

**AN ORDINANCE ESTABLISHING A LAND REUSE AND PRESERVATION AGENCY
FOR THE CITY OF MORGANTOWN**

WHEREAS, West Virginia Code Chapter 31, Article 18E authorizes municipalities to establish land reuse agencies for the purchase, rehabilitation, improvement, or sale of real property and to promote the productive use of property within the municipality; and

WHEREAS, The City of Morgantown is the present owner of various properties that may be best utilized by the management of such a land reuse agency; and

WHEREAS, the corporate boundaries of The City of Morgantown contain numerous properties suitable for acquisition, rehabilitation, improvement, and future use as public space, affordable housing, conservation areas, and commercial use areas; and

WHEREAS, state authorizing legislation permits land reuse agencies to acquire, manage, and dispose of properties for the above-designated purposes; and

WHEREAS, the City is entitled by the same legislation to establish priorities for the use of real property conveyed by a land reuse agency, including use for purely public spaces and places; affordable housing; conservation areas; and retail, commercial, and industrial activities; and

WHEREAS, the City intends to promote the productive use of property by identifying available properties suitable for commercial, housing, public space, and conservation areas and directing its land reuse agency to prioritize the acquisition, management, and disposition of those properties according to the priorities set forth in this Ordinance;

NOW, THEREFORE, The City of Morgantown hereby ordains that a new Article 147, entitled "Land Reuse and Preservation Agency," is established as follows:

147.01. Land Reuse and Preservation Agency established; Purposes.

(a) Name. The City of Morgantown hereby establishes a land reuse agency, in accordance with the West Virginia Land Reuse Agency Authorizing Act, Chapter 31, Article 18E of the West Virginia Code, as it may be amended, to be known as the "**Morgantown Land Reuse and Preservation Agency**" (hereinafter the "Agency").

(b) Purposes. The Agency shall promote the productive use of property by identifying available properties suitable for public space, conservation, affordable housing, and commercial uses and pursuing the acquisition, management, and disposition of those properties according to the priorities set forth in this Article. The Agency may exercise all powers granted by this Code and the West Virginia Land Reuse Agency Authorizing Act.

147.02. Members, qualifications, and terms.

- (a) Board established. The Agency shall operate under the control of a board of directors.
- (b) Membership. The board shall consist of seven members who shall be appointed and serve pursuant to the terms of this Article.
- (c) Qualifications.
 - (1) Each member of the board shall have experience in one of the following areas: (A) real estate transactions or financing, (B) development of commercial or residential property, (C) establishment or use of public lands, (D) land conservation or preservation, (E) development or management of programs promoting access to public lands or conservation areas. At least three members shall have the qualifications in Subsections (A) or (B), and at least three members shall have the qualifications in Subsections (C), (D), or (E).
 - (2) The board shall include at least one voting member who (A) Is a resident of the City, (B) Is not a public official or municipal employee, and (C) maintains membership with a recognized civic organization within the City.
 - (3) A majority of the members of the board shall be residents of the city.
- (d) Appointment. Each member of the board shall be appointed by Council.
- (e) Removal. A member may be removed from office in accordance with the rules established by the board pursuant to Section 147.03.
- (f) Terms. Each member shall serve a term of three years, beginning on January 1 and ending on December 31, except that the terms of the initial members shall be as follows:
 - (1) From the effective date of this ordinance until December 31, 2019
 - (2) From the effective date of this ordinance until December 31, 2019
 - (3) From the effective date of this ordinance until December 31, 2020
 - (4) From the effective date of this ordinance until December 31, 2020
 - (5) From the effective date of this ordinance until December 31, 2021
 - (6) From the effective date of this ordinance until December 31, 2021
 - (7) From the effective date of this ordinance until December 31, 2021

(g) Vacancies. Each member shall continue in office until a successor is duly appointed except in the event of the member's removal, death, or delivery of written resignation to Council. A vacancy on the board shall be filled in the same manner as the original appointment.

(h) Initial Members. The initial members of the board shall be appointed by Council to serve the term identified in Paragraph (f) of this Section corresponding to the number assigned to such member.

(i) Officers. Officers. -- The members of the board shall select annually from among their members a chair, vice chair, secretary, treasurer, and other officers as the board determines.

147.03. Powers and duties.

The Agency shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this Article and the West Virginia Land Reuse Agency Authorizing Act, including but not limited to the following:

(1) To adopt, amend, and repeal bylaws for the regulation of its affairs and the conduct of its business;

(2) To sue and be sued in its own name and be a party in a civil action. This paragraph includes an action to clear title to property of the Agency;

(3) To adopt a seal and to alter the same at pleasure;

(4) To borrow from federal government funds, from the state, from private lenders, or from municipalities or counties, as necessary, for the operation and work of the Agency;

(5) To issue negotiable revenue bonds and notes according to the provisions of the West Virginia Land Reuse Agency Authorizing Act;

(6) To procure insurance or guarantees from the federal government or the state of the payment of debt incurred by the Agency and to pay premiums in connection with the insurance or guarantee;

(7) To enter into contracts and other instruments necessary, incidental, or convenient to the performance of its duties and the exercise of its powers;

(8) 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 Agency or by the Agency on behalf of the City;

(9) To make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the Agency. Any contract or instrument signed shall be executed by and for the Agency if the contract or instrument is signed, including an authorized facsimile signature, by:

(A) The chair or vice chair of the Agency; and

(B) Either:

(i) The secretary or assistant secretary of the Agency; or

(ii) The treasurer or assistant treasurer of the Agency;

(10) To procure insurance against losses in connection with the real property, assets, or activities of the Agency;

(11) To invest money of the Agency at the discretion of the board in instruments, obligations, securities, or property determined proper by the board and to name and use depositories for its money;

(12) To enter into contracts for the management of, the collection of rent from, or the sale of real property of the Agency;

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

(14) To fix, charge, and collect rents, fees, and charges for the use of real property of the Agency and for services provided by the Agency;

(15) To grant or acquire licenses, easements, leases, or options with respect to real property of the Agency;

(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;

(17) To organize and reorganize the executive, administrative, clerical, and other departments of the Agency and to fix the duties, powers, and compensation of employees, agents, and consultants of the Agency; and

(18) To do all other things necessary or convenient to achieve the objectives and purposes of the Agency;

(19) To administer the City's Land Preservation Program, as established by **Resolution No. 2018-___** and any successors thereto or policies adopted thereunder

(20) To adopt rules governing the following matters: (1) duties of officers; (2) attendance and participation of members at regular and special meetings; (3) a procedure to remove a member by a majority vote of the other members for failure to comply with a rule; and (4) other matters necessary to govern the conduct of a land reuse agency.

(21) To initiate expedited quiet title actions as authorized by West Virginia Code section 31-18E-16, as it may be amended.

147.04. Priorities; Land Use Plans.

(a) The Agency shall exercise the powers and duties conferred upon it by this Article in accordance with the priorities established in this Section.

(b) The following hierarchical ranking of priorities of the Agency is established by the City in accordance with West Virginia Code Chapter 31, Article 18E, Section 10. The Agency shall prioritize acquisition, disposition, and use of property in accordance with the numerical ranking of priorities:

(1) The Agency shall evaluate each property it owns, uses, disposes of, or studies for its potential as a component in the City's Land Preservation Program, as established by **Resolution No. 2018-___** and any successors thereto or policies adopted thereunder. In addition to any other factors considered, the Agency shall specifically consider (A) any factor required for consideration by the Land Preservation Program, and (B) whether a property is designated as "Reserve," "Preserve," or "Limited Growth/Conservation Development" in the City's Comprehensive Plan then in effect, or any similar or successor designation in such Comprehensive Plan.

(2) The Agency shall evaluate each property it owns, uses, disposes of, or studies for its potential as a purely public space or place. In addition to any other factors considered, the Agency shall specifically consider (A) any factor required for consideration by the Land Preservation Program, and (B) the relation of the property to the Master Plan of the Morgantown Board of Park and Recreation Commissioners then in effect.

(3) The Agency shall evaluate each property it owns, uses, disposes of, or studies for its potential as a site for affordable housing.

(4) The Agency shall evaluate each property it owns, uses, disposes of, or studies for its potential as a site for retail or commercial activities.

(5) The Agency shall evaluate each property it owns, uses, disposes of, or studies for its potential as a site for industrial activity.

(c) In addition to pursuit of the priorities established in this Section, the Agency shall consider all duly adopted land use plans of the City and make reasonable efforts to coordinate the disposition of land reuse agency real property with those land use plans.

147.05. Compensation and Expenses of Members.

Members of the land reuse agency shall serve without compensation. The board may reimburse a member for expenses actually incurred in the performance of duties on behalf of the land reuse Agency.

147.06. Meetings; Quorum.

(a) Regular Meetings. The Agency shall meet in regular session according to the schedule adopted by the board.

(b) Special Meetings. A special meeting may be convened by the chair or upon written notice signed by a majority of the members.

(c) Quorum. The Agency must have a quorum to conduct a meeting. A majority of the board, excluding vacancies, constitutes a quorum. A member must be physically present at a meeting for purposes of establishing the quorum required by this paragraph.

(d) Voting.

(1) Except as otherwise specified by law, action of the board must be approved by the affirmative vote of a majority of the board present and voting.

(2) Action of the board on the following matters must be approved by a majority of the entire board membership:

(A) Adoption of bylaws;

(B) Adoption of rules under West Virginia Code section 31-18E-5(d);

- (C) Hiring or firing of an employee or contractor of the Agency; provided that this function may, by majority vote of the entire board membership, be delegated by the board to a specified officer or committee of the Agency;
- (D) Incurring of debt;
- (E) Adoption or amendment of the annual budget; and
- (F) Sale, lease, encumbrance, or alienation of real property or personal property with a value of more than \$50,000.00.

(3) A resolution under West Virginia Code section 31-18E-14, relating to dissolution of the Agency, must be approved by two thirds of the entire board membership.

(4) A member of the board may not vote by proxy.

(5) A member may request a recorded vote on any resolution or action of the land reuse agency.

147.07. Resident Input.

The Agency shall provide residents an opportunity to offer input into its decisions. The following procedures are adopted to solicit resident input:

(a) The Agency shall provide public notice of the Agency’s meetings pursuant to the West Virginia Open Governmental Proceedings Act.

(b) The Agency shall offer a public portion at each regular meeting during which residents may speak about any item on the meeting agenda.

(c) The Agency may request input from other public bodies when the Agency determines that those bodies will be affected.

This ordinance shall be effective upon adoption.

FIRST READING:

Mayor

ADOPTED:

FILED:

City Clerk

RECORDED: