

Submitting a Proposed Ordinance sponsored by
TONI PRECKWINKLE, President, Cook County Board of Commissioners and
BRIDGET GAINER, County Commissioner

ORDINANCE CREATING THE COOK COUNTY LAND BANK AUTHORITY

BE IT ORDAINED, by the Cook County Board of Commissioners that Part II, Land Development Ordinances, Chapter 103, Land Bank Authority, Section 103-1 through 103-71 of the Cook County Code are hereby enacted as follows:

Division 1. General Provisions

Sec. 103-1. Short title.

This Ordinance shall be known and may be cited as the "Ordinance Establishing the Cook County Land Bank Authority."

Sec. 103-2. Declaration.

The County Board hereby establishes the Cook County Land Bank Authority which shall be an agency of and funded by Cook County.

Sec. 103-3. Definitions.

The following words and terms shall have the meanings set forth in this section, except where otherwise specifically indicated:

Board of Commissioners or County Board means the Board of Commissioners for Cook County, Illinois.

Board of Directors means the Board of Directors of the Cook County Land Bank.

Chairperson means the chairperson of the Cook County Land Bank Board.

County means Cook County, Illinois.

Cook County Code means the Code of Ordinances of Cook County, Illinois.

Director means the Executive Director of the Cook County Land Bank.

Fiscal Year means the fiscal year of the Land Bank, which shall begin on December 1st of each year and end on the following November 30th.

Land Bank means the Cook County Land Bank Authority, created by this Ordinance pursuant to the County's home rule powers.

Member means a member of the Board of Directors.

Ordinance means this ordinance creating the Cook County Land Bank.

Person means any individual, corporation, limited liability corporation, organization, government, governmental subdivision or agency, business trust, estate, trust, partnership, association and any other legal entity.

President means the President of the Cook County Board of Commissioners.

Real Property means all land and the buildings thereon, all things permanently attached to land or to the buildings thereon, and any interest existing in, issuing out of, or dependent upon land or the buildings thereon.

State means the State of Illinois.

Sec. 103-4. Purpose.

The purpose of this Ordinance is to create the Cook County Land Bank Authority that will use available resources to facilitate the return of vacant, abandoned and tax-delinquent properties to productive use thereby combating community deterioration, creating economic growth and stabilizing the housing and job market.

The Land Bank will acquire, hold, and transfer interest in real property throughout Cook County as approved by the Board of Directors for the following purposes: to promote redevelopment and reuse of vacant, abandoned, and tax-delinquent properties; support targeted efforts to stabilize neighborhoods; stimulate residential, commercial and industrial development; all in ways that are consistent with goals and priorities established by this Ordinance, local government partners and other community stakeholders.

Sec. 103-5. Creation and Legal Status of Land Bank.

The County Board hereby establishes the Cook County Land Bank Authority which shall be an agency of and funded by Cook County. All personnel, facilities, equipment and supplies within the Land Bank shall be governed by a Board of Directors as provided herein. The Board of Directors shall be accountable to the President and the County Board; the Land Bank shall be funded by the County Board.

Sec. 103-6. Principal Office.

The principal office of the Land Bank shall be at a location within the geographical boundaries of Cook County, as determined by the Board of Directors.

Sec. 103-7. Title to Land Bank Assets.

Except as otherwise provided in this Ordinance, Cook County shall hold title to all Real Property controlled by the Land Bank.

Sec. 103-8. Tax-exempt Status.

The County declares that the activities of the Land Bank are governmental functions carried out by an instrumentality or political subdivision of the State as described in Section 115 of Title 26 of the United States Internal Revenue Code, or any corresponding provisions of any future tax code. The County also intends the activities of the Land Bank to be governmental functions carried out by a political subdivision of this State, exempt to the extent provided under Illinois law from taxation by this State, including, but not limited to, ad valorem property tax exemption pursuant to the Property Tax Code, 35 ILCS 200/1-1 *et seq.*

Sec. 103-9. Waiver of Special Assessments.

Upon the request of the Land Bank and for the purposes of fostering the goals and objectives of the Land Bank, the County, as permitted by law, may extinguish special assessments levied by it prior to the date of acquisition by the Land Bank against Real Property controlled by the Land Bank, and may seek to exempt Real Property controlled by the Land Bank from the imposition of special assessments.

Sec. 103-10. Compliance with Law.

The Land Bank shall comply with all applicable federal and state laws, rules, regulations, and orders.

Sec. 103-11. No Third-Party Beneficiaries.

Except as otherwise specifically provided, this Ordinance does not create in any Person, other than the County, and is not intended to create by implication or otherwise, any direct or indirect benefit, obligation, duty, promise, right to be indemnified (such as contractually, legally, equitably, or by implication), right to be subrogated to the County's rights under this Ordinance, or any other right or benefit.

Sec. 103-12 – 103-16 Reserved.

Division 2. Land Bank Authority Board of Directors and Staff

Sec. 103-17. Cook County Land Bank Board of Directors

The Land Bank shall be governed by a Board of Directors that shall be appointed by the President, subject to approval by the Cook County Board of Commissioners, within 45 (forty-five) days of the adoption of this Ordinance. Board of Directors shall be residents of Cook County. The Board of Directors shall consist of 13 (thirteen) members.

Sec. 103-18. Appointment of Members

Candidates for the Board of Directors appointed by the President shall be selected from the following categories.

- (a) One (1) Cook County Commissioner to serve as an Ex-Officio Member with voting rights. The Ex-Officio Member shall serve as a liaison between the County Board and the Board of Directors;
- (b) Two (2) Suburban Cook County Mayors, Presidents or Village Managers;
- (c) One (1) representative from the City of Chicago as recommended by the Mayor of the City of Chicago;
- (d) One (1) representative from the Cook County Bureau of Economic Development;
- (e) One (1) representative from a community development finance institution;
- (f) One (1) representative from the banking community;
- (g) One (1) representative from a local or state Realtor Association;
- (h) One (1) representative from the non-profit development community;
- (i) One (1) representative from the commercial/industrial development community;
- (j) One (1) representative from the open space community;
- (k) One (1) representative from a City of Chicago community organization;
- (l) One (1) representative from a Suburban Cook County community organization.

Sec. 103-19 Term of Office.

Except as otherwise provided in this section, the members of the Board of Directors appointed under Section 103-12 shall be appointed for a term of three (3) years.

- (a) *Ex-Officio Member.* The ex-officio member shall be the appointed Cook County Commissioner who shall serve as the ex-officio member for the length of the Commissioner's term.
- (b) *The remaining Members.* The remaining twelve (12) members of the Board of

Directors shall serve terms as follows:

1. For the initial Members,
 - a. Three (3) of the Members, subject to the approval of the County Board, shall serve a term that expires on January, 1, 2014.
 - b. Three (3) of the Members, subject to the approval of the County Board, shall serve a term that expires on January, 1, 2015.
 - c. Three (3) of the Members, subject to the approval of the County Board, shall serve a term that expires on January, 1, 2016.
 - d. Three (3) of the Members, subject to the approval of the County Board, shall serve a term that expires on January 1, 2017.
2. Thereafter, the Members other than the ex-officio member appointed shall serve a term of three (3) years.
 - a. Each Member, whether initial or subsequent, shall serve until a successor is appointed.
 - b. Any Member who is appointed to fill a vacancy, other than a vacancy caused by the expiration of the predecessor's term, shall serve until the expiration of his or her predecessor's term.
3. Other than the Ex-Officio Commissioner, a Member may not serve more than two (2) consecutive full terms.

Sec. 103-20. Chairperson/Members of the Board of Directors.

(a) The Board of Directors shall select the initial Chairperson of the Board from among the initial members. The Chairperson shall serve one two (2) year term as Chairperson and, thereafter, the Board of Directors shall annually elect a Chairperson from among the members.

1. The Chairperson shall preside at meetings of the Board of Directors, and is entitled to vote on all matters before the Board of Directors.
2. A Member may be elected to serve successive terms as Chairperson.

(b) The Board of Directors may appoint from its Members, a Member to serve as the Land Bank secretary and appoint such additional officers from its Members as it may deem appropriate.

Sec. 103-21. Removal.

A Member may be removed by the President of the Cook County Board prior to the expiration of the Member's term of appointment for good cause. Good cause includes inefficiency, neglect of duty, malfeasance, or any cause which renders the member unfit for the position or unable to perform the duties of the position. The President shall provide written notice to that Member, the Director and the County Board of the removal of that Member from the Board of Directors; such notice shall state the specific grounds which constitute cause for removal. The Member, in receipt of such notice, may request to appear before the County Board and present reasons in support of his or her retention. Thereafter, the County Board shall vote upon whether there are sufficient grounds to remove that Member from office. The President shall notify the Member of the final action of the County Board.

Sec. 103-22. Vacancies.

Any vacancy on the Board of Directors caused by death, resignation, disqualification, or removal shall be filled by the President as soon as practicable, but not to exceed 60 days following the occurrence of the vacancy. The vacancy shall be filled for the remainder of the unexpired term in the same manner as the original appointment. Expired terms shall be filled by the President within 60 days of the term's expiration in the same manner as the original appointment.

Sec. 103-23. Meetings.

The Board of Directors shall conduct its first meeting no later than sixty (60) days after the appointment of the Board of Directors. The place, date, and time of the Land Bank meetings shall be determined at the discretion of the Board of Directors. All meetings of the Board of Directors shall comply with the Illinois Open Meetings Act, 5 ILCS 120/1 et seq. (the "OMA").

Sec. 103-24. Bylaws, and Policies and Procedures.

The Board of Directors shall adopt bylaws, procedures and policies consistent with the provisions of this Ordinance within 120 days from the first meeting of the Board of Directors.

Sec. 103-25. Quorum and Voting.

A quorum shall be necessary for the transaction of any business by the Board of Directors. A majority of the Members of the Board of Directors shall constitute a quorum. The Board of Directors shall act by a majority vote of the Members at a meeting at which a quorum is present, except as otherwise provided in this Ordinance. Presence for both quorum and voting at a Land Bank shall be articulated by the Board of Directors in its bylaws or procedures in a manner consistent with the OMA.

Sec. 103-26. Records of Meetings.

Minutes of all meetings of the Board of Directors and its Committees shall be made and maintained as required by the OMA.

Sec. 103-27. Board of Directors Responsibilities.

The Board of Directors shall:

- (a) ensure that all personnel matters are conducted free from any political interference and in accordance with the provisions of the Supplemental Relief Order and Consent Decree established in the federal civil litigation filed in the Northern District of Illinois under Case No. 69 C 2145 and titled Shakman, et al. v. Democratic Organization, et al. and all applicable laws;
- (b) ensure that all operations including contractual matters are conducted free from any political interference; and
- (c) ensure efficiency in service delivery and sound fiscal management of all aspects of the Land Bank including the collection of all revenues from all sources;

Sec. 103-28. Board of Directors Actions.

The Board of Directors shall do all of the following not inconsistent with Illinois law:

- (a) adopt, amend and/or repeal rules and policies and procedures governing the Board of Directors and its actions and meetings, and adopt, amend and/or repeal policies and procedures to implement day-to-day operation of the Land Bank, including policies governing any staff of the Land Bank;
- (b) elect additional officers, including, but not limited to, initial officers who shall be elected at the first meeting of the Board of Directors, in accordance with the bylaws;
- (c) provide for a system of accounting;
- (d) adopt or amend the Land Bank's budget to submit annually to the Cook County Board of Commissioners for approval and adoption in a time frame mandated by the Cook County Budget Director;
- (e) adopt, amend and/or repeal policies and procedures for contracting and procurement which must be consistent with the provisions set forth in the County's Code; provided however, that approval of the County Board or County Procurement Officer is not required for procurement or contracts authorized by the Land Bank and the Board of Directors will act in place of the County Board in any contract, bylaws or agreement with the County which requires the approval or other action of the County Board unless expressly prohibited otherwise in this chapter and until such time as the Board of Directors adopts its own rules, regulations or procedures with regard to procurement and contracts, the existing provisions of the Cook County Code pertaining to Procurement and Contracts shall apply.
- (f) commission, collect, and receive data from public, private, professional and volunteer

sources to compile an inventory an analysis of desirable properties for acquisition;

(g) establish banking arrangements for the Land Bank as per Sec. 103-58 of this Ordinance.

(h) organize and reorganize the executive, administrative, clerical and other departments of the Land Bank and fix the duties, powers and compensation of all employees, agents and consultants of the Land Bank as per Sec 104-32 of this Ordinance

Sec. 103-29. Fiduciary Duty.

The Members of the Board of Directors are under a fiduciary duty to conduct the activities and affairs of the Land Bank in the best interests of the residents of Cook County, including the safekeeping and use of all Land Bank monies and assets. The members of the Board of Directors shall discharge their duties in good faith, with the care an ordinarily prudent person in a like position would exercise under similar circumstances.

Sec. 103-30. Compensation.

The Members of the Board of Directors shall receive no compensation for the performance of their duties. A Member may engage in private or public employment, or in a profession or business, except to the extent prohibited by Illinois law or County ordinance. The Land Bank may reimburse members of the Board of Directors for actual and necessary expenses incurred in the discharge of their official duties as provided by the Board of Directors.

Sec. 103-31. Executive Director.

The Board of Directors shall be authorized to retain the professional services of an individual to perform the duties of an Executive Director on a contractual basis with the advice and consent of the President; the Executive Director shall not be an employee of the Land Bank or County. The Director shall administer the Land Bank in accordance with the operating budget approved by the Cook County Board of Commissioners, general policy guidelines established by the Board of Directors, other applicable governmental procedures and policies, and this Ordinance. The Director shall be responsible for the day-to-day operations of the Land Bank, the control, management, and oversight of the Land Bank's functions, and supervision of all Land Bank contractual agreements. All terms and conditions of the Director's service shall be specified in a written contract between the Director and the Board of Directors. The Director may be removed by the President of the Cook County Board or the Board of Directors for good cause, prior to the expiration of the Director's contract. Good cause includes inefficiency, neglect of duty, malfeasance, or any cause which renders the Director unfit or unable to perform the scope of work. The Board of Directors may delegate to the Director any powers or duties it considers proper, under such terms, conditions and to the extent that the Board of Directors may specify.

Sec. 103-32. Staffing Services

(a) The Board of Directors may approve contracts for staffing as requested by the Executive Director that are deemed necessary to carry out the duties and responsibilities of the Land Bank and in accordance with the policies and procedures established by the Board. Such staff shall be retained pursuant to contracts entered into in accordance with the procurement rules established by the Board.

(b) Should the Board of Directors, elect to have employees, any staff employed by the Board of Directors for the Land Bank not otherwise retained through the Board of Directors procurement rules shall be recruited or employed via the County's employment plan and be deemed County employees.

Sec. 103-33. Ethics.

The Board of Directors shall be subject to the Cook County's ethics ordinance.

Sec. 103-34. Indemnification.

(a) The County shall defend and indemnify the Land Bank and the Members Board of Directors with respect to all claims or judgments arising out of their activities as Members with respect to all negligence claims, and claims or judgments arising out of Land Bank activities performed on behalf of the County.

(b) The County shall not be obligated to indemnify the Land Bank or Member for:

- (1) Punitive damages or liability arising out of conduct which is based upon willful or wanton conduct.
- (2) Conduct which is outside of the scope of the Land Bank authority.
- (3) Any settlement or judgment in which the County did not participate.
- (4) The defense of any criminal or disciplinary proceeding.

(c) To be eligible for defense and indemnification, the Land Bank or Member shall be obligated to:

- (1) Notify, within five days of receipt, the Cook County Department of Risk Management and the Civil Actions Bureau of the Cook County State's Attorney's Office of any claim made against the Member or Land Bank and deliver all written demands, complaints and other legal papers, received by the practitioner with respect to such claim to the Department of Risk Management.
- (2) Cooperate with the State's Attorney's Office in the investigation and defense of any claim against the County or any Member, including, but not limited to,

preparing for and attending depositions, hearings and trials and otherwise assisting in securing and giving evidence.

(3) Promptly notify the Cook County Department of Risk Management and the Civil Actions Bureau of the Cook County State's Attorney's Office of any change in the Member's address or telephone number.

(d) All actions shall be defended [by] the Cook County State's Attorney. Decisions to settle indemnified claims shall be made by the County or the State's Attorney's Office, as delegated by the County, and shall not require the consent of the indemnified Member. If a Member declines representation by the State's Attorney's Office, the County shall have no obligation to defend or indemnify the Member.

Sec. 103-35 – 103-40 Reserved

Division 3. General Powers of Land Bank

Sec. 103-41. General Powers.

The County, to the full extent of its constitutional and statutory authority, confers upon the Land Bank the authority to do all things necessary or convenient to implement the purposes, objectives, and provisions of this Ordinance, or the purposes, objectives, and powers granted to the Land Bank by any federal, state or local government unit, consistent with the County's Annual Appropriation Ordinance, including, but not limited to, the following:

- (a) to adopt, amend, and repeal bylaws for the regulation of its affairs and the conduct of its business;
- (b) to acquire by purchase, donation, or other transfers and to hold, lease, manage, and dispose of Real Property of every kind and character, or any interest therein, in furtherance of the public purposes of the Land Bank;
- (c) to discharge and extinguish Real Property taxes owed to the County or to a Party, pursuant to an Agreement with such Party, that encumber Real Property owned by the County through the Land Bank, as permitted by the Property Tax Code, 35 ILCS 200/1-1 *et seq.*, or other applicable law;
- (d) to pay any tax or special assessment due on Real Property acquired or owned by the Land Bank;
- (e) to acquire, accept, or retain equitable interests, security interests, or other interests in any Real Property or other fixtures by loan agreement, note, mortgage, deed to secure debt, trust deed, security agreement, assignment, pledge, conveyance, contract, lien, or other consensual transfer in order to secure the repayment of any moneys loaned or credit extended by the Land Bank;

(f) borrow money from private lenders, from cities or counties, from the state or from federal government funds, subject to the approval of the County Board, to further or carry out the Land Bank's public purpose by executing leases, trust indentures, trust agreements, agreements for the sale notes, loan agreements, mortgages, deeds to secure debt, trust deeds, security agreements, assignments, and such other agreements or instruments as may be necessary or desirable, in the judgment of the Land Bank, to evidence and to provide security for such borrowing.

(f) to make application directly or indirectly to any federal, state, county, or municipal government or agency or to any other source, whether public or private, for loans, grants, gifts, guarantees, labor, or other aid or financial assistance in furtherance of the Land Bank's public purpose and to accept and use the same upon such terms and conditions as are prescribed by such federal, state, county, or municipal government or agency or other source;

(g) to enter into agreements with the federal government or any agency thereof to use the facilities or services of the federal government or any agency thereof in order to further or carry out the public purposes of the Land Bank;

(h) to extend credit or make loans to any Person subject to limitations established by the County Board, for the costs of any Land Bank projects or any part of the costs of any Land Bank projects which credit or loans may be evidenced or secured by loan agreements, notes, mortgages, deeds to secure debt, trust deeds, security agreements, assignments, or such other instruments, or by rentals, revenues, fees, or charges, upon such terms and conditions as the Land Bank shall determine to be reasonable in connection with such extension of credit or loans, including provision for the establishment and maintenance of reserve funds, and, in the exercise of powers granted by the County through this Ordinance in connection with any Land Bank projects, the Land Bank shall have the right and power to require the inclusion in any such loan agreement, note, mortgage, deed to secure debt, trust deed, security agreement, assignment, or other instrument such provisions or requirements, including but not limited to: guarantee any obligations, insurance, construction, use, operation, maintenance, and financing and such other terms and conditions, as the Land Bank may deem necessary or desirable;

(i) as security for repayment of any note, or other obligations of the Land Bank, to pledge, mortgage, convey, assign, hypothecate, or otherwise encumber any property of the Land Bank, including, but not limited to, Real Property, fixtures, and revenues or other funds, and to execute any lease, trust indenture, trust agreement, agreement for the sale of the Land Bank's notes, or other obligations, loan agreement, mortgage, deed to secure debt, trust deed, security agreement, assignment, or other agreement or instrument as may be necessary or desirable, in the judgment of the Land Bank, to secure any such notes, or other obligations, which instruments or agreements may provide for foreclosure or forced sale of any Real Property of the Land Bank upon default in any obligation of the Land Bank, either in payment of principal, premium, if any, or interest or in the performance of any term or condition contained in any such agreement or instrument;

- (j) to receive and administer gifts, grants, and bequests of money and Real Property consistent with the purpose of the Land Bank;
- (k) to use any Real Property or fixtures or any interest therein or to rent, license or lease such Real Property to or from others or make contracts with respect to the use thereof, or to sell, lease, exchange, transfer, assign, pledge, or otherwise dispose of or grant options for any such Real Property in any manner as it deems to be in the best interests of the Land Bank and the public purpose thereof;
- (l) to procure insurance or guarantees from the State Legislature or federal government of the payments of any debts or parts thereof incurred by the Land Bank, and to pay premiums in connection therewith;
- (m) to procure, if required, insurance against losses in connection with the Real Property, assets, or activities of the Land Bank;
- (n) to enter into contracts and other instruments necessary, incidental, or convenient to the performance of its duties and the exercise of its powers, including, but not limited to, an Agreement with a Party for the joint exercise of powers. An Agreement with a Party may include contracts for the performance of services by a Party on behalf of the Land Bank or by the Land Bank on behalf of a Party;
- (o) to enter into partnerships, joint ventures, and other collaborative relationships with municipalities and other public and private entities for the ownership, management, development, and disposition of Real Property;
- (p) to enter into contracts and other instruments necessary, incidental, or convenient to the performance of its duties and the exercise of its powers, including, but not limited to, agreements with a Party regarding the disposition of Land Bank properties located within their boundaries;
- (q) to finance (by loan, grant, lease, or otherwise), refinance, construct, erect, assemble, purchase, acquire, own, repair, remodel, rehabilitate, modify, maintain, extend, improve, install, sell, equip, expand, add to, operate, or manage Real Property or rights or interests in Real Property, and to pay the costs of any such project from the proceeds of revenue bonds, loans by persons, corporations, partnerships, whether limited or general, or other entities, all of which the Land Bank is authorized to receive, accept, and use;
- (r) to fix, charge, and collect rents, fees, licenses and charges for the use of Real Property of the Land Bank and for services provided by the Land Bank;
- (s) to grant or acquire a license, easement, lease (as lessor or lessee), or option with respect to Real Property of the Land Bank;
- (t) to enter into contracts with nonprofit community land trusts, including, but not

limited to, long-term lease contracts;

- (u) to contract for goods and services and engage personnel as necessary, to be paid from the funds of the Land Bank. The Board shall determine the qualifications, duties, and compensation of those it contracts with and employs;
- (v) to organize and reorganize the executive, administrative, clerical, and other departments of the Land Bank and to fix the duties, powers, and compensation of all employees, agents, and consultants of the Land Bank;
- (w) to remediate environmental contamination on any Real Property held by the Land Bank;
- (x) to acquire, hold and manage property pursuant to this Ordinance;
- (y) to dispose of property pursuant to this Ordinance; and;
- (z) to do all other things necessary or convenient to achieve the objectives and purposes of the Land Bank or other laws that relate to the purposes and responsibilities of the Land Bank.

Sec. 103-42. No Waiver of Governmental Immunity.

No provision of this Ordinance is intended, nor shall it be construed, as a waiver by the County of any governmental immunity provided under any applicable law.

Sec. 103-43. Non-Discrimination.

The Land Bank shall comply with all applicable laws prohibiting discrimination.

- (a) The Land Bank shall not provide services in a manner that discriminates against an individual because of the actual or perceived status, practice, or expression of that person's race, color, sex, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military discharge status, source of income, gender identity or housing status; or the actual or perceived association with such a person.
- (b) The Land Bank shall not fail or refuse to hire, recruit, promote, demote, discharge, or otherwise discriminate against an individual with respect to employment, compensation, or a term, condition, or privilege of employment because of the actual or perceived status, practice, or expression of that person's race, color, sex, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military discharge status, source of income, gender identity or housing status; or the actual or perceived association with such a person.

Sec. 103-44 – 103-48 Reserved.

Division 4. Real Property Acquisition, Management and Disposition

Sec. 103-49. Acquisition of Real Property.

(a) The Land Bank may acquire Real Property or rights or interests in Real Property by gift, bequest, transfer, exchange, foreclosure, purchase, purchase contracts, lease purchase agreements, installment sales contracts, land contracts, tax sale, scavenger sale or otherwise, on terms and conditions and in a manner the Land Bank considers proper.

(b) The Land Bank may acquire any property conveyed to it by the State of Illinois, a foreclosing governmental unit, a unit of local government, an intergovernmental entity created under the laws of the State of Illinois, or any other public or private person, including, but not limited to, property without clear title.

(c) All deeds, mortgages, contracts, leases, purchases, or other agreements regarding property of the Land Bank, including agreements to acquire or dispose of real property, shall be approved by and executed by the Land Bank, in the name of the County.

(d) The Land Bank shall have the right to purchase properties, in the name of the County, at tax sales conducted in accordance with the Property Tax Code, 35 ILCS §200/1-1 *et seq.* The Land Bank may tender a bid at a tax sale that is a credit bid, consisting of the obligation of the Land Bank to satisfy the component parts of the bid by payments to the respective political subdivisions.

(e) The Land Bank shall have the right to make offers to purchase properties that are subject to a listing agreement; said offer or purchase of a property by the Land Bank that is subject to a listing agreement shall not extinguish any legal rights existing under the listing agreement.

Sec. 103-50. Execution of Legal Documents Relating to Property.

All deeds, mortgages, contracts, easements, leases, licenses, franchises, purchases, covenants or other agreements regarding Real Property of the Land Bank, including agreements to acquire or dispose of Real Property, shall be executed in the name of the County by the Land Bank and approved in accordance with the bylaws of the Land Bank.

Sec. 103-51. Holding and Managing Property.

The Land Bank may control, manage, maintain, operate, repair, lease as lessor, license, secure, prevent the waste or deterioration of, demolish, and take all other actions necessary to preserve the value of the Real Property it controls on behalf of the County. The Land Bank shall maintain all such Real Property held by the Land Bank in accordance with applicable laws and codes. Such Real Property shall be inventoried and classified by the Land Bank according to

suitability for use. The inventory shall be maintained as a public record and shall be filed electronically and in the principal office of the Land Bank

Sec. 103-52. Property Disposition.

On terms and conditions, and in a manner and for an amount of consideration the Land Bank considers proper, fair, and reasonable, including for no monetary consideration if appropriate, the Land Bank may convey, sell, transfer, exchange, lease as lessor, or otherwise dispose of Real Property or rights or interests in Real Property which the Land Bank controls and the County holds a legal interest to any public or private Person. The transfer and use of property under this section and the exercise by the Land Bank of powers and duties under this Ordinance shall be considered a necessary public purpose and for the benefit of the public.

Sec. 103-53. Criteria for Conveyance.

Real Property shall be conveyed by the Land Bank in accordance with this Ordinance and according to criteria determined in the discretion of the Board and contained in the policies and procedures adopted by the Board. The Board may adopt policies and procedures that set forth priorities for a transferee's use of Real Property conveyed by the Land Bank, including, but not limited to, affordable housing.

Sec. 103-54. Transactions

Transactions shall be structured in a manner that permits the Land Bank to enforce contractual agreements, real covenants, and the provisions of any subordinate financing held by the Land Bank pertaining to development and use of the Real Property.

Sec. 103-55. Disposition of Proceeds.

Any proceeds from the sale or transfer of Real Property by the Land Bank shall be retained, expended, or transferred by the Land Bank as determined by the Board in the best interests of the Land Bank and in accordance with applicable laws and Agreements.

Division 5. Intergovernmental Agreements

Sec. 103-56. Intergovernmental Agreements

(a) The Board of Directors may negotiate and propose Agreements necessary, incidental, or convenient to the performance of its duties and the exercise of its powers with a local unit of government located in whole or in part within Cook County, subject to the approval of the County Board. Such an Agreement may include, but are not be limited to, contracts for the joint exercise of powers, contracts for the ownership, management, development, and disposition of Real Property, or contracts for the performance of services by a local unit of government on behalf of the Land Bank or by the Land Bank on behalf of a local unit of government.

(b) The parties to the intergovernmental agreements shall agree that no party to an intergovernmental agreement shall be responsible, in whole or in part, for the acts of the employees, agents, and servants of any other party, whether acting separately or in conjunction with the implementation of an Agreement. The parties shall only be bound and obligated under an Agreement as expressly agreed to by each party.

(c) All agreements shall in all respects be interpreted, enforced, and governed under the laws of the State of Illinois without regard to the doctrines of conflict of laws. The language of all parts of an Agreement shall in all cases be construed as a whole according to its plain and fair meaning, and not construed strictly for or against any Party.

Division 6. Books, Records, Finances and Expenditures

Sec. 103-58. Land Bank Records.

The Land Bank shall keep and maintain at the principal office of the Land Bank all documents and records of the Land Bank. The records of the Land Bank, which shall be available to the public, shall include, but not be limited to, a copy of this Ordinance, the Land Bank's bylaws, and any agreements, along with any amendments thereto. The records and documents shall be maintained and shall be delivered to any successor entity.

Sec. 103-59. Financial Statements and Reports.

The Land Bank shall cause to be prepared, at the Land Bank's expense, audited financial statements (balance sheet, statement of revenue and expense, statement of cash flows, and changes in fund balance) on an annual basis. Such financial statements shall be prepared in accordance with generally accepted accounting principles and accompanied by a written opinion of an independent certified public accounting firm.

Sec. 103-60. Annual Budget.

(a) The Land Bank shall prepare an annual budget in a manner and under a time frame mandated by the Cook County Budget Director.

(b) For Fiscal Year 2014 and each Fiscal Year thereafter, the Board of Directors shall recommend, approve and submit an annual budget to be included in the President's Executive Budget Recommendation for approval by the County Board.

(c) The obligations and expenditures of the Board of Directors shall conform to the County's Annual Appropriation Ordinance; provided that the County Board retains the authority to impose additional limitations. Any commitment, contract or other obligation entered into by the Board in derogation of this Section shall be voidable by the County Board.

Sec. 103-61. Deposits and Investments.

The Land Bank shall deposit funds of the Land Bank in a special fund to be held by the Treasurer of the County, to be designated as the “Land Bank Fund” and to be expended exclusively for the operation of the Land Bank.

Sec. 103-62. Disbursements.

Expenditures of funds from the Land Bank Fund shall be in accordance with guidelines established by the Board of Directors.

Sec. 103-63. Performance Objectives.

Each Fiscal Year, the Director, or other individual designated by the Board of Directors, shall prepare, for review and approval by the Board of Directors, objectives for the Land Bank’s performance.

Sec. 103-64. Annual Report.

(a) The Board of Directors shall submit to the President and the County Board, within six months after the end of each Fiscal Year, a report which shall set forth a complete and detailed operating and financial statement of the Land Bank during such Fiscal Year.

(b) Included in the report shall be any recommendations for additional legislation or other action which may be necessary to carry out the mission, purpose and intent of the Land Bank.

Sec. 103-65. Management of Funds.

The Director, or other individual designated by the Board of Directors, shall be authorized to make deposits and withdraw funds from the Land Bank Fund for the management of sales proceeds, revenue, and other Land Bank funds as authorized by the Board of Directors. Standard accounting procedures shall be used in the management of accounts and approved by the Cook County Comptroller.

Sec. 103-66. Authorized Expenditures.

The Land Bank shall in its sole discretion and within its budget, expend such funds as necessary to carry out the powers, duties, functions, and responsibilities of a land bank under this Ordinance.

Division 7. Dissolution, Distribution of Assets

Sec. 103-67. Dissolution.

Upon determining that the purposes of the Land Bank have been completed and that there is no longer a need for the Land Bank’s continued existence, the Board of Commissioners may repeal this Ordinance and dissolve the Land Bank, provided however that the effective date of

any such repeal shall provide sufficient time for the Land Bank to carry out the provisions set forth in Sec. 103-64.

Sec. 103-68. Distribution of Assets.

As soon as possible after notice of the repeal of this Ordinance, the Land Bank shall finish its affairs as follows:

- (a) all of the Land Bank's debts, liabilities, and obligations to its creditors and all expenses incurred in connection with the termination of the Land Bank and distribution of its assets shall be paid first; and
- (b) the remaining Real Property and personal property owned by the Land Bank, if any, shall be distributed to any successor entity, subject to approval by the County. In the event that no successor entity exists, the remaining Real Property and personal property, and other assets of the Land Bank, shall become assets of the County, unless provided otherwise in any applicable Agreements.

Division 8. Miscellaneous

Sec. 103-69. Interpretation of Ordinance.

All powers granted to the Land Bank under this Ordinance shall be interpreted broadly to effectuate the intent and purposes of this Ordinance and not to serve as a limitation of powers.

Sec. 103-70. Severability of Provisions.

The invalidity of any clause, sentence, paragraph, subdivision, section, or portion thereof, shall not affect the validity of the remaining provisions of this Ordinance.

Sec. 103-71. Terminology.

All terms and words used in this Ordinance, regardless of the number, are deemed to include any other number as the context may require.