business.

(b) Sue and be sued in its own name and plead and be impleaded, including, but not limited to, defending the County Authority in an action to clear title to property conveyed by the County Authority.

(c) Borrow money and issue bonds and notes according to the provisions of the Land Bank Act.

(d) Enter into contracts and other instruments necessary, incidental, or convenient to the performance of its duties and the exercise of its powers, including, but not limited to, interlocal agreements under Act 7, for the joint exercise of powers under the Land Bank Act.

(e) Solicit and accept gifts, grants, labor, loans, and other aid from any Person, or the federal government, the State, or political subdivision of the State, or any agency of the federal government, the State, a political subdivision of the State, or an intergovernmental entity created under the laws of the State or participate in any other way in a program of the federal government, the State, a political subdivision of the State, or an intergovernmental entity created under the laws of the State.

(f) Procure insurance against loss in connection with the property, assets, or activities of the County Authority.

(g) Invest money of the County Authority, at the discretion of the County Authority Board, in instruments, obligations, securities, or property determined proper by the County Authority Board and name and use depositories for County Authority money.

(h) Employ legal and technical experts, other officers, agents, or employees, permanent or temporary, paid from the funds of the County Authority. The County Authority shall determine the qualifications, duties, and compensation of those it employs. The County Authority Board may delegate to 1 or more members, officers, agents, or employees any powers or duties it considers proper. Members of the County Authority Board shall serve without compensation but shall be reimbursed for actual and necessary expenses including mileage, subject to available appropriations.

(i) Contract for goods and services and engage personnel as necessary and engage the services of private consultants, managers, legal counsel, engineers, accountants, and auditors for rendering professional financial assistance and advice payable out of any money of the County Authority.

(j) Study, develop, and prepare the reports or plans the County Authority considers necessary to assist in the exercise of its powers under the Land Bank Act and to monitor and evaluate progress under the Land Bank Act.

(k) Enter into contracts for the management of, the collection of rent from, or the sale of real property held by an authority.

(l) Do all other things necessary or convenient to achieve the objectives and purposes of the County Authority under the Land Bank Act or other laws that relate to the purposes and responsibilities of the County Authority.

**Section 5.02. Bonds or Notes.** The County Authority shall not issue any type of bond in its own name except as authorized by the Land Bank Act. The County Authority shall not

possess the power to in any way indebted a Party. Bonds or notes issued by the County Authority are the debt of the County Authority and not of the Parties. Bonds or notes issued by the County Authority are for an essential public and governmental purpose. Pursuant to Section 24(7) of the Land Bank Act, bonds or notes, together with the interest on the bonds or notes and income from the bonds or notes, are exempt from all taxes by the State or any political subdivision of the State.

**Section 5.03. Casino Development Prohibited.** Pursuant to Section 4(6) of the Land Bank Act, the County Authority shall not assist or expend any funds for, or related to, the development of a casino.

**Section 5.04. Tax Limitation.** Pursuant to Section 4(7) of the Land Bank Act, the County Authority shall not levy any type of tax or special assessment.

**Section 5.05. Condemnation Prohibited.** The County Authority is prohibited from exercising the power of eminent domain or condemning property under Section 4(8) of the Land Bank Act.

**Section 5.06. Limitation on Political Activities.** The County Authority shall not spend any public funds on political activities. Subject to the foregoing, this section is not intended to prohibit the County Authority from engaging in activities authorized by applicable law.

**Section 5.07. No Waiver of Governmental Immunity.** The Parties agree that no provision of the Agreement is intended, nor shall it be construed, as a waiver by any Party of any governmental immunity provided under any applicable law.

**Section 5.08. Non-Discrimination.** The County Authority shall comply with all applicable law prohibiting discrimination. The County Authority shall not fail or refuse to hire, recruit, or promote; demote; discharge; or otherwise discriminate against an individual with respect to employment, compensation, or a term, condition, or privilege of employment because of religion, race, color, national origin, age, sex, sexual orientation, height, weight, marital status, partisan considerations, or a disability or genetic information that is unrelated to the individual's ability to perform the duties of a particular job or position. The County Authority shall not limit, segregate, or classify an employee or applicant for employment in a way that deprives or tends to deprive the employee or applicant of an employment opportunity or otherwise adversely affects the status of an employee or applicant because of religion, race, color, national origin, age, sex, sexual orientation, height, weight, marital status, partisan considerations, or a disability or genetic information that is unrelated to the individual's ability to perform the duties of a particular job or position. The County Authority shall not provide services in a manner that discriminates against an individual with respect to employment, compensation, or a term, condition, or privilege of employment because of religion, race, color, national origin, age, sex, sexual orientation, height, weight, marital status, partisan considerations, or a disability or genetic information that is unrelated to the individual's ability to receive services from the County Authority.

## ARTICLE VI

### SPECIFIC POWERS OF THE COUNTY AUTHORITY

**Section 6.01. Acquisition of Property.** Except as otherwise provided in this Agreement or under the Land Bank Act, the County Authority may acquire by gift, devise, transfer, exchange, foreclosure, purchase, or otherwise real or personal property, or rights or interests in real or personal property, on terms and conditions and in a manner the County Authority considers proper. Real property acquired by the County Authority by purchase

may be by purchase contract, lease purchase agreement, installment sales contract, land contract, or otherwise. The County Authority may acquire real property or rights or interests in real property for any purpose the County Authority considers necessary to carry out the purposes of the Land Bank Act.

**Section 6.02. Deed in Lieu of Foreclosure.** The County Authority may accept from a Person with an interest in a tax delinquent property or Tax Reverted Property a deed conveying that Person's interest in the property in lieu of the foreclosure or sale of the property as provided under Section 6 of the Land Bank Act.

**Section 6.03. Expedited Quiet Title and Foreclosure.** The County Authority may initiate an expedited quiet title and foreclosure action to quiet title to interests in real property held by the County Authority as provided under Section 9 of the Land Bank Act.

**Section 6.04. Execution of Legal Documents Relating to Property.** All deeds, mortgages, contracts, leases, purchases, or other agreements regarding property of the County Authority, including agreements to acquire or dispose of real property, shall be approved by and executed in the name of the County Authority.

**Section 6.05. Holding and Managing Property.** The County Authority may hold and own in its name any property acquired by the County Authority or conveyed to the County Authority by the State, a Foreclosing Governmental Unit, a local unit of government, an intergovernmental entity created under the laws of the State, or any other public or private Person, including, but not limited to, Tax Reverted Property and property with or without clear title. The County Authority may, without the approval of a local unit of government in which property held by the County Authority is located, control, hold, manage, maintain, operate, repair, lease as lessor, secure, prevent the waste or deterioration of, demolish, and take all other actions necessary to preserve the value of the property it holds or owns. All real property held by the County Authority shall be inventoried and classified by the County Authority according to title status of the property and suitability for use. The County Authority may take or perform the following with respect to property held or owned by the County Authority:

(a) Grant or acquire a license, easement, or option with respect to property as the County Authority determines is reasonably necessary to achieve the purposes of this Agreement and the Land Bank Act.

(b) Fix, charge, and collect rents, fees, and charges for use of property under the control of the County Authority or for services provided by the County Authority.

(c) Pay any tax or special assessment due on property acquired or owned by the County Authority.

(d) Take any action, provide any notice, or institute any proceeding required to clear or quiet title to property held by the County Authority in order to establish ownership by and vest title to property in the County Authority, including, but not limited to, an expedited quiet title and foreclosure action under Section 9 of the Land Bank Act.

(e) Remediate, or cause to be remediated, environmental contamination on any property held by the County Authority.

**Section 6.06. Civil Action to Protect County Authority Property.** The County Authority may institute a civil action to prevent, restrain, or enjoin the waste of or unlawful removal of any property from Tax Reverted Property or other real property held by the County Authority, as provided under Section 11 of the Land Bank Act.

**Section 6.07. Environmental Contamination.** If the County Authority has reason to believe that property held by the County Authority may be the site of environmental contamination, the County Authority shall provide the Michigan Department of

Environmental Quality with any information in the possession of the County Authority that suggests that the property may be the site of environmental contamination, as required under Section 10 of the Land Bank Act. The County Authority shall cooperate with the Michigan Department of Environmental Quality with regard to any request made or action taken by the Department under Section 10 of the Land Bank Act.

**Section 6.08. Transfer of Interest in Property by County Authority.** Pursuant to Section 7 of the Land Bank Act, on terms and conditions, and in a manner and for an amount of consideration the County Authority considers proper, fair, and valuable, including for no monetary consideration, the County Authority may convey, sell, transfer, exchange, lease as lessor, or otherwise dispose of property or rights or interests in property in which the County Authority holds a legal interest to any public or private Person for value determined by the County Authority. Any transfer or other disposition of property or interests in property by the County Authority shall be in accordance with guidelines established by the County Authority Board.

**Section 6.09. Disposition of Proceeds.** Any proceeds from the sale or transfer of property by the County Authority shall be retained by the County Authority, or expended or transferred by the County Authority consistent with the provisions of the Land Bank Act and pursuant to a plan adopted by the County Authority Board.

**Section 6.10. Collective Bargaining.** The County Authority shall have the right to bargain collectively and enter into agreements with labor organizations. The County Authority shall fulfill its responsibilities as a public employer subject to 1947 PA 336, MCL 423.201 to 423.217 with respect to all its employees.

**Section 6.11. Municipal Employee Retirement System.** To the extent permitted under Michigan law, the County Authority Board may elect to become a participating municipality on behalf of County Authority employees but only pursuant to Section 2c(2) of the Municipal Employees Retirement Act of 1984, 1984 PA 427, MCL 38.1501 to 38-1558.

## ARTICLE VII

### BOOKS, RECORDS, AND FINANCES

**Section 7.01. County Authority Records.** The County Authority shall keep and maintain at the principal office of the County Authority, all documents and records of the County Authority. The records of the County Authority, which shall be available to the Parties, shall include, but not be limited to, a copy of this Agreement along with any amendments to the Agreement. The records and documents shall be maintained until the termination of this Agreement and shall be delivered to any successor entity or, if none, to the Treasurer or any successor agency of the Treasurer.

**Section 7.02. Financial Statements and Reports.** The County Authority shall cause to be prepared, at County Authority expense, audited financial statements (balance sheet, statement of revenue and expense, statement of cash flows, and changes in fund balance) on an annual basis. Such financial statements shall be prepared in accordance with generally accepted accounting principles and accompanied by a written opinion of an independent certified public accounting firm. A copy of the annual financial statement and report shall be filed with the Michigan Department of Treasury, or any successor agency, and shall be made available to each of the Parties.

**Section 7.03. Audits.** The County Authority shall provide for the conduct of audits in accordance with Sections 6 to 13 of the Budget Act, which shall be made available at the request of any Party. The County Authority Board shall establish a dedicated audit

committee of the County Authority Board for the purpose of overseeing the accounting and financial reporting processes of the County Authority and audits of its financial statements. The County Authority shall establish specific duties and obligations of the audit committee and standards and qualifications for membership on the audit committee. The County Authority may require at least one member to be specifically knowledgeable about financial reports.

**Section 7.04. Freedom of Information Act.** The County Authority shall be subject to and comply with the FOIA.

**Section 7.05. Uniform Budgeting and Accounting Act.** The County Authority shall be subject to and comply with the Budget Act. The Executive Director annually shall prepare and the County Authority Board shall approve a budget for the County Authority for each Fiscal Year. Each budget shall be approved by the November 1 immediately preceding the beginning of the Fiscal Year of the County Authority.

**Section 7.06. Deposits and Investments.** The County Authority shall deposit and invest funds of the County Authority, not otherwise employed in carrying out the purposes of the County Authority, in accordance with an investment policy established by the County Authority Board consistent with laws and regulations regarding investment of public funds.

**Sections 7.07. Disbursements.** Disbursements of funds shall be in accordance with guidelines established by the County Authority Board.

**Section 7.08. Performance Objectives.** Each Fiscal Year, the executive Director shall prepare objectives for the County Authority's performance for review and approval by the County Authority Board.

**Section 7.09. Annual Reports.** Not less than annually, the County Authority shall file with the Treasurer, the County Board, and with the State Authority a report detailing the activities of the County Authority, and any additional information as requested by the Treasurer, the County Board, or the State Authority.

## **ARTICLE VIII DURATION OF AGREEMENT**

**Section 8.01. Duration.** This Agreement and the County Authority shall commence on the Effective Date and shall continue in effect for an initial term of 5 years and after that until terminated by joint action of the Parties and the County Board or withdrawal by a Party under Section 8.02

**Section 8.02. Withdrawal of Either Party.** Either Party may withdraw from this Agreement after the initial term, upon six (6) months notice in writing to the County Authority as provided under Section 9.01. The Treasurer shall withdraw from this Agreement under this section if required to withdraw under the terms of a resolution adopted by the County Board.

**Section 8.03. Disposition upon Termination.** As soon as possible after termination of this Agreement, the County Authority shall finish its affairs as follows:

(a) All of the County Authority's debts, liabilities, and obligations to its creditors and all expenses incurred in connection with the termination of the County Authority and distribution of its assets shall be paid first.

(b) The remaining assets, if any, shall be distributed to any successor entity, subject to approval by the Parties. In the event that no successor entity exists, the remaining assets shall be distributed to Ottawa County or as otherwise agreed by the Parties.

## **ARTICLE IX MISCELLANEOUS**

**Section 9.01. Notices.** Any and all correspondence or notices required, permitted, or provided for under this Agreement to be delivered to any Party shall be sent to that Party by first class mail. All such written notices, including any notices of withdrawal under Article VIII, shall be sent to each other Party's signatory to this Agreement, or that signatory's successor. All correspondence shall be considered delivered to a Party as of the date that such notice is deposited with sufficient postage with the United States Postal Service. Any notice of withdrawal shall be sent via certified mail.

**Section 9.02. Entire Agreement.** This Agreement sets forth the entire agreement between the Parties and supersedes any and all prior agreements or understandings between them in any way related to the subject matter of this Agreement. It is further understood and agreed that the terms and conditions of this Agreement are contractual and are not a mere recital and that there are no other agreements, understandings, contracts, or representations between the Parties in any way related to the subject matter of this Agreement, except as expressly stated in this Agreement.

**Section 9.03. Interpretation of Agreement.** The Parties intend that this Agreement shall be construed liberally to effectuate the intent and purposes of this Agreement and the legislative intent and purposes of the Land Bank Act as complete and independent authorization for the performance of each and every act and thing authorized by this Agreement and the Land Bank Act. All powers granted to the County Authority under this Agreement and the Land Bank Act shall be broadly interpreted to effectuate the intent and purposes and not as a limitation of powers.

**Section 9.04. Severability of Provisions.** If any provision of this Agreement, or its application to any Person, Party, or circumstance, is invalid or unenforceable, the remainder of this Agreement and the application of the provision to other Persons, Party, or circumstances are not affected but will be enforced to the extent permitted by law.

**Section 9.05. Governing Law.** This Agreement is made and entered into in the State of Michigan and shall in all respects be interpreted, enforced, and governed under the laws of the State of Michigan without regard to the doctrines of conflict of laws. The language of all parts of this Agreement shall in all cases be construed as a whole according to its plain and fair meaning, and not construed strictly for or against any Party.

**Section 9.06. Captions and Headings.** The captions, headings, and titles in this Agreement are intended for the convenience of the reader and are not intended to have any substantive meaning and or to be interpreted as part of this Agreement.

**Section 9.07. Terminology.** All terms and words used in this Agreement, regardless of the number or gender in which they are used, are deemed to include any other number and any other gender as the context may require.

**Section 9.08. Cross-References.** References in this Agreement to any Article include all sections, subsections, and paragraphs in the Article, unless specifically noted otherwise. References in this Agreement to any Section include all subsections and paragraphs in the Section.

**Section 9.09. References to Public Acts and Statutes.** All References to public acts and statutes in this Agreement shall be construed to mean the acts or statutes as amended.



**Section 9.09. Jurisdiction and Venue.** In the event of any disputes between the Parties over the meaning, interpretation, or implementation of the terms, covenants, or conditions of this Agreement, the matter under dispute, unless resolved between the Parties, shall be submitted to the courts of the State of Michigan. Subject to Sections 6419 and 6419a of the Revised Judicature Act of 1961, 1961 PA 236, MCL 600.6419 and 600.6419a, any and all claims against the State Authority must be brought and maintained in the Court of Claims in Ingham County notwithstanding Section 6421 of the Revised Judicature Act of 1961, MCL 600.6421.

**Section 9.10. Amendment.** This Agreement may be amended or an alternative form of this Agreement adopted only upon written agreement of all Parties.

**Section 9.11. Effective Date.** This Agreement shall become effective as of the Effective Date. This Agreement is executed by the authorized representatives of the Parties on the date(s) indicated below:

**MICHIGAN LAND BANK FAST TRACK**

**AUTHORITY**, a Michigan public body corporate and politic

Dated: \_\_\_\_\_, 2010 By: \_\_\_\_\_

\_\_\_\_\_  
Authorized Officer

**COUNTY OF OTTAWA TREASURER**

Dated: \_\_\_\_\_, 2010 By: \_\_\_\_\_

Bradley J. Slagh, Treasurer

# Action Request



<b>Committee:</b> Planning and Policy
<b>Meeting Date:</b> January 14, 2010
<b>Requesting Department:</b> Treasurer
<b>Submitted By:</b> Greg Rappleye
<b>Agenda Item:</b> Loan of \$50,000 from the Land Sale Proceeds Account to the Ottawa County Land Bank Authority

## SUGGESTED MOTION:

To approve and forward to the Finance and Administration Committee the request of the Ottawa County Treasurer to loan \$50,000 (interest-free) from the Land Sale Proceeds Account to fund the start-up operations of the Ottawa County Land Bank Authority.

## SUMMARY OF REQUEST:

See Attached

## FINANCIAL INFORMATION:

Total Cost: \$50,000	County Cost: \$50,000	Included in Budget:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If not included in budget, recommended funding source: Loan from Land Sale Proceeds Account				

## ACTION IS RELATED TO AN ACTIVITY WHICH IS:

<input type="checkbox"/> Mandated	<input checked="" type="checkbox"/> Non-Mandated	<input checked="" type="checkbox"/> New Activity
-----------------------------------	--	--

## ACTION IS RELATED TO STRATEGIC PLAN:

Goal: #4

Objective: #6

<b>ADMINISTRATION RECOMMENDATION:</b>	<input checked="" type="checkbox"/> Recommended	<input type="checkbox"/> Not Recommended
---------------------------------------	---	--

County Administrator:

Digitally signed by Alan G. Vanderberg  
DN: cn=Alan G. Vanderberg, c=US, o=County of Ottawa, ou=Administrator's Office, email=avanderberg@miottawa.org  
Date: 2010.01.07 16:50:42 -0500

Committee/Governing/Advisory Board Approval Date:

# Ottawa County Treasurer

## Memo

**To:** Ottawa County Finance & Administration Committee  
Ottawa County Planning & Policy Committee  
Ottawa County Board of Commissioners

**From:** Bradley Slagh

**Date:** January 7, 2010

**Re:** Land Bank Authority – Funding Commitment

---

Up to this point we have focused all efforts of establishing a Land Bank Authority (LBA) on ensuring that the tools it can bring to Ottawa County match the needs and desires of the County's local units of government and real community needs. With this memo I would like to turn the focus of your attention to the need to provide some seed funding to get the Land Bank Authority started.

The law requires that the Land Bank Authority, Board of Directors establish an annual budget and it will be their ongoing request for funding or ideas for sharing of revenue that will normally come to you. But as we begin this process I would request the County Commission make available \$50,000 from the funds in the Land Sale Proceeds Account as a no interest loan to the Land Bank Authority. Being able to tap into these funds as a loan will allow for the LBA to begin its efforts, file the necessary documents and potentially begin handling any property that would come to it in calendar year 2010. A budget subsequently submitted by the LBA will identify the expected utilization of some or all of the \$50,000.

The Land Sale Proceeds Account is where any proceeds from the sale of tax foreclosed property are deposited. The account is finally in the "black" after this year's sale of 2006 tax foreclosures and has a balance of approximately \$200,000. Much of these funds are currently set in reserve to offset potential legal suits that could result from protested foreclosure and sale of foreclosed property. Because the funds in this account were generated by sales of property within the County it makes sense to use these funds to help establish the Land Bank Authority. Additionally, a loan from these funds allows utilization of these reserved funds while promising to replace them in the future.

The expected question is: Why \$50,000 and why deal with it now if the budget is not yet established? The answer is: This will provide a potential base of funds if needed to fully develop the Land Bank and begin projects in the first year; it is also based on best estimates after hearing from a few counties on their first year budgets (see below).

Kalamazoo County has just established their LBA in late 2009 and has set a budget for 2010 of \$100,000.

Sanilac County is much more rural, they began with a loan from their Land Sale Proceeds Account.

Ingham County (Lansing area) had a first year budget of \$600,000; they very aggressively brought parcels into the Land Bank, remodeled two homes and set up a revolving line of credit with their bank.

Lapeer County organized in 2009 and did not have a budget for that year nor have they set a budget as yet for 2010.