

BYLAWS OF  
CITY OF BEL AIRE, KANSAS, LAND BANK  
(LAND BANK)

ARTICLE ONE

MISSION AND OFFICES

Section 1: Name. The name of this City Land Bank is the City of Bel Aire, Kansas, Land Bank, hereinafter "Bank."

Section 2: Nature. The Land Bank is established by Ordinance of the City of Bel Aire pursuant to K.S.A. 12-5901 et seq., as a quasi-municipal body: a public agency authorized by the State Legislature, and created by the City of Bel Aire, to aid the City in achieving the mission of a Land Bank, and such Ordinance has been incorporated into the Bel Aire Municipal Code at Chapter 2, Article 10.

Section 3. Mission. The mission of the Land Bank is to take charge of, acquiring, maintaining and selling abandoned, foreclosed, or similarly distressed property, including easements and reversionary interests, and personal property subject to the provisions of the Kansas Land Bank Act, to help achieve the elimination of blight, the enhancement of neighborhood viability and stability, the creation of opportunities for affordable and mixed income home ownership and rental, maintenance of property values throughout the City, conformance with the goals of the City's Comprehensive Plan, and the encouragement of economic development.

Section 4: Offices. The principal office of the Land Bank in the State of Kansas shall be the Bel Aire City Hall, 7651 East Central Park Ave., Bel Aire, KS 67226, Sedgwick County, Kansas. Phone: 316-744-2451.

ARTICLE TWO

MEMBERSHIP: LAND BANK BOARD OF TRUSTEES

Section 1: Membership: The Land Bank Board of Trustees, "Board", shall be composed of the entire membership of the City Council ex officio, who shall be the voting members, and also the Mayor, who shall be the Chairperson ex officio. The Mayor shall perform the role of Land Bank Chairperson in a consistent manner with that of the role of Mayor, as to running the meeting, voting, vetoing, and breaking a tie. The term of office of each ex officio member of the Board of Trustees shall be coterminous with that member's term of office on the Governing Body of the City.

Section 2: City Staff Member: The non-voting staff member shall be the City Manager. This member may be authorized to sign documents in association with land transactions on behalf of the board, including land transaction documents, financial documents, and other documents necessary to carry out the directives of the Board. The non-voting member's membership on the Board shall automatically terminate upon termination of such individual's status as the City Manager of the City of Bel Aire.

Section 3: Officers: The Board officers shall consist of: 1) a chairperson who shall be the Mayor, 2) a vice-chairperson who shall be the President of the Council, and 3) a treasurer who shall be the City staff member. Each officer shall be appointed annually, but may serve in such office for less than one year as the term of office of the chairman and vice-chairperson shall be coterminous with that member's term as Mayor or President of the Council of the Governing Body of the City. The treasurer shall be bonded in such amounts as the Board may require.

### ARTICLE THREE

#### MEETINGS

Section 1: Meetings: Meetings shall be held to conduct the business affairs of Bank at such time and place as designated by the Board and as stated in the notice of meeting. Meetings shall be held within the City and shall be subject to the Kansas Open Meeting Act, K.S.A. 75-4317 et seq., and amendments thereto.

Section 2: Electronic Meetings: The Board, or any committee designated by the Board, may participate in a meeting by means of a telephone conference, or similar real time communications equipment, all in conformance with the Kansas Open Meetings Act, by any electronic means of which all persons participating in the meeting can hear each other. Such participation in a meeting shall constitute presence at the meeting..

Section 3: Notice of Meetings: Notice stating the place, day and hour of the meeting and, the purpose or purposes for which the meeting is called, shall be provided not more than one week prior to a meeting and not less than four hours before the time of the meeting by, or at the direction of, the Chairperson, or his or her designee. Notice can be delivered by Mail, E-mail, by hand in person, other electronic device or by phone. Notice shall be publicly posted on the City's website, and may be physically posted at the Board's offices.

Section 4: Quorum: A quorum to convene a meeting shall be a majority of the total members of the Board excepting the non-voting member. Actions before the Board shall pass upon majority approval of the total members of the Board present, excepting the non-voting members.

Section 5: Compensation: Members shall serve without compensation. Members may be reimbursed for expense incurred, if any, on behalf of the Land Bank.

Section 6: Conflict of Interest: A member of the Board shall not, in his or her capacity as such member, make or participate in the making of any contract with any person or business by which such member is employed or in whose business such member has a substantial interest. Nothing in this section, however, shall prohibit the Board from participating in the making of a contract or agreement with the City. For purposes of this section only, words and terms shall have the meanings ascribed to them in the Kansas Conflict of Interest Act for Public Officers, K.S.A. 75-4301 et seq., and amendments thereto.



## ARTICLE FOUR

### AUTHORITY

#### Section 1: Powers:

- (a) To sue and be sued.
- (b) To enter into contracts.
- (c) To appoint and remove staff and provide for the compensation thereof.
- (d) To acquire, by purchase, gift or devise, and convey any real property, including easements and reversionary interests, and any personal property, subject to the provisions of this Ordinance and state law. Any property acquired by the City, Sedgwick County or any other city or taxing subdivision within Sedgwick County may be transferred to the Bank. The Board may accept or refuse to accept any property authorized to be transferred pursuant to this Ordinance or state law. The transfer of any property pursuant to this Subsection shall not be subject to any bidding requirements and shall be exempt from any provisions of law requiring a public sale.
- (e) The fee simple title to any real estate which is sold to Sedgwick County in accordance with the provisions of K.S.A. 79-2803 and 79-2804, and amendments thereto, and upon acceptance by the Board may be transferred to the Bank by a good and sufficient deed by the County Clerk upon a written order from the Board of County Commissioners.
- (f) To rebate all, or any portion thereof, the taxes on any property sold or conveyed by the Bank.
- (g) The Board shall assume possession and control of any property acquired by it and shall hold and administer such property. In the administration of property, the Board shall:
  - 1. Manage, maintain and protect or temporarily use for a public purpose such property in the manner the Board deems appropriate;
  - 2. Compile and maintain a written inventory of all such property. The inventory shall be available for public inspection and distribution at all times;
  - 3. Study, analyze and evaluate potential, present and future uses for such property which would provide for the effective reutilization of such property;

4. Plan for and use the Board's best efforts to consummate the sale or other disposition of such property at such times and upon such terms and conditions deemed appropriate;

5. Establish and maintain records and accounts reflecting all transactions, expenditures and revenues in relation to the Bank's activities, including separate itemizations of all transactions, expenditures and revenues concerning each individual parcel of property acquired;

6. Thirty days prior to the sale of any property owned by the Bank, publish a notice in the official City newspaper announcing such sale;

7. Work in concert with the Governing Body of the City of Bel Aire regarding abatement deferral or reamortization of part or all of the special assessments levied by the Governing Body. The treasurer of the Band shall notify the county treasurer of any special assessments that are deferred or reamortized so that such special assessments may be corrected on the tax rolls.

(h) To exercise any other power which may be delegated to the Bank by the Governing Body of the City of Bel Aire, by Ordinance, Resolution, or regular motion, or as authorized within the enabling Ordinance of the Bank.

(i) The Board may establish separate neighborhood or City advisory committees consisting of persons living or owning property within the City, Sedgwick County or the neighborhood, and determine the boundaries of each neighborhood committee. In the absence of a Resolution by the Board providing otherwise, each advisory committee shall consist of not less than five and no more than nine persons, to be appointed by the Board for two-year overlapping terms. The Board shall consult with each advisory committee as needed to review the operations and activities of the bank and to receive the advice of the members of the advisory committee concerning any matter which comes before the committees.

(j) To exercise any other powers set forth in law or in Ordinance, or any incidental power which is necessary to carry out the purposes of the Land Bank, this Article and state law.

Section 2: The Chairperson shall:

- (a) Serve as head of the Land Bank and shall preside at all meetings of the Board;
- (b) Determine the need for any ad hoc committees pertinent to the operation of the Land Bank and, with approval of the Board, select the ad hoc committee members and chairmen;

- (c) Sign required documents associated with land transaction, including financial documents;
- (d) Perform such other duties as may be incidental to the office of the Chairperson.

Section 3: The Vice Chairperson shall: In the event of the absence or disability of the Chairperson, perform the duties of the Chairperson. The Vice Chairperson, shall also perform such other duties as shall from time to time be imposed by the Board or Chairperson.

Section 4: The Treasurer shall: Either directly, or by designating to a member of the Bel Aire City Staff:

- (a) Certify all the proceedings taken by a recording secretary of the meetings of the Land Bank and Directors in a file to be kept for that purpose, and attest to all formal actions of the Board;
- (b) See that all notices are given in accordance with the provisions of these bylaws or as required by law;
- (c) See that the books, reports, statements, certificates, and all other documents and records required by law are properly made, kept, and filed.
- (d) Have charge and custody of all funds and securities of the Land Bank and shall deposit the same in such bank as shall be designated by the Board;
- (e) Render a statement of the condition of the finances of the Land Bank at each meeting and a complete financial report annually;
- (f) Receive, and give receipt for, monies due and payable to the Land Bank;
- (g) Pay, and receive receipt for, monies owed and payable by the Land Bank;
- (h) In general, perform all the duties incident to the office of Treasurer and such other duties as from time to time may be assigned by the Board or the Chairperson of the Board; and
- (i) When the Board acquires property, notify the Sedgwick County Treasurer to remove from the tax rolls all taxes, assessments, charges, penalties and interest that are due and payable on the property at the time of acquisition by the Board.

## ARTICLE FIVE

### FISCAL YEAR

Section 1: Fiscal Year: The fiscal year of the Land Bank shall begin on the 1<sup>st</sup> day of January and terminate on the 31<sup>st</sup> day of December, until and unless otherwise provided by resolution of the Board.



ARTICLE SIX  
CONTRACT, CHECKS, DEPOSIT, GIFTS

Section 1: Contracts: Contracts for execution of services or purchases of merchandise may be entered into in the name of and on behalf of the Land Bank by an officer or agent authorized by the Board. Such authority may be general or confined to specific instances. Any information concerning such contracts and purchases may be treated in a confidential manner.

Section 2: Checks, Drafts or Orders: All checks, drafts or other orders for payment of money, notes, or other evidence of indebtedness issued in the name of the Land Bank shall be signed by the Chairperson or Treasurer, or as otherwise provided for by resolution of the Board.

Section 3: Depositories: The Board shall designate the bank(s) in which shall be deposited from time to time the money or securities of the Land Bank. The Bank is authorized to create a bank account as a quasi-municipal agency, under the authority of the City of Bel Aire. The Bank may also maintain finances as a line item within the City's regular budget. The Board shall be audited annually as a quasi-municipal agency, and such separate audit presented to both the Board and the Governing Body of the City.


Section 4: Gifts: The Board may accept, or decline to accept, on behalf of the Land Bank any contribution, gift, bequest or devise for any purpose of the Land Bank.

Section 5: Monetary Policy: The Bank shall be subject to the statutory requirements for the deposit of public money as provided in K.S.A. 9-1401 et seq., and amendments thereto. The Bank shall be subject to the provisions of the Cash Basis Law, K.S.A. 10-1101 et seq., and amendments thereto.

ARTICLE SEVEN  
AMENDMENTS

These bylaws may be altered, amended or repealed or new bylaws may be adopted by the affirmative vote of two-thirds of the Board at any meeting of the Board, if notice of such alteration, amendment, repeal or adoption of new bylaws is contained in the notice of such meeting.

IN TESTIMONY WHEREOF, I, the undersigned, do hereby certify that I am the duly elected and acting Chairperson of the Land Bank and that the foregoing bylaws constitute the bylaws of the Land Bank duly adopted by the Board on the 30<sup>th</sup> day of September 2020.

  
Jim Benage,  
Chairman of the Board