

RESOLUTION NO. 364-b

ESTABLISHING THE ALBANY COUNTY PROPERTY DEVELOPMENT CORPORATION A NEW YORK LAND BANK, PURSUANT TO ARTICLE 16 OF THE NEW YORK STATE NOT-FOR-PROFIT CORPORATION LAW

Introduced: 8/13/12

By Audit and Finance Committee, Messrs. Higgins, Bullock, Nichols and Ms. Kinsch:

WHEREAS, Addressing the need to strengthen and revitalize local communities, New York State recently enacted the “Land Bank Act” (Not-for-Profit Corporation Law, Article 16) which authorizes municipalities to establish individual or cooperative land banks, and

WHEREAS, Vacant and abandoned properties present a danger to the health and safety of local residents, result in costs and loss of revenues to local governments, and discourage further investment in the community, and

WHEREAS, The Corporation is formed for the purpose of acquiring vacant, abandoned and tax- delinquent properties in Albany County, New York, and for re-developing them. The lawful public or quasi-public objective which the business purpose will achieve is restoring properties to productive use and the revitalization of neighborhoods within Albany County, and

WHEREAS, The Albany County Legislature recognizes the negative effects vacant, abandoned and tax-delinquent properties have on the social and economic vitality of communities, surrounding properties, and municipalities in general. In addition to the social cost to communities and neighboring owners and residents, vacant and abandoned properties increase local costs in code and regulatory compliance, fire and police protection, emergency responses, and cause the tax base to decrease, and

WHEREAS, It is the intent of the Legislature and Albany County government that those funds be redirected to positive purposes that have the effect of decreasing the numbers of tax-delinquent properties, revitalizing communities and increasing the tax rolls to the benefit of all its citizens. It is further the intent of this legislation to provide pro-active tools to mitigate costs, spur investment and improve property values within the land bank area, and

WHEREAS, Land banks allow municipalities to acquire, redevelop and improve tax delinquent, vacant or abandoned property, thereby providing a mechanism for municipalities to acquire blighted properties and convert them to productive uses, and

WHEREAS, To maximize opportunities and increase efficiencies, the County of Albany desires to work cooperatively with its municipalities and establish a county land bank, and

WHEREAS, Albany County shall also simultaneously continue to explore the option of joining a regional land bank should that option move forward in conjunction with other local governments and municipalities, and

WHEREAS, Pursuant to the Land Bank Act, it is necessary to adopt a resolution establishing the Land Bank on behalf of the County, and

WHEREAS, The county legislature annually appropriates hundreds of thousands of dollars to cover maintenance and demolition costs associated with foreclosed parcels, and

WHEREAS, The establishment of a Land Bank will help alleviate demolition costs, and

WHEREAS, The bylaws to be submitted shall provide that any amendments to the bylaws regarding the number, term or qualifications of members of the Board, shall require the approval of the Albany County Legislature, now, therefore be it

RESOLVED, There is hereby created a land bank on behalf of the County of Albany, to be known as the “Albany County Land Bank Development Corporation” a New York Land Bank, and, be it further

RESOLVED, That the Board of Directors shall consist of nine, (9) members, and, be it further

RESOLVED, That six of the initial members, enough to constitute a quorum shall be nominated and terms of the Board of Directors set forth as follows with the remaining three board members selected from applications submitted from interested stakeholders, community service providers and other applicants and subject to approval by a two thirds majority of the initial six members appointed pursuant to this resolution.

The initial six board members shall be appointed as follows:

The Albany County Executive Daniel McCoy. The County Executive may appoint a designee to replace his position on the Board within sixty days of enactment of this resolution should he so desire.

The Comptroller of Albany County, Michael Conners. The County Comptroller may appoint a designee to replace his position on the Board within sixty days of enactment should he so desire.

The Chair of the County Legislature, Shawn Morse. The Chairman may appoint a designee to replace his position on the Board within sixty days of enactment should he so desire.

The Majority Leader of the County Legislature, Frank Commisso. The Majority Leader may appoint a designee to replace his position on the Board within sixty days of enactment should he so desire.

The Minority Leader of the County Legislature, Christine Benedict. The Minority Leader may appoint a designee to replace her position on the Board within sixty days of enactment should he so desire.

The Mayor of the City of Albany Gerald Jennings. The Mayor may appoint a designee to replace with position on the Board within sixty days of enactment should he so desire. Any subsequent designee shall be subject to confirmation by the City of Albany Common Council.

and, be it further

RESOLVED, That the term of said directors after the initial term shall be two (2) years; and, be it further

RESOLVED, That all members of the board of the Land Bank shall be residents of the County of Albany, and any member designated in whole by the Mayor of the City of Albany shall be a resident of the City of Albany, and, be it further

RESOLVED, That each Board member, at the election of his or her appointing Party, may serve a Maximum of two (2) full terms, in addition to any partial term for which such member was appointed to fill a vacancy or any initial term that is less than a full two (2) or three (3) year term as the case may be, and, be it further

RESOLVED, That the Articles of Incorporation for the Land Bank shall be in substantially the same form attached to this resolution and hereby are approved, and, be it further

RESOLVED, That the Albany County Property Development Corporation shall provide bi-annual reports to the County Legislature on six month intervals pertaining to its progress and status, and, be it further

RESOLVED, That the County Executive hereby is authorized to execute any and all documentation necessary for filing and incorporation with the State of New York to form the Albany County Property Development Corporation, a New York Land Bank, in substantially the form on file with the Clerk of this Legislature, and to execute and file such other documents to establish said New York Land Bank with any other management, operating, administrative contracts or agreements subject to separate approval of the Legislature, and, be it further

RESOLVED, That the Clerk of this Legislature hereby is directed to conform the applicable documents, including the Articles of Incorporation, and file this resolution with the Urban Development Corporation pursuant to the provisions of the Land Bank Act, Chapter 257 of the Laws of 2011, and, be it further

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate County Officials.

Referred to Conservation and Improvement Committee. 11/13/12

On roll call vote the following voted in favor: Ms. Benedict, Mr. Bullock, Ms. Busch, Messrs. Carman, Clouse, Crouse, Ethier, Higgins, Hogan, Joyce, Ms. Kinsch, Messrs. Mayo, Mendick, Nichols, Simpson, Stevens and Tunny – 17.

Those opposed: Mr. Beston, Ms. Chapman, Messrs. Clay, Clenahan, Commisso, Ms. Connolly, Messrs. Corcoran, Cotrofeld, Dawson, Domalewicz, Feeney, Jacobson, Ms. Lockart, Mr. Mackey, Mss. Maffia-Tobler, McKnight, Messrs. Morse, O'Brien, Rahm, Reilly and Ward – 21.

Resolution was defeated. 1/14/13