

**AN ORDINANCE CREATING VILLAGE OF BEECH BOTTOM ("LAND REUSE
AGENCY") OF THE CODIFIED ORDINANCES
OF THE VILLAGE OF BEECH BOTTOM, WEST VIRGINIA.**

WHEREAS, strong communities are important to the social and economic vitality of this City and the interests of the citizens of the City are served by having additional tools to cope with vacant, abandoned and tax-delinquent properties;

WHEREAS, the City's citizens are affected adversely by vacant, abandoned and tax-delinquent properties, including properties which have been vacated or abandoned due to mortgage foreclosure;

WHEREAS, vacant, abandoned and tax-delinquent properties impose significant costs on neighborhoods, communities, and the City as whole by lowering property values, increasing fire and police protection costs, decreasing tax revenues and undermining community cohesion;

WHEREAS, vacant, abandoned and tax-delinquent properties contribute to blight, invite crime and pests, and provide unsafe play spaces;

WHEREAS, there is an overriding public need to confront the problems caused by vacant, abandoned and tax-delinquent properties through the creation of new tools to enable the City to turn vacant, abandoned and tax-delinquent spaces into vibrant places; and

WHEREAS, land reuse agencies, often called land banks in other jurisdictions, are one of the tools that municipalities and counties may use to facilitate the return of vacant, abandoned, and tax-delinquent properties to productive use, and are authorized by the West Virginia Land Reuse Agency Authorization Act, W.Va. Code§ 31-18E-1 et seq.

Be it hereby ORDAINED by the Village of Beech Bottom that that the following be enacted and added to the Codified Ordinances of the Village of Beech Bottom.

Section 1. Establishment.

There is hereby established, pursuant the chapter 31, article 18E of the West Virginia Code, the "Beech Bottom Land Reuse Agency," hereinafter also referred to as the "BBLRA" or "LRA."

Section 2. Purpose.

The BBLRA shall promote the productive use of property by identifying available properties suitable for public space, conservation, housing, and commercial use and pursuing the acquisition, management, inventory, and disposition of those properties according to the priorities set forth in this Chapter. The LRA may exercise all powers granted by this Code and chapter 31, article 18E of the West Virginia Code.

Section 3. Board.

3.1 – Board Composition: The Beech Bottom Land Reuse Agency shall operate under the control of a board of directors composed of seven members, as follows:

3.1.1. The Mayor of the Village of Beech Bottom.

3.1.2. An employee of the Village of Beech Bottom. This shall include, but not be limited to, an employee of the Water Department or Police Department.

3.1.3. A member of a local Economic Development Authority or similar entity.

3.1.4. A member of the Beech Bottom Planning Commission.

3.1.5. A member of the Beech Bottom Council.

3.1.6. One member of the public, who is a resident of BBLRA, is not a public official or municipal employee, and maintains membership with a recognized civic organization by the Beech Bottom Council.

3.1.7. One member of the public, who has experience in real estate, construction, or contracting. Experience in these fields shall be read broadly and including, an attorney, real estate agent, landowner, landlord, licensed contractor, business owner, etc. This appointee does not have to be a resident of BBLRA.

3.2 – Appointment:

The person for 3.1.2, 3.1.3, and 3.1.4 shall be appointed by a majority vote of the Beech Bottom Council. The person for 3.1.5, 3.1.6, and 3.1.7 shall be appointed by the Mayor of the Village of Beech Bottom.

3.3 – Terms:

3.3.1: The Mayor shall serve as a board member for the entire time he or she is Mayor. The terms for 3.1.5, 3.1.6, and 3.1.7 shall be four years. The initial terms for 3.1.2, 3.1.3, and 3.1.4, shall be for two years; thereafter, these terms shall be four years.

3.3.2: Each member shall continue in office until a successor is duly appointed, except in the event of a member's removal, death, or delivery of written resignation. In the case of such a vacancy, a new member shall be appointed to serve the remainder of the term.

3.3.3: Members of the Board shall serve without compensation. Any member of the board who is an employee of the city may spend regular work hours on matters related to the board and receive his or her regular salary, as approved by the employee's direct supervisor.

3.3.4: The board may request assistance from any municipal department or employee, as necessary and as approved by the Beech Bottom Council.

Section 4. Officers of the board.

The members of the board shall annually select from among their members a chair, vice chair, secretary, treasurer, and any other officers as the board determines.

Section 5. Public input.

The residents of the BBLRA shall have an opportunity to provide written or oral input into all decisions of the LRA at the regular meetings held by the LRA.

Section 6. Official filing with secretary of state.

Upon the effective date of this section, the clerk of the Beech Bottom Council shall file a copy of the ordinance with the West Virginia Housing Development Fund and the West

Virginia Secretary of State.

Section 7. General.

The Land Reuse Agency shall have all the powers necessary and convenient to carry out and effectuate the purposes and provisions of this chapter and chapter 31, article 18E of the West Virginia Code. The powers may be authorized by the board or delegated to the staff of the LRA pursuant to board rules. The powers include, but are not limited to, the following:

7.1: To adopt, amend, and repeal bylaws, policies, and procedures for the regulation of its affairs and the conduct of its business, including duties of officers, attendance and participation of members in regular and special meetings, a procedure to remove a member by a majority vote for failure to comply with a rule, general terms and conditions for consideration to be received for the transfer of real property and interests in real property, and other matters necessary to govern the conduct of the LRA;

7.2: To sue and be sued in its own name and be a party to a civil action, including in any action to clear title to property or expedite quiet title actions;

7.3: To adopt a seal and to alter the same;

7.4: To borrow from federal government funds, from the state, from private lenders, from municipalities, or from counties, as necessary, for the operation and work of the LRA;

7.5: To issue negotiable revenue bonds and notes according to the provisions of chapter 31, article 18E of the West Virginia Code;

7.6: To procure insurance or guarantees from the federal government or the state on the payment of debt incurred by the LRA and pay premiums in connection with the insurance or guarantee;

7.7: To hire staff, including legal counsel, and to utilize the staff of other city departments as approved by the Beech Bottom Council;

7.8: To enter into contracts and other instruments necessary, incidental, or convenient to the performance of its duties and the exercises of its powers, including to enter into contracts and intergovernmental cooperation agreements with municipalities or counties for the performance of functions by municipalities or counties on behalf of the LRA or by the LRA on behalf of the city;

7.9: To make and execute contracts and other instruments necessary or convenient to the exercise of powers of the LRA. Any contract or instrument signed shall be executed by and for the LRA if the contract or instrument is signed by both: (A) the chair or vice-chair of the LRA Board and (B) the secretary or treasurer of the LRA Board;

7.10: To procure insurance against losses in connection with the real property, assets, or activities of the agency;

7.11: To invest money of the LRA in instruments, obligations, securities, or property and to name and use depositories for its money;

7.12: To enter into contracts for the management of, the collection of rent from, or the donation or sale of real property to the LRA;

7.13: To design, develop, construct, demolish, reconstruct, deconstruct, rehabilitate, renovate, relocate, and otherwise improve real property or rights or interests in real property;

7.14: To fix, charge, and collect rents, fees, and charges for the use of real property of the LRA and for services provided by the LRA;

7.15: To grant or acquire licenses, easements, leases, or options with respect to real property;

7.16: To enter into partnerships, joint ventures, and other collaborative relationships with municipalities, counties, and other public and private entities for the ownership, management, development, and disposition of real property;

7.17: To organize and reorganize the LRA consistent with the provisions of this code or State code;

7.18: To hold title to property in its own name;

7.19: To acquire property in any lawful way, including by acquiring an interest in tax delinquent properties through regular tax sale, right of first refusal authority, or post-sale where no person bids on a property, as authorized in West Virginia Code;

7.20: To coordinate and cooperate with other entities, including, but not limited to, public utilities and county-level agencies or departments, to improve data sharing in order to help determine vacant and rental properties;

7.21: To file liens against property where debts or fines are owed to the LRA or city, and to enter into any agreements deemed beneficial by the board to waive or modify those liens, debts, or fines; and

7.22: To do all other things necessary or convenient to achieve the objectives and purposes of the LRA, as further stated throughout this chapter or as otherwise authorized by state law.

7.23: To promote the efficient operation of the LRA, all of the LRA's funds shall be placed in a special revenue fund in the municipal treasury hereby established to be known as the LRA Fund, along with any subaccounts deemed necessary by the board.

Section 8. Priorities and management.

8.1: The Beech Bottom Land Reuse Agency shall act in accordance with the city's comprehensive plan and any other development plans adopted by the LRA or the municipal council in the future.

8.2: In order to promote transparency, the LRA shall maintain and make available for public review and inspection an inventory of real property held by the LRA. The LRA shall evaluate each property it owns, uses, disposes of, or studies for its potential as a purely public space, as a location for housing, as a conservation area, and as a location for retail, commercial and industrial activities.

8.3: To properly manage the LRA, the board shall identify financing options and grant opportunities on an ongoing basis, as authorized by § 31-18E-11 of the Code of West Virginia.

Section 9. Acquiring property through tax sales.

9.1: Pursuant to West Virginia Code § 31-18E-9, the LRA may acquire an interest in tax-delinquent property through the provisions of chapter 18A of the West Virginia Code. The LRA may exercise all of the authority granted by chapter 31, article 18E of West Virginia Code, including, but not limited to, obtaining lists of tax-delinquent properties, purchasing tax liens for unredeemed property, exercising the right of first refusal on eligible properties, and entering into similar arrangements to obtain property.

9.2: In the event that the LRA uses its right of first refusal to obtain tax-delinquent property, the LRA shall notify adjacent property owners of the property acquisition pursuant to the requirements of West Virginia Code § 31-18E-9.

For the purposes of this requirement, "adjacent" means that the property acquired shares a boundary with the other property. There is no requirement to make notice to other property holders nearby who do not share a boundary with the property so acquired. If more than one adjacent property owner responds with an interest in purchasing the property within the time period authorized by West Virginia Code § 31-18E-9, the LRA shall provide an additional time period within which the owners may submit bids on the property and the property shall be sold to the highest bidder. The LRA may adopt a policy governing this process that conforms with West Virginia Code § 31-18E-9 and this chapter.

9.3: Notwithstanding any provisions of this section, any property obtained by the LRA through any means other than the right of first refusal on tax sales and any property obtained by right of first refusal where an adjacent land owner does not timely express the desire to purchase the property may still be conveyed to one or more adjacent land owners through the processes adopted by the LRA and without the restrictions contained in West Virginia Code § 31-18E-9(g).

9.4: In addition to all other public access and transparency provisions of this chapter, as well as having a resident member of the board, the LRA shall offer a public portion at each regular meeting during which residents may speak about any item on the meeting agenda.

Section 10. Annual report.

The LRA shall submit an audit of income and expenditures, together with a report of its activities for the preceding fiscal year to the West Virginia Housing Development Fund within 120 days after the end of the fiscal year. A copy of the report shall be submitted to the municipal council and any political subdivision with which the LRA has an intergovernmental agreement.

This ordinance shall be effective upon passage.

Becky UNL
Mayor

Joyce L Painter
Recorder

1st Reading: 2/21/2023

2nd Reading: 3/7/2023

3rd Reading: 3/21/2023