

OTTAWA COUNTY LAND BANK AUTHORITY

Agenda

Friday, July 26, 2024, at 9:30 a.m.

Conference Room F, Fillmore Administration Building, West Olive, MI

CALL TO ORDER

ROLL CALL

PUBLIC COMMENT: Limited to Agenda Items.

CONSENT ITEMS:

Approval of July 26, 2024, Agenda.

Land Bank Authority Minutes for January 19, 2024.

INFORMATION ITEMS:

1. Michigan Association of Land Banks annual conference (MALB Leadership Summit),
September 18-20, 2024, Shoreline Inn & Conference Center, Muskegon

ACTION ITEMS:

1. Amend Fiscal Year 2024 Budget

Suggested Motion: To approve the following Fiscal Year 2024 Ottawa County Land Bank Authority Budget amendments:

- Interest On Investments revenue: Increase from \$629.89 to \$1,000.00 to reflect new estimate.
- Mileage expense: Increase from \$120.00 to \$1,000.00 to pay for mileage to and from MALB Annual Conference.

- Conference & Training expense: Increase from \$400.00 to \$2,000.00 to pay for MALB Annual Conference registrations.

2. Review and Approve Fiscal Year 2025 Budget

Suggested Motion: To approve the Fiscal Year 2025 Budget for the Ottawa County Land Bank Authority as presented.

OTHER BUSINESS:

1. Blight Elimination Grant Update – Becky Huttenga
2. Review the following documents:
 - a. By-Laws of Ottawa County Land Bank Authority.
 - b. Ottawa County Land Bank Authority Conflict of Interest Statement.
 - c. Ottawa County Land Bank Authority Mission Statement.
 - d. Ottawa County Land Bank Authority Priorities and Policies for Property Acquisition and Disposition.
 - e. Ottawa County Land Bank Authority Code of Ethics.
 - f. Ottawa County Land Bank Authority Board of Directors listing.

PUBLIC COMMENT:

MISCELLANEOUS ITEMS:

1. Next meeting

ADJOURNMENT:

Ottawa County Land Bank Authority

Friday, January 19, 2024

9:30 AM

Conference Room F, Fillmore Administration Building, West Olive, MI

1. Call to Order. Clark called the meeting to order at 9:36 am.
2. Introduction of Board Members and others in attendance.
 - a. Members In attendance:
Maday, Oonk, DeHaan, Murray, Jorritsma, Clark.
 - b. Guests In attendance:
Huttenga.
3. Public Comment. There was none.
4. Approval of Agenda.
Moved: Maday Supported: Oonk
Carried
5. Approval of November 2, 2023, Minutes.
Moved: Murray Supported: Jorritsma
Carried
6. Election of 2024 Officers
Suggested Motion: To approve the election of the following slate of Officers:

Chairperson: Cheryl Clark
Vice-Chairperson: Tim Maday
Secretary: Tom Oonk
Treasurer: Dan Strikwerda

Moved: Jorritsma Supported: Murray
Carried
7. Review of 2022-2023 Annual Report.

- a. Made spelling changes.

8. Other Business:

- a. Blight Elimination Grant Update for Round 1 and 2 by Becky Huttenga
 - i. 4 rounds of funding available
 - 1. Round 1:
 - a. Grand Haven City – not able to do the project.
 - b. Village of Conklin (Chester Township).
 - c. Zeeland City
 - d. Will have \$45,000 left to go back to the state land bank.
 - 2. Round 2:
 - a. Hudsonville City – demo next month.
 - b. Next Meeting Date: Friday, July 26, 2024, at 9:30 am.
 - i. Items to discuss at next meeting:
 - 1. Adjust budget for members to attend the Michigan Association of Land Bank Conference in Muskegon.
 - 2. Review LBA documents.

9. Public Comment. There was none.

10. Adjournment.

Moved: Murray Supported: Clark
Carried
Time: 10:17 am

SAVE THE DATE



MALB LEADERSHIP SUMMIT

Muskegon County Land Bank
September 18-20, 2024
(Wednesday thru Friday)

OTTAWA COUNTY LAND BANK AUTHORITY

Org: 53670501

GL #		2024 Budget	2024 Estimate	Proposed 2025 Budget	
	REVENUE				
402010	Tax Capture	\$ -	\$ -	\$ -	
665000	Interest On Investments	\$ 629.89	\$ 1,000.00	\$ 600.00	
672000	Other Revenue	\$ 442,500.00	\$ 167,193.72	\$ -	
673000	Sale of Property	\$ -	\$ -	\$ -	
		\$ 443,129.89	\$ 168,193.72	\$ 600.00	
	EXPENSES				
801100	Legal Services	\$ 500.00	\$ 500.00	\$ 500.00	
804000	Membership/Dues/Licensing	\$ 125.00	\$ 125.00	\$ 125.00	Michigan Association of Land Banks (MALB)
807030	Process Administration	\$ -	\$ -	\$ -	
860000	Mileage	\$ 120.00	\$ 1,000.00	\$ 120.00	MALB Annual Conference
956000	Conference & Training Fee	\$ 400.00	\$ 2,000.00	\$ 400.00	MALB Annual Conference registration, hotel & meals
967010	Project Costs	\$ 442,500.00	\$ 167,193.72	\$ -	
		\$ 443,645.00	\$ 170,818.72	\$ 1,145.00	
	NET	\$ (515.11)	\$ (2,625.00)	\$ (545.00)	
2023	YEAR END FUND BALANCE	\$ 51,000.19	\$ 51,000.19	\$ 48,375.19	2024 EST. YEAR END FUND BALANCE
2024	YEAR END FUND BALANCE	\$ 50,485.08	\$ 48,375.19	\$ 47,830.19	2025 EST. YEAR END FUND BALANCE

Budget Amendment for 2024 to be made: Increase Interest On Investments Revenue from \$629.89 to \$1,000
 Budget Amendment for 2024 to be made: Increase Mileage Expense from \$120 to \$1,000 (5 vehicles, 3 days)
 Budget Amendment for 2024 to be made: Increase Conference & Training Expense from \$400 to \$2,000 (\$200 MALB Conf. Registration fee for 10 registrants)



Ottawa Land Bank Authority Meeting

7/26/2024

Blight Elimination Program Wrap Up

Total Requested: \$1,200,000

Total Awarded: \$512,500

Total Expended: \$265,069

Admin Earned: \$21,205.52

LUGS Assisted: Chester Township (\$99,745 - Demolition)

City of Zeeland (\$55,064 - Demolition)

City of Hudsonville (\$110,260 - Demolition)

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

Originally adopted by the Board of Director as of November 29, 2010, and approved by the
Ottawa County Board of Commissioners on December 28, 2010.

Amended by the Board of Directors as of July 26, 2021, and amendments approved by the
Ottawa County Board of Commissioners on August 24, 2021

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**AMENDED 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 be known as the "Ottawa County Land Bank"

1.2 Office and Agent. The Corporation shall maintain an office in the State of Michigan, and more specifically, 12220 Fillmore St., West Olive, Michigan 49460. The agent of the Corporation shall be the elected Treasurer of 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 January 28, 2010, (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 its 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 be 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 of the members appointed, 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 Board of Directors. The Board of Directors of the Ottawa County Land Bank shall consist of nine (9) members including:

- (a) The elected and serving Treasurer of Ottawa County;
- (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 shall serve a six (6) year term, subject to their continued service in the capacity through which they were originally appointed. Members can be appointed to additional terms in the discretion of the Ottawa County Board of Commissioners.

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 of Ottawa County, 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 or by electronic 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, (OMA") 1976 P.A. 267, as amended. The Board of Directors shall meet at least annually. As long as consistent with the OMA, any regular, special or annual meeting may be attended by a member digitally.

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 or by electronic 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. Unless otherwise required herein or by Michigan law, 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 by all members present.

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 Eleven 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. Notice may also be given by electronic mail addressed to the director at his or her email address as it appears in the records of the Corporation.

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

OFFICERS

6.1 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.

6.2 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.

6.3 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.

6.4 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.

6.5 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 verify by his or her signature, contracts, deeds or other legal documents approved by the Board of Directors.
- (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.

6.6 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 SEVEN

COMMITTEES OF DIRECTORS

7.1 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.

7.2 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.

7.3 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.

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

7.5 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.

7.6 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.

7.7 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 EIGHT

EMPLOYEES, CONTRACTED SERVICES

8.1 Employees. The Corporation may not employ or otherwise contract for the services of any staff deemed necessary to carry out the duties and responsibilities of the Corporation. Such staff as needed shall be provided by Ottawa County or by independent contract approved by the Board of Directors.

8.2 Executive Director. Notwithstanding the above, and with the approval of the Ottawa County Board of Commissioners, 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 NINE

CONTRACTS, CHECKS, DEPOSITS AND FUNDS

9.1 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.

9.2 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 the Treasurer 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 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.

9.3 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.

9.4 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 TEN

MISCELLANEOUS

10.1 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.

10.2 Fiscal Year. The fiscal year of the Corporation shall begin on October 1 of each year and end on the following September 30.

10.3 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 August 1 immediately preceding the beginning of the Fiscal Year of the Corporation.

10.4 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.

10.5 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.

10.6 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.

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

ARTICLE ELEVEN

AMENDMENTS

11.1 Power to Amend Bylaws. With the subsequent approval of the Ottawa County Board of Commissioners, the Board of Directors 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.

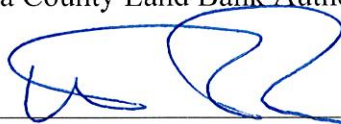
11.2 Conditions. Action by the Board of Directors with respect to these bylaws shall be taken by the affirmative vote of a majority of all directors then holding office.

Whereas, the Amended Bylaws of the Ottawa County Land Bank Authority were approved by the Board of Directors on the 26th day of July, 2021.



Amanda Price, Chairperson

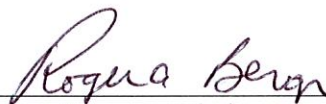
Ottawa County Land Bank Authority



Tom Oonk, Secretary

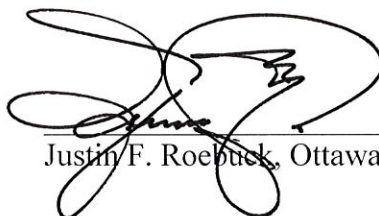
Ottawa County Land Bank Authority

Whereas the Amended Bylaws of the Ottawa County Land Bank Authority were approved by the Ottawa County Board of Commissioners on the 24th day of August, 2021.



Roger Berman, Chairperson

Ottawa County Board of Commissioners



Justin F. Roebuck, Ottawa

Sample

Ottawa County Land Bank Authority
Conflict of Interest Statement

The By-Laws of the Ottawa County Land Bank Authority Section 3.6 state as follows:

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 actions relating to the matter. Each Director, upon taking office and annually thereafter, shall acknowledge in writing that they have read and agree to abide by this section.

I, _____ acknowledge in writing that I have read Section 3.6 of the Ottawa County Land Bank Authority By-Laws.

Signed: _____

Dated: _____

Direction for the Ottawa County Land Bank Authority

Mission Statement

The Land Bank will invigorate values in the community by acquiring, developing and returning to the tax rolls or for public purpose properties formerly underutilized, vacant or abandoned; in cooperation with stakeholders who value responsible land ownership, while providing for local government input.

Revised: 2/8/13

OTTAWA COUNTY
LAND BANK AUTHORITY

PRIORITIES AND POLICIES
FOR
PROPERTY ACQUISITION AND DISPOSITION

Updated 1/21/2011

APPROVED BY THE OTTAWA COUNTY BOARD OF COMMISSIONERS AS OF
August 19, 2011.

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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 February 5, 2010, 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

- Return of the property to productive tax paying status.
- Affordable housing.
- Neighborhood revitalization.
- Land assemblage for economic development.
- Provision of financial resources for operating functions of the Ottawa County Land Bank Authority.
- 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.

Ottawa County Land Bank Authority

Real Estate Firm / Realtor Selection Policy

I. POLICY

The Ottawa County Land Bank Authority (LBA) in the course of its official business has the potential for regular utilization of Realtor(s) and Real Estate firm(s) to represent the LBA in listing, selling and potentially purchasing real property for its benefit.

II. STATUTORY REFERENCES

In order to most efficiently and effectively prepare to deal with properties, the LBA desires to establish a policy to select realtor(s) / real estate firm(s) to represent the LBA in certain land transactions. MCL 124.751 – 124.774; PA 258 of 2003 as amended.

III. COUNTY LEGISLATIVE OR HISTORICAL REFERENCES

The original Board policy enabling the Land Bank Authority in entirety was adopted January 2010

Board of Commissioners Resolution Number and Policy Adoption Date: BC 10-032, January 26, 2010

Intergovernmental Agreement approved February 5, 2010

IV. PROCEDURE

It is anticipated that the best source for handling some of the property transactions for the LBA will be a firm / realtor located and/or regularly operating in a market area. To that end, the following procedure will be used to select the vendor(s) used by the LBA.

1. Responsibility

It will be the responsibility of the Chair of the Land Bank Authority to seek out vendors and present a recommendation to the LBA Board for ratification. A representation agreement between the chosen firms or individuals and the LBA will be established for a one-year term. The LBA may extend the current representation for up to five (5) one-year terms before a new request for proposal is required.

Note: The Land Bank Authority will make no commitment as to the number or value of properties that will be offered in any area of the County throughout the term of the agreement.

2. Request for Proposals

The expectation of the LBA is to request proposals from real estate firms within specific market areas and from those proposals to determine the best fit and greatest benefit to the Land Bank. The County will be divided in three (3) general market sections, specified as:

- a. North and West of Fillmore St. and 96th Ave.
- b. South and West of Fillmore St. and 96th Ave. but also including Zeeland City and Zeeland Township
- c. West of 96th Ave except not including Zeeland City or Township

3. Basis of Selection

Winning proposals will be determined from firm & realtor showing:

- a. Proven coverage (specialization) within the specific market area as defined above
- b. Pricing advantage to the LBA (reviewed out to the 5th decimal place)
- c. Best quality marketing and servicing aspects, including the commitment of the company not just a single realtor

Ottawa County Land Bank Authority

CODE OF ETHICS

I. POLICY

The Ottawa County Land Bank Authority Board is dedicated to the service of the citizens of the County of Ottawa, to the proper and ethical discharge of its governmental responsibilities, and to the enhancement of public services within the principles of sound financial management. To further these objectives, certain ethical principles shall govern the conduct of every member of the Ottawa County Land Bank Authority Board of Directors who shall:

- A. Be dedicated to the concepts of effective and democratic government.
- B. Maintain a deep sense of responsibility as a trusted public servant.
- C. Be dedicated to the highest ideals of honor and integrity in all public relationships.
- D. Discharge their responsibilities without favor and refrain from engaging in any outside matters of financial or personal influence incompatible with the impartial and objective performance of their duties.
- E. Members of the Ottawa County Land Bank Authority Board of Directors with a direct or indirect interest in any matter before the Ottawa County Land Bank Authority shall disclose such member's interest to the Board of Directors before the Board takes any action on the matter. Such disclosure shall be noted in the minutes of the Board of Directors.
- F. Encourage a collegial and productive atmosphere on the Ottawa County Land Bank Authority Board of Directors by endeavoring, through conduct and speech, to treat each other, elected officials, County employees, Local Unit Officials, and members of the public, with courtesy and respect.

II. LEGAL REFERENCES

The Ottawa County Land Bank Authority Board of Directors is required to establish a Code of Ethics under section 4.13 of the Intergovernmental Agreement.

III. HISTORICAL REFERENCES

This is the original Board policy on this subject matter and was adopted on February 7, 2013

Last Review by Ottawa County Land Bank Authority Board of Directors: February 7, 2013

Ottawa County Land Bank Authority

IV. PROCEDURE

- A. A written complaint of an alleged Ethics violation may be made to the Ottawa County Land Bank Authority Board of Directors. If $\frac{3}{4}$ of the Board of Directors determines that there may be a legitimate basis for the complaint, the Chairperson shall appoint a three (3) person Special Committee to hear the complaint. If a complaint is made against the Chairperson, the Vice-Chairperson shall appoint the Special Committee. Appointment of the Special Committee and any procedural rules for the Special Committee shall be approved by a $\frac{3}{4}$ majority of the Board of Directors with the assistance of legal counsel. The findings of fact, including findings regarding intent, motive, or maliciousness, and the recommendations of the Special Committee shall be reported/appealed to the Board of Directors, which may accept, reject, or modify them.
- B. Upon adoption of this Policy, the Board of Directors authorizes the Ottawa County Land Bank Authority Chair to establish any procedures that may be necessary for implementation.

Ottawa County Land Bank Authority Board of Directors

<u>Name</u>	<u>Representing</u>	<u>Term Expires</u>	<u>Position</u>
Cheryl Clark 12220 Fillmore West Olive, MI 49460	OC Treasurer	-----	Chair
Jon Anderson 12220 Fillmore Street West Olive, MI 49460	OC Administrator	12/31/2026	
Joe Moss 6753 Bradenwood Drive Hudsonville, MI 49426	OC Commissioner	12/31/2026	
Amanda Murray 1940 Hollow Creek Drive, SE Caledonia, MI 49316	OC EDC	12/31/2027	
Thomas Oonk 8860 Quincy Street Zeeland, MI 49464	Township	12/31/2027	Secretary
Timothy Maday 57 W Central Ave Zeeland, MI 49464	City/Village	12/31/2028	Vice-Chair
Daniel Strikwerda 3275 Central Blvd. Hudsonville, MI 49426	City	12/31/2028	Treasurer
Terry DeHaan	Township	12/31/2029	
Jordan Jorritsma 14623 Hunters Trail Holland, MI 49424	Citizen	12/31/2029	