

**ORDINANCE NO. 2014 - 03**

**AN ORDINANCE OF THE COUNTY COMMISSIONERS OF THE COUNTY OF  
VENANGO TO CREATE THE VENANGO COUNTY LAND BANK**

---

WHEREAS, the County of Venango is authorized under the provisions of Act 153 of 2012, 68 Pa.C.S. Section 2101 et seq. (herein the “Act”), to create a land bank; and

WHEREAS, the Venango County Land Bank, hereinafter the “Land Bank”, shall possess all powers and perform all duties permitted to it under State law, except where expressly limited in this Ordinance; and

WHEREAS, the Board of Commissioners of the County of Venango finds and declares that there is a need for a land bank to function within the territorial limits of the County of Venango, Commonwealth of Pennsylvania; and

WHEREAS, the mission of the Land Bank is to facilitate the return of vacant, abandoned and tax delinquent properties to productive use, thereby revitalizing neighborhoods, communities and municipalities and strengthening the County’s tax base.

**SECTION 1. CREATION AND PURPOSE.**

- 1.1. The purpose of this Ordinance is to create the Venango County Land Bank that will use available resources to facilitate the return of vacant, blighted, abandoned and tax-delinquent properties to productive use, thereby combating community deterioration, creating economic growth and stabilizing the housing and job market.
- 1.2. The Land Bank will acquire, hold, and transfer interests in real property throughout Venango County except within the geographical boundaries of another land bank established by another land bank jurisdiction, as approved by the Land Bank’s Board of Directors for the following purposes: to deter the spread of blight; to promote redevelopment and reuse of vacant, abandoned, and tax-delinquent properties; to support targeted efforts to stabilize neighborhoods; to stimulate residential, commercial and industrial development; all in ways that are consistent with goals and priorities established by this Ordinance, local government partners and other community stakeholders.
- 1.3. The Venango County Land Bank shall be a public body corporate and politic and shall continue in existence until terminated and dissolved in accordance with Section 2114 of the Act.

SECTION 2. DEFINITIONS.

- 2.1. The following words and phrases when used in this Ordinance shall have the meanings given to them in this Section unless the context clearly indicates otherwise:

Land Bank – Shall mean the Venango County Land Bank.

Municipal Tax – Any real property tax imposed and billed by any municipal or county governments or by a school district.

Owner-occupant – A natural person with a legal or equitable ownership interest in property which was the primary residence of the person for at least three consecutive months at any point in the year preceding the date of initial tax delinquency.

Real Property – Land and all structures and fixtures thereon and all estates and interests in land, including easements, covenants and leaseholds.

Financial Institution – A bank, savings associations, operating subsidiary of a bank or savings association, credit union, or an association licensed to originate mortgage loans or an assignee of a mortgage or note originated by such an institution.

SECTION 3. BOARD OF DIRECTORS.

- 3.1. All operations of the Venango County Land Bank shall be governed by a Board of Directors as provided herein.

- 3.2. Number of Board Members: The Land Bank shall be governed by a Board of Directors comprised of seven (7) members. The Board of Directors of the Venango County Land Bank may modify the size of the Board in accordance with its Bylaws.

- 3.3. Initial Board Members: The initial members of the Board of Directors of the Venango County Land Bank shall be:

- a. Two (2) Venango County Commissioners
- b. One (1) Finance Administrator
- c. One (1) Assessment Director
- d. One (1) Tax Claim Bureau Director
- e. Two (2) members from the general public

- 3.4. Appointments: The Venango County Board of Commissioners shall appoint seven (7) members of the Board of Directors, selected in the following manner: Public officers and municipal employees shall be eligible to serve as Board members. At least one board member shall be a resident of the County of Venango, who is neither a public officer nor a

municipal employee, and who maintains membership with a recognized civic organization within the County of Venango.

- 3.5 Term of Board Members: The term of members of the Board of Directors shall be three (3) years.
- 3.6 Service after Expiration of Term: Members of the Board of Directors shall continue to serve until their successors have been appointed and qualified.
- 3.7 Compensation and Expenses: Members of the Board of Directors shall serve without compensation and may seek reimbursement for expenses incurred on behalf of the Land Bank.
- 3.8 Ethical Standards: Members of the Board of the Land Bank and its employees shall be subject to the Act of July 19, 1957 (P.L. 101), No. 451, known as the State Adverse Interest Act and the ethical standards and disclosure requirements of 65 Pa.C.S. Chapter 11 and any other supplemental rules and guidelines adopted by the Board of the Land Bank.
- 3.9 Officers: The Board of Directors shall annually elect from among its members officers to serve as Chair, Vice Chair, Secretary and Treasurer, each officer to serve a one (1) year term. Members may be re-elected to serve successive terms. The duties of officers shall be established by the Board according to law.
- 3.10 Vacancies: Any vacancy in the Board of Directors of the Land Bank shall be filled for the balance of the unexpired term by appointment by the Venango County Board of Commissioners.
- 3.11 Meetings of the Board: The Land Bank shall hold regular public meetings monthly, and shall allow for public comment on matters under deliberation at each such public meeting. The place, date and time of the Land Bank meetings shall be determined at the discretion of the Board of Directors. All meetings of the Board of Directors shall comply with the Pennsylvania Sunshine Act. The Chair of the Board may call special meetings by written notice delivered at least twenty-four (24) hours in advance to each Board member and advertised in accordance with the Pennsylvania Sunshine Act. Special meetings may also be called upon written notice signed by a majority of the Board members and delivered at least twenty-four (24) hours in advance to each Board member and advertised in accordance with the Pennsylvania Sunshine Act.
- 3.12 Quorum: A quorum shall be necessary for the transaction of any business by the Board of Directors. A majority of the Members of the Board of Directors, excluding vacancies on the Board, shall constitute a quorum.

Except as otherwise provided by the Act, or this Ordinance, the Board of Directors shall act by a majority vote of the Members present in person at a meeting at which a quorum exists. No voting by proxy shall be permitted.

- 3.13 Minutes: Minutes of all meetings of the Board of Directors and its Committees shall be made and maintained.
- 3.14 Committees: The Board of Directors may establish such committees as may be needed to assist the Board in conducting the business of the Land Bank. Committee members shall be appointed by the Chair, and each Committee shall include at least one member of the Board of Directors. Any business proposed by a Committee shall require approval by the Board of Directors.
- 3.15 Fiduciary Duty: The Members of the Board of Directors of the Land Bank are under a fiduciary duty to conduct the activities and affairs of the Land Bank in the best interest of the residents of the County of Venango, including the safekeeping and use of all Land Bank monies and assets. The Board of Directors shall discharge its duties in good faith, with the care an ordinary prudent person in a like position would exercise under similar circumstances.

SECTION 4. LAND BANK POWERS.

- 4.1. The Land Bank shall have all of the powers and duties provided in Section 2107 of the Act.

SECTION 5. LAND BANK STAFF.

- 5.1. Employees: The Land Bank may employ or enter into a contract for an executive director, counsel and legal staff, technical experts and other individuals, and may determine the qualifications and fix the compensation and benefits of those employees.
- 5.2. Municipal Contracts for Services: The Land Bank may enter into a contract or memorandum of understanding or intergovernmental cooperation agreement with a municipality for:
  - a.) the municipality to provide staffing services to the Land Bank; or
  - b.) the Land Bank to provide staffing services to the municipality.

SECTION 6. ACQUISITION OF PROPERTY.

- 6.1. The Land Bank is authorized to acquire real property or interests in real property through donation, gift purchase, lease purchase agreements, installment sales contracts, land contracts, or any other legal means, including tax sale or judicial sale or by transfer from the Tax Claim Bureau. The Land Bank may only acquire real property located in Venango County.

- 6.2. Acquiring Occupied Homes: When the Land Bank acquires residential properties that are occupied by the owners at the time of acquisition, it shall be the policy of the Land Bank to prefer maintaining the former owner-occupants in their homes, whenever feasible.

SECTION 7. INVENTORY.

- 7.1. The Land Bank shall maintain and make publicly accessible on its website, and at its offices during normal business hours, the following information:
- a.) An up-to-date inventory of property owned or held by the Land Bank;
  - b.) A record of all properties conveyed by the Land Bank to other parties within the previous and current calendar year.

SECTION 8. DISCHARGE AND ABATEMENT OF REAL ESTATE TAXES AND OTHER MUNICIPAL CLAIMS.

- 8.1. The Land Bank is authorized to discharge liens and other municipal claims, charges, or fines of Venango County and the Land Bank may seek to enter into an agreement for discharges of liens and claims by the applicable municipal body against the properties it acquires.
- 8.2. For the duration of the time a property is held by the Land Bank, the Land Bank is authorized to abate all real estate taxes and other municipal charges by the County of Venango and, to the extent necessary, may seek abatement or nontaxable status, from other applicable government entities.

SECTION 9. DISPOSITION OF PROPERTY.

- 9.1. The Land Bank is authorized to convey, exchange, sell, transfer, lease, grant, or mortgage interests in real property of the Land Bank in the form and by the method determined by the Board of Directors to be in the best interests of the Land Bank, except where expressly limited in this Section.
- 9.2. The Board of Directors may delegate its disposition authority to the staff of the Land Bank except in the following circumstances in which the Board itself must review and approve transfers of property at a public meeting:
- a.) The proposed terms of the transaction conflict with the Land Bank's published policies or procedures; or
  - b.) When otherwise required by law.
- 9.3. The Land Bank shall in conveying real property comply with a hierarchical ranking of priorities established by the Venango County Board of Commissioners.

SECTION 10. PRICING.

- 10.1. The Board of Directors shall determine the amount and form of consideration necessary to convey, exchange, sell, transfer, lease as lessor, grant or mortgage interests in real property.
- 10.2. As determined by the Board of Directors and set forth in policies and procedures, consideration may take the form of monetary payments and secured financial obligations, covenants and conditions related to the present and future use of the property, contractual commitments of the transferee and other forms of consideration determined to be in the best interest of the Land Bank.

SECTION 11. POLICIES.

- 11.1. Policies of the Land Bank shall initially be adopted and thereafter reviewed at least every other year by the Board of Directors of the Land Bank, with opportunity for public input and comment. Policies shall be published on the Land Bank's website.
- 11.2. County Residents shall have the following means of supplying input into the Land Bank decision making process:
  - a.) Any individual or organization may submit recommendations for Board Membership to the Board of County Commissioners for their consideration in making appointments.
  - b.) Any individual or organization may submit recommendations to the Land Bank Board or staff for real properties that could be acquired by the Land Bank, and the purpose for which such properties could be developed.
  - c.) Any individual or representative of an organization may provide public comment at any public meeting of the Land Bank Board of Directors.

SECTION 12. FINANCIAL PROVISIONS.

- 12.1. To the extent allowed by law, the Land Bank shall retain proceeds from the sale or other disposition of any properties to cover or contribute to operating costs, maintenance of inventory, and to support additional strategic property acquisitions.
- 12.2. The Land Bank may finance its operations through any means authorized in Sections 2111 and 2112 of the Act.

SECTION 13. DISSOLUTION; DISTRIBUTION OF ASSETS IN CASE OF DISSOLUTION.

- 13.1. The Land Bank may be dissolved according to the requirements of Section 2114 of the Act. Assets, upon dissolution of the Land Bank, shall be distributed according to Section 2114(c) of the Act.

SECTION 14. INSURANCE AND INDEMNIFICATION.

- 14.1. The Land Bank shall obtain insurance to defend and indemnify the Land Bank and the Members of the Board of Directors with respect to all claims or judgments arising out of their activities as Board Members and with respect to claims or judgments arising out of Land Bank activities performed on behalf of the Land Bank or County. Insurance may be provided through coverage by the County of Venango.
- 14.2. To be eligible for defense and indemnification, a Land Bank Board Member shall be obligated to:
  - a.) Notify, in writing, within five days of receipt, the Board Chair of the Land Bank about any claim made against the Member and deliver all written demands, complaints and other legal papers received with respect to such claim.
  - b.) Cooperate without charge during the investigation and defense of any claim against the County of Venango, the Land Bank or any Member of the Land Bank, including, but not limited to, preparing for and attending depositions, hearings and trials and otherwise assisting in securing and giving evidence.

SECTION 15. FILING WITH COMMONWEALTH DEPARTMENTS.

- 15.1. Upon adoption of this Ordinance, the Chief Clerk and County Administrator of the County of Venango shall file a copy of this Ordinance with the Pennsylvania Department of Community and Economic Development and with the Pennsylvania Department of State.

SECTION 16. REPEALER AND SEVERABILITY.

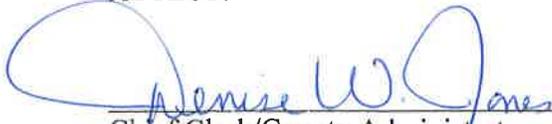
- 16.1. All Ordinances and parts of Ordinances inconsistent with this Ordinance are hereby repealed insofar as they are inconsistent herewith.
- 16.2. If any provision of this Ordinance shall be found to be invalid or unenforceable by a court of competent jurisdiction, such provision shall be stricken herefrom and the remainder of this Ordinance shall remain in effect. It is the intent of the Board of County Commissioners that this Ordinance be severable.

SECTION 17. EFFECTIVE DATE.

17.1. This Ordinance shall become effective at the earliest date permitted by law.

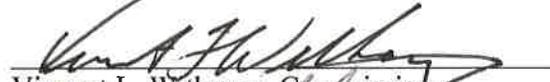
ORDAINED AND ENACTED by the Board of Commissioners of the County of Venango, Pennsylvania, this 12<sup>th</sup> day of August, 2014.

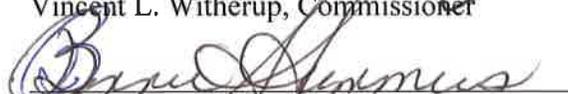
ATTEST:

  
Denise W. Jones  
Chief Clerk/County Administrator

BOARD OF COMMISSIONERS OF  
VENANGO COUNTY:

  
Timothy S. Brooks, Commissioner

  
Vincent L. Witherup, Commissioner

  
Bonnie S. Summers, Commissioner