

SENATE BILL NO. 843

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR HOUGH.

5505S.011

KRISTINA MARTIN, Secretary

AN ACT

To repeal section 140.982, RSMo, and to enact in lieu thereof one new section relating to land banks.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 140.982, RSMo, is repealed and one new
2 section enacted in lieu thereof, to be known as section 140.982,
3 to read as follows:

140.982. 1. If a county establishes a land bank
2 agency under subsection 1 of section 140.981, the members of
3 the first board of directors of a land bank agency shall be
4 appointed within ninety days after the effective date of the
5 ordinance, resolution, or rule passed establishing such land
6 bank agency. [If any appointing authority fails to make any
7 appointment of a board member within the time the first
8 appointments are required, the appointment shall be made by
9 the county council. The following requirements shall apply
10 to the board of directors:

11 (1) The board of directors shall consist of seven
12 members:

13 (a) Two of whom shall be appointed by the county
14 executive, one of whom shall have professional expertise
15 relevant to the land bank agency;

16 (b) One of whom shall be appointed by the member of
17 the county council representing the district with the

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

highest number of tax delinquent parcels. Such board member shall maintain a primary residence within such district;

(c) One of whom shall be appointed by the member of the county council representing the district with the second highest number of tax delinquent parcels. Such board member shall maintain a primary residence within such district;

(d) One of whom shall be appointed by consensus of the county executive and the president of the municipal league of the county; and

(e) Two of whom shall be resident representatives. Resident representatives shall be appointed by a majority vote of the other board members, and each resident representative shall maintain a primary residence within one of the twenty municipalities containing the highest percentage of tax delinquent parcels;] **The board of**

directors of the land bank agency shall consist of seven members appointed by the county executive pursuant to the authority vested in that office by the county charter. The following requirements shall apply to the board of directors:

[(2)] (1) The term of office of a member shall be four years. Each member's primary residence shall be in the county that has established the land bank agency. Each member serves at the pleasure of the member's appointing authority, may be an employee of the appointing authority, and shall serve without compensation;

[(3)] (2) No public officer shall be eligible to serve as a board member. For purposes of this subdivision, "public officer" means a person who is holding an elected public office. Any public employee shall be eligible to serve as a board member;

[(4)] (3) The members of the board shall select annually from among themselves a chair, a vice chair, a

50 treasurer, and such other officers as the board may
51 determine and shall establish the officers' duties, as may
52 be regulated by rules adopted by the board;

53 [(5)] (4) The board shall establish rules and
54 requirements relative to the attendance and participation of
55 members in its meetings, regular or special. Such rules and
56 regulations may prescribe a procedure whereby, if any member
57 fails to comply with such rules and regulations, such member
58 may be disqualified and removed automatically from office by
59 no less than a majority vote of the remaining members of the
60 board, and that member's position shall be vacant as of the
61 first day of the next calendar month. Any person removed
62 under the provisions of this subdivision shall be ineligible
63 for reappointment to the board unless such reappointment is
64 confirmed unanimously by the board;

65 [(6)] (5) A vacancy on the board shall be filled in
66 the same manner as the original appointment[. If any
67 appointing authority fails to make any appointment of a
68 board member within sixty days after any term expires, the
69 appointment shall be made by the county council] **within**
70 **sixty days and shall be done in compliance with the county**
71 **charter;**

72 [(7)] (6) Board members shall serve without
73 compensation. The board may reimburse any member for
74 expenses actually incurred in the performance of duties on
75 behalf of the land bank agency;

76 [(8)] (7) The board shall have the power to organize
77 and reorganize the executive, administrative, clerical, and
78 other departments of the land bank agency and to fix the
79 duties, powers, and compensation of all employees, agents,
80 and consultants of the land bank agency;

81 [(9)] (8) The board shall meet in regular session
82 according to a schedule adopted by the board and also shall
83 meet in special session as convened by the chair or upon
84 written notice signed by a majority of the members. The
85 presence of a majority of total membership, excluding
86 vacancies, shall constitute a quorum;

87 [(10)] (9) All actions of the board shall be approved
88 by the affirmative vote of a majority of the members of that
89 board present and voting. However, no action of the board
90 shall be authorized on the following matters unless approved
91 by a majority of the total board membership:

92 (a) Adoption, amendment, or repeal of bylaws and other
93 rules and regulations for conduct of the land bank agency's
94 business;

95 (b) Hiring or firing of any employee or contractor of
96 the land bank agency. This function may, by majority vote,
97 be delegated by the board to a specified officer or
98 committee of the land bank agency under such terms and
99 conditions and to the extent that the board may specify;

100 (c) Adoption or amendment of the annual budget; and

101 (d) Sale, encumbrance, or alienation of real property,
102 improvements, or personal property;

103 [(11)] (10) The governing body of the county
104 establishing a land bank agency may incur debt, including,
105 without limitation, borrowing moneys and issuing bonds,
106 notes, or other obligations to provide funding for the land
107 bank agency;

108 [(12)] (11) Members of a board shall not be liable
109 personally on the bonds or other obligations of the land
110 bank agency, and the rights of creditors shall be solely
111 against such land bank agency; and

112 [(13)] (12) Vote by proxy shall not be permitted. Any
113 member may request a recorded vote on any resolution or
114 action of the land bank agency.

115 2. If a municipality establishes a land bank agency
116 under subsection 1 of section 140.981, the ordinance,
117 resolution, or rule, as applicable, may specify the
118 following:

119 (1) The name of the land bank agency;

120 (2) The number of members of the board of directors,
121 which shall consist of an odd number of members and shall be
122 no fewer than five members nor more than eleven members;

123 (3) The initial individuals to serve as members of the
124 board of directors and the length of terms for which the
125 members are to serve; and

126 (4) The qualifications, manner of selection or
127 appointment, and terms of office of members of the board.

128 3. A land bank agency may employ a secretary, an
129 executive director, its own counsel and legal staff,
130 technical experts, and other agents and employees, permanent
131 or temporary, as it may require and may determine the
132 qualifications and fix the compensation and benefits of such
133 persons. A land bank agency may also enter into contracts
134 and agreements with political subdivisions for staffing
135 services to be provided to the land bank agency by political
136 subdivisions or agencies or departments thereof, or for a
137 land bank agency to provide such staffing services to
138 political subdivisions or agencies or departments thereof.

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