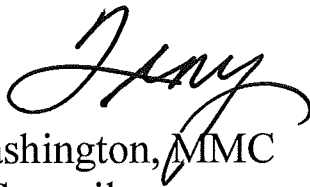


MEMORANDUM

DATE: March 9, 2017

TO: Mayor & Council



FROM: Tiny B. Washington, MMC
Clerk of Council

SUB: Land Bank Authority

Regarding Mayor Pro Tem Turner Pugh and Councilor Henderson's question as it relates to the Land Bank Authority, please be advised that pursuant to O.C.G.A., Section 48-4-100, Ordinance Number 12-40 was adopted by the Council on August 28, 2012 which amended Code Section 2-185, (copy attached) with respect to how members of the Land Bank Authority are selected.

Once we hear back from the Land Bank Authority, we will submit their recommendations to you, for your confirmation.

Please let me know if there are any further questions in this regard.

bank authority (as more fully described and defined in the Land Bank Authorities Law, O.C.G.A. 48-4-60 et seq., Georgia Laws 1990 p. 1875) to function in Columbus, Georgia, for the purpose of developing and promoting for the public good and general welfare by returning land which is in a nonrevenue-generating, nontax-producing status to an effective utilization status in order to provide housing, new industry, and jobs for the citizens of the city.

(Ord. No. 92-12, § 1, 2-11-92)

Sec. 2-182. Authority activated.

(a) There is hereby established in Columbus, Georgia, the public body corporate and politic known as the "Land Bank Authority of Columbus, Georgia."

(b) Pursuant to O.C.G.A. §§ 48-4-100 and 48-4-104 and with approval by the Land Bank Authority of Columbus, Georgia, said Land Bank Authority of Columbus, Georgia shall continue in existence under O.C.G.A. § 48-4-100 et. seq. In addition to any powers bestowed by other state law or local ordinance, the rules of procedure and all powers bestowed upon a land bank by O.C.G.A. § 48-4-100 through O.C.G.A. § 48-4-112 are hereby adopted, incorporated by reference, and shall apply to the Land Bank Authority of Columbus, Georgia.

(Ord. No. 92-12, § 2, 2-11-92; Ord. No. 12-40, § 1, 8-28-12)

Sec. 2-183. Definitions.

As used in this article, the term:

Authority means the land bank authority established pursuant to this article.

City means the [City of] Columbus, Georgia.

Property means the real property, including any improvements thereon.

Tax-delinquent property means any property on which the taxes levied and assessed by the city or Muscogee County tax commissioner remain in whole or in part unpaid on the date due and payable.

(Ord. No. 92-12, § 3, 2-11-92)

Sec. 2-184. Powers and purpose.

(a) The authority shall be a public body corporate and politic with the power to sue and be sued and to accept and issue deeds in its name and to institute quia timet actions and shall have any other powers necessary and incidental to carry out the powers granted by this article.

(b) The authority shall be established to acquire the tax delinquent properties of the parties in order to foster the public purpose of returning land which is in a nonrevenue-generating, nontax-producing status to an effective utilization status in order to provide housing, new industry, and jobs for the citizens of the county. The authority shall have the powers provided in this article, O.C.G.A. 48-4-60 et seq., and those necessary and incidental to the exercise of such powers.

(Ord. No. 92-12, § 4, 2-11-92)

Sec. 2-185. Board to govern authority; members; meetings; organization; staff.

(a) Effective September 1, 2012, the Land Bank Authority of Columbus, Georgia shall be governed by a board of seven members, four of which shall be appointed by the Columbus Council and three additional members which shall be nominated and approved by the Land Bank Authority and confirmed by Columbus Council pursuant to O.C.G.A. § 48-4-104. Each member shall serve at the pleasure of the respective appointing authority for a term of four years and shall serve without compensation. The authority may reimburse a board member for expenses actually incurred in the performance of the duties on behalf of the authority.

(b) The authority shall meet in regular session according to a schedule adopted by the authority and also shall meet in special session as convened by the chairperson or upon written notice signed by a majority of the authority members. Four members of the authority shall constitute a quorum and all actions of the authority must be approved by the affirmative vote of majority of the members of the authority present and voting, pursuant to O.C.G.A. § 48-4-104(i); provided however, that no action of the authority shall be

authorized on the following matters unless approved by a majority of the entire authority membership:

- (1) Adoption of bylaws and other rules and regulations for conduct of the Authority's business;
- (2) Hiring or firing of any employee or contractor of the authority;
- (3) Incurring of debt;
- (4) Adoption or amendment of the annual budget; and
- (5) Sale, lease, encumbrance, or alienation of real property, improvements, or personal property with a value of more than \$50,000.

(c) The Land Bank Authority of Columbus, Georgia shall have all powers necessary or appropriate to carry out and effectuate the purposes and provisions of this section and O.C.G.A. § 48-4-100 et seq. and particularly, the powers enumerated at O.C.G.A. §§ 48-4-106, 108, 109, 110, 111 and 112.

(Ord. No. 92-12, § 5, 2-11-92; Ord. No. 10-58, § 1, 11-23-10; Ord. No. 12-40, § 2, 8-28-12)

Sec. 2-186. Administration of properties.

(a) The authority shall hold, in its own name, for the benefit of the city, all properties conveyed to it by the city, all tax delinquent properties acquired by it pursuant to this article, and all properties otherwise acquired.

(b) It shall be the duty of the authority to administer the properties acquired by it, as follows:

- (1) All property acquired by the authority shall be inventoried and appraised and the inventory shall be maintained;
- (2) The authority shall organize and classify the property on the basis of suitability;
- (3) The authority shall maintain all property held by it with applicable laws and codes; and
- (4) The authority shall have the power to manage, maintain, protect, rent, lease, repair, insure, alter, sell, trade, exchange,

or otherwise dispose of any property on terms and conditions determined in the sole discretion of the authority.

The authority may assemble tracts or parcels of property for public parks or other public purposes, and to that end may exchange parcels and otherwise effectuate the purposes determined by agreement with any party.

(c) The acquisition and disposal of property by the authority shall not be governed or controlled by any regulations or laws of the city unless specifically provided.

(d) No property located within the city may be sold, traded, exchanged, or otherwise disposed of by the authority, unless the transaction is approved by the authority members.

(Ord. No. 92-12, § 6, 2-11-92)

Sec. 2-187. Acquisition and disposal of property.

(a) If the city obtains a judgment against a tax delinquent property for the taxes and, to satisfy the judgment, the property is ordered sold at a tax sale and if no person bids an amount equal to the full amount of all tax bills, interest, and costs owing on the property at the sale, the authority shall have the option at any time after the tax sale to cause the Muscogee County Tax Commissioner to make a deed of the property to the authority.

(b) In accordance with the provisions of code Section 48-4-45, the authority shall have the right to foreclose the right to redeem property at any time after the expiration of the 12-month redemption period has expired pursuant to code Section 48-4-65.

(c) When a property is acquired by the authority, the authority shall have the power to extinguish all county and city taxes and other liens of the city, other than school district taxes, at the time it sells or otherwise disposes of property. In determining whether or not to extinguish taxes and liens, the authority shall consider the public benefit to be gained by the forgiveness with primary consideration given to purchasers who intend to build or rehabilitate low-income housing.

12-40

AN ORDINANCE
NO. 12-40

C.A. 08-14-12(4)
C.A. 08-28-12(4)

An ordinance amending Chapter 2 of the Columbus Code, Land Bank Authority, pursuant to O.C.G.A. Section 48-4-100 et seq.; increasing the number of Authority members from four to seven; adopting all rules of procedure set forth at O.C.G.A. Sections 48-4-101 through 48-4-112; by specifically reserving 75% of the real property taxes collected on real property conveyed by the Authority for a period of five years, except state or school district ad valorem tax, for defraying expenses of the Authority pursuant to O.C.G.A. Section 48-4-110; and for other purposes.

THE COUNCIL OF COLUMBUS, GEORGIA HEREBY ORDAINS:

SECTION 1.

Section 2-182 of the Columbus Code is hereby amended by adding a new subsection (b) to read as follows:

"(b) Pursuant to O.C.G.A. Sections 48-4-100 and 48-4-104 and with approval by the Land Bank Authority of Columbus, Georgia, said Land Bank Authority of Columbus, Georgia shall continue in existence under O.C.G.A. Section 48-4-100 et. seq. In addition to any powers bestowed by other state law or local ordinance, the rules of procedure and all powers bestowed upon a land bank by O.C.G.A. Section 48-4-100 through O.C.G.A. Section 48-4-112 are hereby adopted, incorporated by reference, and shall apply to the Land Bank Authority of Columbus, Georgia."

SECTION 2.

Section 2-185 of the Columbus Code is hereby deleted in its entirety and a new Section 2-185 is hereby substituted to read as follows:

"(a) Effective September 1, 2012, the Land Bank Authority of Columbus, Georgia shall be governed by a board of seven members, four of which shall be appointed by the Columbus Council and three additional members which shall be nominated and approved by the Land Bank Authority and confirmed by Columbus Council pursuant to O.C.G.A. Section 48-4-104. Each member shall serve at the pleasure of the respective appointing authority for a term of four years and shall serve without compensation. The Authority may reimburse a board member for expenses actually incurred in the performance of the duties on behalf of the Authority.

(b) The Authority shall meet in regular session according to a schedule adopted by the Authority and also shall meet in special session as convened by the chairperson or upon written notice signed by a majority of the Authority members. Four members of the Authority shall constitute a quorum and all actions of the Authority must be approved by the affirmative vote of majority of the members of the Authority present and voting, pursuant to O.C.G.A. Section 48-4-104(i); provided however, that no action of the Authority shall be authorized on the following matters unless approved by a majority of the entire Authority membership:

- (1) Adoption of bylaws and other rules and regulations for conduct of the Authority's business;
- (2) Hiring or firing of any employee or contractor of the Authority;
- (3) Incurring of debt;
- (4) Adoption or amendment of the annual budget; and

- (5) Sale, lease, encumbrance, or alienation of real property, improvements, or personal property with a value of more than \$50,000."

(c) The Land Bank Authority of Columbus, Georgia shall have all powers necessary or appropriate to carry out and effectuate the purposes and provisions of this Section and O.C.G.A. Section 48-4-100 et seq. and particularly, the powers enumerated at O.C.G.A. Section 48-4-106, 108, 109, 110, 111 and 112.

SECTION 3.

Section 2-187 of the Columbus Code is hereby amended by adding the following subsections:

(f) Pursuant to O.C.G.A. Section 48-4-110, the Land Bank Authority of Columbus, Georgia shall receive 75% of the real property taxes collected on real property, exclusive of any state or school district ad valorem tax, conveyed by the Land Bank Authority pursuant to the laws of Georgia. Such allocation of property tax revenue shall commence with the first taxable year following the date of conveyance by the Land Bank Authority and shall continue for a period of five years. Such funds shall be remitted to the Land Bank Authority in accordance with the administrative procedures established by the Muscogee County Tax Commissioner.

(g) At the time that the Land Bank Authority sells or otherwise disposes of property as part of its Land Bank Authority program, the proceeds from the sale, if any, shall be allocated as determined by the Land Bank Authority among the following priorities:

- (1) Furtherance of Land Bank Authority operations;
- (2) Recovery of Land Bank Authority expenses; and
- (3) Remitter to the Muscogee County Tax Commissioner for distribution to the appropriate taxing entity in proportion to and to the extent of their respective tax bills and costs.

Any excess proceeds shall be distributed pursuant to any applicable intergovernmental contract or Land Bank Authority rules, regulations, or bylaws in accordance with the public policy stated in this article or O.C.G.A. Section 48-4-100 et seq.

(h) In the event of any conflict between provisions of this article and O.C.G.A. Sections 48-4-100 et seq., the provisions of O.C.G.A. Sections 48-4-100 et seq. shall control.

(i) All meeting of the Land Bank Authority shall be open to the public, except as provided by Chapter 14 of Title 50, and a written record shall be maintained at all meetings.

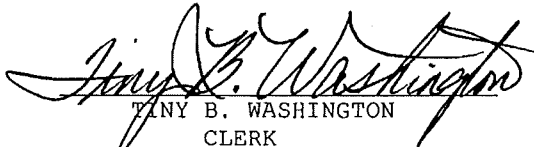
(j) Upon any dissolution of the Land Bank Authority pursuant to O.C.G.A. Section 48-4-111, all real property, personal property, and other assets of the Land Bank Authority shall become the assets of the Consolidated Government of Columbus, Georgia."


SECTION 4.

All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

Introduced at a regular meeting of the Council of Columbus, Georgia held on the 14th day of August, 2012, introduced a second time at a regular meeting of said Council held on the 28th day of August, 2012, and adopted at said meeting by the affirmative vote of nine members of said Council.

Councilor Allen voting YES .
Councilor Baker voting YES .
Councilor Barnes voting YES .
Councilor Davis voting YES .
Councilor Henderson voting YES .
Councilor Huff voting YES .
Councilor McDaniel voting ABSENT .
Councilor Pugh voting YES .
Councilor Thomas voting YES .
Councilor Woodson voting YES .


TINY B. WASHINGTON
CLERK


TERESA PIKE TOMLINSON
MAYOR