

Philadelphia Land Bank

Board Meeting

January 26, 2015 10:30 a.m.

1234 Market Street, 17th Floor Boardroom

Agenda

- 1. Overview of Meeting**
- 2. Acknowledgment and thanks to departing members**
- 3. Recognition of new board members**
- 4. Roll Call**
- 5. Public Comment (Three minutes per speaker)**
- 6. Nomination and appointment of board-appointed eleventh member**
- 7. Nomination and election of Chair and other Officers (Vice Chair, Secretary, Treasurer)**
- 8. Approval of minutes from December 18, 2014 meeting**
- 9. Progress Report**
- 10. Approval of Executive Director and General Counsel**
- 11. Appointment of Finance Committee**
- 12. Appointment of Strategic Plan Committee**
- 13. Discussion of Public Comment Policy**
- 14. Discussion of Right To Know Policy**
- 15. Schedule of board meetings for 2015**
- 16. Adjourn**

RESOLUTION NO. 2015 -

**RESOLUTION ELECTING ELEVENTH MEMBER OF PHILADELPHIA LAND BANK
BOARD OF DIRECTORS**

WHEREAS, on December 18, 2013, the Mayor of the City of Philadelphia signed Bill No. 130156-A as previously adopted by Philadelphia City Council and codified at Chapter 16-700 of the Philadelphia Code, which authorized the creation of the Philadelphia Land Bank (the "Land Bank Ordinance");

WHEREAS, the Land Bank Ordinance states that the Land Bank shall be governed by a Board of Directors comprised of eleven members, five of whom shall be appointed by the Mayor, five of whom shall be appointed by City Council and one member who shall be appointed by majority vote of the other members;

WHEREAS, the Mayor and City Council have each appointed five members to the Land Bank Board of Directors and the Board now desires to appoint the eleventh member of the Board; and

WHEREAS, the Board has accepted nominations for individuals to serve as its eleventh member and has approved the election of _____ as a member of the Board.

NOW THEREFORE, BE IT RESOLVED by majority vote of the Board of Directors of the Philadelphia Land Bank that _____ is hereby elected as the eleventh member of the Board to serve a term concurrent with, and at the pleasure of, the appointing authority, or until his successor is duly elected and has qualified.

RESOLUTION NO. 2015 -

RESOLUTION ELECTING OFFICERS OF PHILADELPHIA LAND BANK

NOW THEREFORE, BE IT RESOLVED by the Board of Directors of the Philadelphia Land Bank that the following members of the Board are elected as Officers of the Philadelphia Land Bank in the following capacities, to hold office for the later of one year or until their successors are duly elected and have qualified:

Chair

Vice Chair

Secretary

Treasurer

Proposed

Officers:

Chair: Majeedah Rashid

Vice-Chair: Paul Badger

Secretary: Jennifer Kates

Treasurer: Deborah McColloch

PHILADELPHIA LAND BANK

BOARD MEETING MINUTES

A meeting of the Board of Directors of the Philadelphia Land Bank was held on Thursday, December 19, 2014 commencing at 2:30 p.m. in the offices of the Philadelphia Housing Development Corporation, being its regular meeting place, 17th Floor, 1234 Market Street, Philadelphia, Pennsylvania, pursuant to proper notices.

ROLL CALL

The following members of the Board of Directors reported present: Brian Abernathy, Paul L. Badger, Jr., Jennifer Kates, Majeedah Rashid, Rick Sauer and Courtney Voss.

The following members of the Board of Directors were not present: Don McGrogan, Michael Koonce, Ken Scott and Herbert Wetzel.

The following members of PHDC and OHCD staff were present: John Carpenter, Nicholas Scafidi, Esquire, Christi Jackson, Victoria Welch and Paul Chrystie.

Public Attendees: The list of public attendees is attached to these minutes.

CALL TO ORDER

Mr. Badger called the meeting to order at 2:30 p.m. Mr. Badger stated that he would Chair of the meeting in the absence of Mr. Koonce. A quorum of directors was present and the meeting, having been duly convened, was ready to proceed with business.



Agenda Item 1
Public Comment

Mr. Badger asked if any member of the public wished to comment upon any item on the Board's agenda.

Mr. Jihad Ali spoke to several issues. He first informed the Board that he wished to record the meeting. Mr. Ali mentioned that the Board does post its agenda but, for example, did not publish the proposed management agreement scheduled for vote today. Mr. Badger responded that the management agreement item is being tabled for today's meeting.

Mr. Ali questioned why the Board's by-laws do not include reference to the Right To Know law; why the Land Bank did not appoint a Board officer as an authorized signatory on the Land Bank's bank account; whether Interim and Permanent Board members must complete financial disclosure statements; whether members of the PHDC Board will be involved with management of the Land Bank; and whether the Land Bank will publish its financial statements on the website.

In response, Land Bank staff stated that the state enabling legislation explicitly provides that the Land Bank is subject to the Right To Know Law and therefore it was not necessary to reiterate that obligation in the by-laws; that the Land Bank Board choose to delegate to staff the day-to-day responsibility of managing the Land Bank's banking account; that all Board members have, or will, complete financial disclosure statements; that the PHDC and Land Bank Boards are separate and independent, with neither having involvement in the other's responsibilities or actions; and that the financial statements will be posted on the website.

Mr. Ali also noted that the posted minutes of the October Board meeting did not attach Mr. Carpenter's Progress Report, and staff responded that this will be corrected.

Ms. Smith introduced herself and provided the Board with a synopsis of her involvement with several organizations serving the local veteran population.



Agenda Item 2
APPROVAL OF BOARD MINUTES

Mr. Badger called for a motion to approve the minutes of the Board meeting of November 20, 2014.

Upon motion made and duly seconded, the minutes of November 20, 2014 were approved as presented.



Agenda Item 3
PROGRESS REPORT

Mr. Badger requested Mr. Carpenter to present a progress report outlining recent and prospective activities for the Land Bank. A copy of Mr. Carpenter's report is attached to these Minutes.

Ms. Kates requested that staff keep Board members advised and to seek their input as the IT systems, including the enhancements to LAMA and the website, are being developed. She also

suggested that staff continue to work with the Board on developing a Communications and Public Outreach strategy and an open data policy.



Agenda Item 4
MANAGEMENT AGREEMENT WITH
PHILADELPHIA HOUSING DEVELOPMENT CORPORATION

Mr. Badger announced that this item will be tabled and is expected to be presented at the January Board meeting.



New Business

Mr. Abernathy took this opportunity to express his support of the Land Bank, personally and as Executive Director of the Redevelopment Authority. Mr. Abernathy noted that the Redevelopment Authority is a stakeholder in the Land Bank and he pledged the Authority's continued commitment to the success of the Land Bank.

Ms. Kates expressed her thanks to Mr. Abernathy, Mr. Sauer and the other members of the Interim Board. She particularly noted Mr. Sauer's advocacy in helping to create the Land Bank and his commitment and deep involvement with its early development.

Mr. Ali likewise stated his appreciation to City Council, and especially Council members Henon, Clarke and Sanchez, for allowing the citizenry to be heard during Council hearings on the creation of the Land Bank and approval of its Strategic Plan.



ADJOURNMENT

Mr. Badger informed the public that the Board will hold its next Board Meeting in January 2015 and that the specific meeting date along with the regularly scheduled meetings of 2015 will be published and posted as required by the Sunshine Act.

There being no further business to come before the Board, Mr. Badger declared the meeting adjourned at 3:05 p.m.

SECRETARY TO THE BOARD

RESOLUTION NO. 2015 -

RESOLUTION APPOINTING AN EXECUTIVE DIRECTOR AND GENERAL COUNSEL FOR PHILADELPHIA LAND BANK

WHEREAS, on December 2, 2012, the Commonwealth of Pennsylvania enacted legislation commonly referred to as the Pennsylvania Land Bank Act, 68 Pa. C.S.A. § 2101, *et seq.* (“Land Bank Act”) which, among other things, authorized a city of the first class to create a land bank by adopting an ordinance in accordance with the Land Bank Act.

WHEREAS, on December 18, 2013, the Mayor of the City of Philadelphia signed Bill No. 130156-A, as previously adopted by Philadelphia City Council, which authorized the creation of the Philadelphia Land Bank and which has been codified at Chapter 16-700 of the Philadelphia Code;

WHEREAS, the Land Bank Act provides that a land bank may employ or enter into a contract for an executive director and legal counsel;

WHEREAS, the Land Bank anticipates that it will enter into an agreement with the Philadelphia Housing Development Corporation (“PHDC”) through which PHDC staff will manage Land Bank operations; and

WHEREAS, the Land Bank desires to identify and appoint those individuals who will serve as Executive Director and General Counsel to the Land Bank, having determined that these individuals possess the knowledge, skill and experience necessary to serve in such capacity.

NOW THEREFORE, BE IT RESOLVED by the Board of Directors of the Philadelphia Land Bank that Michael Koonce shall serve as Executive Director of the Land Bank and that Nicholas J. Scafidi, Esquire, shall serve as General Counsel of the Land Bank until such time as the Board identifies and appoints a successor to either.

RESOLUTION NO. 2015 -

RESOLUTION APPOINTING A STANDING FINANCE COMMITTEE

WHEREAS, the Bylaws of the Philadelphia Land Bank authorize the Board, by a majority vote of the entire Board of Directors, to designate one or more standing advisory and ad hoc committees, whose members may be comprised of both Board members and other individuals; and

WHEREAS, the Board desires to appoint a standing committee to review and analyze the financial matters, performance and operations of the Land Bank.

NOW THEREFORE, BE IT RESOLVED by the Philadelphia Land Bank that:

1. A Standing Finance Committee is appointed with the following members:
 - (i) Meet as often as it deems necessary or appropriate;
 - (ii) Stay informed of the Land Bank's financial status and operations;
 - (iii) Assist Land Bank staff in developing and implementing financial policies and practices and its banking relationships;
 - (iv) Assist Land Bank staff with selection of auditors and preparation of annual audits;
 - (v) Assist Land Bank staff with preparation of an annual budget and conduct quarterly review of current year budgets;
 - (vi) Request and review reports on financial performance and such other matters as necessary to assure the financial well-being of the Land Bank.

2. The Finance Committee shall:

Proposed

Finance Committee:

- Angel Rodriguez**
- Courtney Voss**
- Deborah McColloch**

RESOLUTION NO. 2015 -

**RESOLUTION APPOINTING AN AD HOC COMMITTEE TO OVERSEE
PREPARATION OF STRATEGIC PLAN FOR FISCAL YEAR 2016**

WHEREAS, Chapter 16-700 of the Philadelphia Code, entitled “Philadelphia Land Bank,” requires the Board of Directors of the Land Bank to develop annually a strategic plan to guide the acquisition, maintenance and disposition of Land Bank properties;

WHEREAS, the Bylaws of the Philadelphia Land Bank authorize the Board, by a majority vote of the entire Board of Directors, to designate one or more standing advisory and ad hoc committees, whose members may be comprised of both Board members and other individuals; and

WHEREAS, the Board desires to appoint an ad hoc committee to coordinate and guide the preparation of an updated Fiscal Year 2016 Strategic Plan for submission to City Council.

NOW THEREFORE, BE IT RESOLVED by the Philadelphia Land Bank that:

1. An Ad Hoc Strategic Planning Committee is appointed with the following members:
2. The Ad Hoc Strategic Planning Committee shall (i) assist in the development of a Request for Proposals (“RFP”) seeking a qualified consultant to assist in preparation of the updated Strategic Plan, (ii) assist in the review of the RFP and recommend for selection by the Board a consultant; (iii) work with the selected consultant to prepare the Land Bank’s updated Strategic Plan, and (iv) perform such other actions necessary to assure compliance with Chapter 16-700 of the Philadelphia Code and approval of the Strategic Plan by City Council.

Proposed

2015 Philadelphia Land Bank Board

Strategic Plan Committee:

Jennifer Kates

Majeedah Rashid

Nora Lichtash

Paul Badger

Open Records Policy— Philadelphia Land Bank

Effective January ____, 2015

The Philadelphia Land Bank (the “Land Bank”) has adopted a policy to comply with the Commonwealth's Act 3 of 2008, 65 P.S. §§ 67.101 *et seq.*, commonly known as the "Right to Know Law." With certain exceptions, members of the public have the right to inspect and/or copy such records upon request.

1. Definitions

- a. **Right to Know Law (or Open Records Law).** Act 3 of 2008, 65 P.S. §§ 67.101 *et seq.*, commonly known as the Right to Know Law ("Law").
- b. **Business day.** Monday through Friday during regular business hours¹, except those days when the offices of the Land Bank are closed for all or part of a day:
 - i. due to a federal/state/city holiday;
 - ii. due to natural or other disaster; or
 - iii. due to the request or direction of local, state, or federal law enforcement agencies or officials.
- c. **Public Record.** Any document that satisfies the general definition of "public record" set forth in the Law and does not fall within any of the exceptions set forth therein, as the definition and exceptions are amended from time to time and as the definition and exceptions are interpreted by state, federal and/or local courts.
- d. **Open Records Officer.** Any official or employee of the Land Bank who is officially assigned responsibility for receiving, tracking and responding to requests for information under the Right to Know Law. The Land Bank may designate a Deputy or Secondary Open Records Officer to act in the absence of an Open Records Officer.
- e. **Requester.** A person who requests a record under the Right to Know Law.
- f. **State Office of Open Records.** The State Office, under the Department of Economic and Community Development, as explained in §1310 of the Right to Know Law. The Office of Open Records shall be responsible for many duties, which include (but are not limited to): issuing advisory opinions, training agencies and public employees, assigning appeals officers to review decisions and conducting a biannual review of fees allowed under the Law.

¹ 8:30 AM – 5:00 PM

2. Open Records Officer

The Open Records Officer for the Land Bank is:

Nicholas J. Scafidi, Esquire
General Counsel
Philadelphia Land Bank
1234 Market Street, 17th Floor
Philadelphia, PA 19107

215.448-3115 (t)
nicholas.scafidi@phila.gov

The Secondary Open Records Officer for the Land Bank is:

John Carpenter
Philadelphia Land Bank
1234 Market Street, 17th Floor
Philadelphia, PA 19107

215.209-8630 (t)
john.carpenter@phila.gov

Please note that the City of Philadelphia and some independent elected officials, including the District Attorney's Office and City Controller's Office, may have their own separate and distinct policies. You should contact their respective websites for information specific to their offices, including information concerning their respective open records officers.

3. Procedure

The Law requires that the Land Bank act upon each non-anonymous written request when such request is made in person, by mail, by facsimile or by e-mail. The Law does not require that the Land Bank act upon an oral request, and the Land Bank shall refuse to accept oral requests. Furthermore, the Law does not require that the Land Bank act upon an anonymous request, and the Land Bank will refuse to honor an anonymous request.

Pursuant to the Law, the State Office of Open Records has created and published on its website a standard statewide form which must be accepted by the Land Bank for the filing of a request. (<http://openrecords.state.pa.us/portal/server.pt>). Effective February 1, 2012, the Land Bank will require the standard statewide form be used for the submission of Right to Know requests, and will not consider a request to be a written request pursuant to the Right to Know Law unless the request is submitted on or with the standard statewide form. Beginning February 1, 2012, the Land Bank will consider any request not submitted on or with the standard statewide form to be an informal request not subject to

the Right to Know Law². If a requester submits a request on or with the standard statewide form after submitting an informal request for the same (or similar) records, the Land Bank will consider the informal request to have been withdrawn. The Land Bank reserves the right, at its sole discretion, to require a written request pursuant to the Right to Know Law before releasing records. A copy of the standard statewide form appears at the end of this policy.

The Law sets forth various specifications for the contents of a written request. To qualify as a written request under the Right to Know Law and the Land Bank Open Records Policy the request must (a) be directed to the appropriate Open Records Officer designated above, (b) be submitted on or with the standard statewide form, and (c) contain, at a minimum, the following information:

- i. name of requester;
- ii. address of requester; and
- iii. records being sought, identified or described with sufficient specificity to allow the Land Bank to ascertain which records are being requested.

Under the Law, the Land Bank has a duty to make a good faith effort to determine if the record(s) requested is a public record and to respond as promptly as possible under the circumstances existing at the time of the request; this time shall not exceed five (5) business days from the date the request is received by the Land Bank's Open Records Officer. The Law provides that either a final or interim response be provided to the requester within five (5) business days from the date of receipt by the Land Bank. If the Land Bank fails to respond within this five (5) day time period, the Open Records Request is deemed denied.

The Law and the Land Bank's policy contemplate that requesters will receive a response within five (5) business days. The Law, however, does provide the Land Bank with specific reasons that may be invoked to receive a single extension of time which shall not exceed thirty (30) calendar days. If an extension is invoked and no response is provided to the requester within the thirty (30) day time period, the Open Records Request is deemed denied. Additionally, should the Land Bank notify the requester it needs more than the maximum thirty (30) day extension, the request is deemed denied unless the requester has agreed in writing to an extension to the date specified in the notice. If the requester agrees to the extension, the request shall be deemed denied on the day following the date specified in the notice if the Land Bank has not provided a response by that date.

² The Land Bank reserves the right, at its sole discretion, to use the Right to Know Law as guidance in responding to informal requests for records and/or information.

The Land Bank's final response to a request will do one of the following:

- i. grant the request;
- ii. deny the request;
- iii. grant the request in part and deny the request in part; or
- iv. grant the request and redact part of the information provided pursuant to the Law and/or other applicable federal, state and local law.

4. Appeals of Denied Requests

If a request for access to a record is denied (in whole or in part) or deemed denied, the requester may file an appeal with the State Office of Open Records within fifteen (15) business days of the mailing date of the Land Bank's denial. The appeal should state the grounds upon which the requester asserts the items requested are public and/or financial records under the Law; the appeal shall also address any grounds stated by the Land Bank for denying the request. Appeals to the State Office of Open Records should be directed to the following address: Commonwealth of Pennsylvania, Office of Open Records, Commonwealth Keystone Building, 400 North Street, 4th Floor, Harrisburg, PA 17120-0225.

Unless the requester agrees otherwise, the State Office of Open Records Appeals Officer shall make a final determination which shall be mailed to the requester and the Land Bank within thirty (30) days of receipt of the appeal. Should the Appeals Officer fail to issue a ruling within thirty (30) days, the appeal is deemed denied.

Before a final determination is issued, a hearing may be held. The determination by the Appeals Officer shall be a final order. The Appeals Officer shall provide a written explanation of the reasons for the decision to the requester and the Land Bank.

Within thirty (30) days of the mailing date of the final determination of the Appeals Officer, a requester or the Land Bank may file a petition for review or other document(s) as required by rule of court with the Philadelphia Court of Common Pleas.

5. Fees and Charges

Fees for duplication of records have been established and posted by the State Office of Open Records. The Land Bank will charge fees consistent with the State Office of Open Records regulations.

The Land Bank reserves the right to impose additional fees if it incurs costs for complying with a request pursuant to the Right to Know Law; such additional fees, when charged, must be reasonable. This includes, but is not limited to, fees for enhanced electronic access and certified copies of documents.

6. Written Policies and Regulations

The Land Bank shall retain the discretion and authority to adopt any other written policies that are consistent with the Right to Know Law, as amended from time to time, that it deems to be necessary or prudent.



pennsylvania
OFFICE OF OPEN RECORDS

STANDARD RIGHT-TO-KNOW REQUEST FORM

DATE REQUESTED: _____

REQUEST SUBMITTED BY: ___ E-MAIL ___ U.S. MAIL ___ FAX ___ IN-PERSON

REQUEST SUBMITTED TO (Agency name & Address): _____

NAME OF REQUESTER: _____

STREET ADDRESS: _____

CITY/STATE/COUNTY (Required): _____

TELEPHONE (Optional): _____ E-MAIL (Optional): _____

RECORDS REQUESTED: **Provide as much specific detail as possible so the agency can identify; the information. Please use additional sheets if necessary.*

DO YOU WANT COPIES? YES or NO

DO YOU WANT TO INSPECT THE RECORDS? YES or NO

DO YOU WANT CERTIFIED COPIES OF RECORDS? YES or NO

**** PLEASE NOTE: RETAIN A COPY OF THIS REQUEST FOR YOUR FILES ****
**** IT IS A REQUIRED DOCUMENT IF YOU WOULD NEED TO FILE AN APPEAL ****

FOR AGENCY USE ONLY

RIGHT TO KNOW OFFICER:

DATE RECEIVED BY THE AGENCY:

AGENCY FIVE (5) BUSINESS DAY RESPONSE DUE.

*****Public bodies may fill anonymous verbal or written requests. If the requestor wishes to pursue the relief and remedies provided for in this Act, the request must be in writing. (Section 702.) Written requests need not include an explanation why information is sought or the intended use of the information unless otherwise required by law. (Section 703.)***

PHILADELPHIA LAND BANK
Proposed POLICY ON PUBLIC COMMENT

The Board recognizes its obligation under the Commonwealth's Sunshine Act and the City's authorizing ordinance to allow public comment on matters under deliberation at each public Board meeting. The Board also recognizes its responsibility for proper governance of the Land Bank and the need to conduct its business in an orderly and efficient manner. Accordingly, the Board hereby adopts this Policy to govern public participation in Board meetings.

1. At each meeting of the Board, opportunity shall be provided for residents and taxpayers to comment on actions and resolutions that are listed on the agenda for that meeting of the Board prior to official action by the Board.
2. Each resident or taxpayer who wishes to provide public comment shall be limited to three (3) minutes, or such other time period as the Chair may announce. The Chair may place additional reasonable limitations on public comment to permit the Board to conduct its meetings and to maintain order, including limiting repetitious comments.
3. Land Bank staff shall maintain a list of persons who have requested the opportunity to provide comment at the next scheduled meeting of the Board. Persons wishing to be placed on the list should provide notice at John.Carpenter@phila.gov. Any person may ask to be added to the list on the day of a Board meeting. Generally, public comment shall be received in the order in which persons appear on the list; however, depending on the topic to be addressed, the Board Secretary may place the individual either at the beginning or end of the agenda.

4. Once the list is exhausted, the Chair shall ask if any other person wishes to provide public comment, and if there is no response, the opportunity for public comment at that meeting shall be closed.

5. Individuals seeking to speak must be recognized by the Chair. Before providing comment, the individual must state whether he/she is a resident or taxpayer, shall state his or her name, address, group affiliation, if applicable, and the subject to be addressed.

6. If in the Chair's judgment there is not sufficient time at a meeting for residents and taxpayers to comment, the Chair may announce that the public comment period will be deferred to the next Board meeting, provided that no action shall be taken on a resolution unless there was an opportunity for public comment prior to official action on that resolution.