

Bylaws of Wichita Land Bank
Wichita Land Bank Board of Trustees
Wichita, Kansas

ARTICLE I

Purpose and Organization

SECTION 1:

The Wichita Land Bank (“Land Bank”) is hereby established pursuant to K.S.A. 12-5901 et seq. The Land Bank is an independent agency and instrumentality of the City with the primary responsibility and authority to acquire, hold, manage, and convey property, located within the Established Central Area as defined in the Wichita: Places for People Comprehensive Plan Amendment of 2019, and other abandoned, tax-foreclosed, or otherwise underutilized or distressed property within the City of Wichita in order to convert such properties to productive use.

SECTION 2 – LAND BANK BOARD OF TRUSTEES; APPOINTMENT, TERMS AND DISSOLUTION:

- A. There is hereby established a Wichita Land Bank Board of Trustees (“Board”). The Board shall be composed of seven members. Each member of the Governing Body shall appoint one member who resides in Sedgwick County, Kansas with the goal of having expertise in land development, construction, development finance, real estate sales or marketing, real estate law, neighborhood growth and development, surveying or expertise related to the responsibilities of the Land Bank operation. Members of the Board shall not receive compensation nor shall they be reimbursed for personal expenses.
- B. The Board may establish separate neighborhood or city advisory committees on an ad hoc basis consisting of persons living or owning property within the county, city or neighborhood. In the case of neighborhood advisory committees, the Board shall determine the boundaries of each neighborhood. The Board shall consult with each neighborhood or advisory committee as needed to review the operations and activities of the Land Bank concerning any matter which comes before that particular committee.
- C. The term of office of the members of the Board shall be as defined in the City’s Municipal Code.

- D. The Board members are subject to Municipal Code 2.12.010, 2.12.020 and 2.12.030, except as otherwise stated herein.
- E. Primary staff support to the Board will be provided by the City Manager or designee. City staff will provide technical and professional support for Land Bank operations.
- F. The Land Bank may be dissolved by ordinance of the Wichita City Council (the “Governing Body”). In such case, all property of the Land Bank shall be transferred to and held by the City and may be disposed of as otherwise provided by law.

SECTION 3 – LAND BANK BOARD; ORGANIZATION

- A. The Board shall select, annually, from its membership, a chairperson, a vice-chairperson and a treasurer.
- B. The Board shall fix the time and place at which its meetings shall be held. 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.
- C. A majority of the Board shall constitute a quorum for the transaction of business. No action of the Board shall be binding unless taken at a meeting at which at least a quorum is present.
- D. The Chairperson shall preside at all meetings of the Board, except in his/her absence, disability or vacancy, the Vice Chairperson shall preside. In the absence, disability or vacancies of both the Chairperson and Vice Chairperson, the Treasurer shall preside for the purpose of electing an Acting Chairperson.
- E. All meetings of the Board and of its committees shall be conducted in accordance with Robert’s Rules of Order except insofar as modified by these bylaws and procedures adopted by the Board.
 - a. The Board may suspend the rules, provided that the motion to suspend the rules take precedence over other prime motions; provided a motion to suspend the rules shall state the specific purpose and rule to be suspended; provided that no motion to suspend the rules shall be considered approved unless the length of time suspension will be in effect has been specified; provided that the motion to suspend the rules shall be approved by a majority of the members present; and provided that no suspension of the rules shall be considered permanent.
 - b. Any member remaining silent on a vote shall be considered to have voted in the affirmative. The Chairperson shall grant permission upon request for any member to refrain from participating in the discussion and voting on an item when said member advises the Chairperson of matters arising under the provisions of Article I, Section F pertaining to that item. Such member shall be recorded as abstaining on the vote but shall be counted for the purposes of determining a quorum.

F. Conflict of Interest and Ethical Considerations.

a. Members shall not assist or represent applicants on zoning, subdivision, or vacation applications in the presence of the Board. Members may appear and speak before the Board under the provisions of subsection b. where the member owns property or is a prospective purchaser of property included in an application or the member owns property in the statutory notification area of an application.

b. A member shall not participate or vote on an issue before the Board if:

1. the member has a substantial interest on a particular issue as defined by state law;

2. the member has expressed an individual opinion on the determination of a quasi-judicial matter or otherwise expressed himself or herself in a way that infers an opinion has been formed prior to the Board's hearing on the matter;

3. the member owns property or is a prospective purchaser of property included in any application; or

4. the member owns property in the statutory notification area.

c. Members shall not make presentations to Governing Body on a quasi-judicial item prior to the resolution of that item by the Governing Body, unless the member has abstained from participation on that item or the member has been designated by the Board to make a presentation.

d. Prior to any motion on an application, Board members shall disclose the nature of any ex parte contacts and of any information obtained through those contacts that may have a bearing on their decisions.

G. Subject to the provisions of the Kansas Tort Claims Act, K.S.A. 75-6101 et seq., and amendments thereto, if any action at law or equity, or other legal proceeding, shall be brought against any member of the Board for any act or omission arising out of the performance of duties as a member of the Board, such member shall be indemnified in whole and held harmless by the City for any judgment or decree entered against such member and, further, shall be defended at the cost and expense of the City in any such proceeding.

ARTICLE II

Powers, Duties and Responsibilities of the Board.

SECTION ONE. The Land Bank Board shall have the following powers and duties:

- A. To sue and be sued.
- B. To enter into contracts.
- C. Recommend to the Governing Body the transfer, sale or acquisition of real property by purchase, gift or devise, and convey any real property, including easements and reversionary interest, and personal property, subject to the provisions of this Article. The Board may accept or refuse to accept any property offered to the Land Bank. 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.
- D. The Board shall assume possession and control of any property acquired by it under this Section 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. Work with City staff to 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. Work with City Finance Department to establish and maintain records and accounts reflecting all transactions, expenditures and revenues in relation to the Land Bank's activities, including separate itemizations of all transactions, expenditures and revenues concerning each individual parcel of property acquired.
- E. To exercise any other power which may be delegated to the Land Bank by the Governing Body.
- F. To exercise any other incidental power which is necessary to carry out the purpose of the Land Bank or this Section.

SECTION 2. The term of office of the members of the Board shall be as defined in the City's Municipal Code.

ARTICLE III

Meetings of the Land Bank Board

SECTION 1. At the first meeting of each calendar year, the Board shall establish regular meeting times and dates for the upcoming year. The Board shall hold at least 9 regular meetings during the year.

SECTION 2. The _____, or designee shall prepare a notice of the meeting and an agenda of all matters to come before the Board and e-mail the same to Board members no later than five (5) days preceding the next regular meeting. Any member of the Board may cause matters to be placed on the agenda by advising the _____, or designee no later than noon (12:00 p.m.) six (6) days preceding the next regular meeting.

SECTION 3. Special meetings may be called by the Board Chairperson, Vice Chairperson or a majority of the Board members by giving written notice at least three (3) days in advance of said special meeting to all Board members. Every notice of any special meeting shall state the purpose or purposes for which the meeting has been called; the business transacted at all special meetings shall be confined to the purpose stated on the meeting notice.

SECTION 4. The Chairperson may from time to time call for work session meetings in addition to regular meetings of the Board for the purpose of receiving information, hearing presentations, and discussion information, provided that no formal or informal action is taken. All such sessions are open to the public, shall be posted on the City website, and no binding action will be taken.

SECTION 5. A quorum shall consist of a majority of the members of the Board. Business of the Board shall be conducted by majority vote of the members present once a quorum has been

established. A quorum must be present before the Board may take any formal action. No action of the Board shall be binding unless taken at a meeting at which a quorum is present.

ARTICLE IV

Officers and Their Duties

SECTION 1. The officers of the Board shall be as follows:

Chairperson, who shall be elected by the Board, from its members, and shall preside at all meetings of the Board, and shall sign, execute, act and deliver for the Board all documents of any kind required or authorized to be signed by the Board.

Vice Chairperson, who shall be elected by the Board from its members and, in the absence or disqualification or disability of the Chairperson, shall perform the duties of the Chairperson and act in place of the Chairperson, with the full power and authority which the Chairperson would have, were the Chairperson present.

Treasurer, who shall be elected by the Board from its members, and shall represent the financial activities of the Board.

Secretary, shall be an appointed position by the _____ or designated employee of the City of Wichita, assigned to keep a complete record of all proceedings of the Board and shall perform such other duties as may be required by law or ordinance. The Secretary shall not have the right to vote or to perform any other functions than provide administrative service.

SECTION 2. An annual election of officers shall be held at the first meeting of the calendar year. Officers so elected shall serve for a term of one (1) year.

ARTICLE V

Amendments to Bylaws

The Board may, by a two-thirds majority vote, amend these bylaws of any provisions or sections thereof at any time when the same is not in conflict or contravention of any of the laws of the State of Kansas or ordinance of the City of Wichita. Any bylaw amendment modifying the authority of the Board may be subject to City Council approval. Notice of the proposed amendments shall be furnished by the Secretary to Board members not less than ten (10) days prior to the meeting at which said amendments are to be considered. The above bylaws are hereby adopted as the Bylaws of the Land Bank Board of the City of Wichita, Kansas.

Dated this _____ day of _____, 2020.

_____, Chairperson