

Introduced by: Councilmember Henry, *Young*

Prepared by: Department of Legislative Reference

Date: September 10, 2018

Referred to:

HOUSING AND URBAN AFFAIRS

Committee

Also referred for recommendation and report to municipal agencies listed on reverse.



CITY COUNCIL 18-0288

A BILL ENTITLED



AN ORDINANCE concerning

York Corridor Business Improvement District – Establishment

FOR the purpose of creating a community benefits district, to be known as the York Corridor Business Improvement District; specifying the boundaries of the District; creating an Authority and providing for its rights, duties, and powers; providing for the selection and composition of the Authority's Board of Directors; providing for an Administrator for the Authority; mandating the financial responsibilities of the Authority and the City in conjunction with the operation of the District; providing for the assessment, collection, and enforcement of a supplemental tax to be collected by and for the Authority; specifying the City's role in maintaining and enhancing existing services; encouraging the creation of partnerships among the Authority, the City, the State, the Federal Government, and property owners not subject to the supplemental tax; designating the Board of Estimates as the agency charged with reviewing and approving various matters relating to the District and the Authority; providing for the renewal, expiration, termination, and approval of the District and the Authority; providing for a special effective date; and generally relating to the existence, operation, and control of the York Corridor Business Improvement District and Authority.

BY authority of

Article II - General Powers
Section(s) 63
Baltimore City Charter
(1996 Edition)

BY adding

Article 14 - Special Benefits Districts
Section(s) 20-1 to 20-17, to be under the new subtitle designation,
"Subtitle 20. York Corridor Business Improvement District"
Baltimore City Code
(Edition 2000)

****The Introduction of an Ordinance or Resolution by Councilmembers at the request of any person, firm or organization is a courtesy extended by the Councilmembers and not an indication of their position.**

Agencies

<input checked="" type="checkbox"/> Department of Public Works	<input type="checkbox"/> Baltimore City Public School System
<input type="checkbox"/> Department of Real Estate	<input checked="" type="checkbox"/> Baltimore Development Corporation
<input type="checkbox"/> Department of Recreation and Parks	<input checked="" type="checkbox"/> City Solicitor
<input type="checkbox"/> Department of Transportation	<input type="checkbox"/> Comptroller's Office
<input type="checkbox"/> Fire Department	<input checked="" type="checkbox"/> Department of Audits
<input type="checkbox"/> Health Department	<input checked="" type="checkbox"/> Department of Finance
<input type="checkbox"/> Mayor's Office of Employment Development	<input checked="" type="checkbox"/> Department of General Services
<input type="checkbox"/> Mayor's Office of Human Services	<input checked="" type="checkbox"/> Department of Housing and Community Development
<input type="checkbox"/> Mayor's Office of Information Technology	<input checked="" type="checkbox"/> Department of Human Resources
<input type="checkbox"/> Office of the Mayor	<input checked="" type="checkbox"/> Department of Planning
<input checked="" type="checkbox"/> Police Department	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____

Boards and Commissions

<input type="checkbox"/> Environmental Control Board	<input checked="" type="checkbox"/> Board of Estimates
<input type="checkbox"/> Fire & Police Employees' Retirement System	<input type="checkbox"/> Board of Ethics
<input type="checkbox"/> Labor Commissioner	<input type="checkbox"/> Board of Municipal and Zoning Appeals
<input type="checkbox"/> Parking Authority Board	<input type="checkbox"/> Comm. for Historical and Architectural Preservation
<input type="checkbox"/> Planning Commission	<input type="checkbox"/> Commission on Sustainability
<input type="checkbox"/> Wage Commission	<input type="checkbox"/> Employees' Retirement System
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____

CITY OF BALTIMORE
ORDINANCE **19-249**
Council Bill 18-0288

Introduced by: Councilmember Henry, President Young

Introduced and read first time: September 17, 2018

Assigned to: Housing and Urban Affairs Committee

Committee Report: Favorable with amendments

Council action: Adopted

Read second time: April 29, 2019

AN ORDINANCE CONCERNING

1 **York Corridor Business Improvement District – Establishment**

2 FOR the purpose of creating a community benefits district, to be known as the York Corridor
3 Business Improvement District; specifying the boundaries of the District; creating an
4 Authority and providing for its rights, duties, and powers; providing for the selection and
5 composition of the Authority's Board of Directors; providing for an Administrator for the
6 Authority; mandating the financial responsibilities of the Authority and the City in
7 conjunction with the operation of the District; providing for the assessment, collection, and
8 enforcement of a supplemental tax to be collected by and for the Authority; specifying the
9 City's role in maintaining and enhancing existing services; encouraging the creation of
10 partnerships among the Authority, the City, the State, the Federal Government, and property
11 owners not subject to the supplemental tax; designating the Board of Estimates as the agency
12 charged with reviewing and approving various matters relating to the District and the
13 Authority; providing for the renewal, expiration, termination, and approval of the District and
14 the Authority; abolishing the York Road Retail Business District; providing for a ~~special~~
15 ~~effective date~~ special effective dates; and generally relating to the existence, operation, and
16 control of the York Corridor Business Improvement District and Authority.

17 BY authority of
18 Article II - General Powers
19 Section(s) 63
20 Baltimore City Charter
21 (1996 Edition)

22 BY adding
23 Article 14 - Special Benefits Districts
24 Section(s) 20-1 to 20-17, to be under the new subtitle designation,
25 "Subtitle 20. York Corridor Business Improvement District"
26 Baltimore City Code
27 (Edition 2000)

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.
Underlining indicates matter added to the bill by amendment.
~~Strike-out~~ indicates matter stricken from the bill by
amendment or deleted from existing law by amendment.

Council Bill 18-0288

1 BY repealing

2 Article 14 - Special Benefits Districts

3 Section 11-23, in its entirety

4 Baltimore City Code

5 (Edition 2000)

6 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the**
7 **Laws of Baltimore City read as follows:**

8 **Baltimore City Code**

9 **Article 14. Special Benefits Districts**

10 **SUBTITLE 20. YORK CORRIDOR BUSINESS IMPROVEMENT DISTRICT**

11 **§ 20-1. FINDINGS.**

12 *(A) IMPORTANCE OF THE YORK ROAD CORRIDOR.*

13 (1) THE YORK ROAD CORRIDOR IS A 2-MILE LONG STRIP OF COMMERCIAL DEVELOPMENT
14 THAT SERVES AS A LINEAR COLLECTION OF AT LEAST 3 PRINCIPAL NODES FOCUSED ON
15 MAJOR CROSSROADS INTERSECTIONS (BELVEDERE AVENUE, WOODBOURNE AVENUE,
16 COLD SPRING LANE), WHICH SERVE THE LOCAL COMMERCIAL/RETAIL NEEDS OF THEIR
17 ADJOINING NEIGHBORHOODS TO THE EAST AND WEST.

18 (2) IN MANY WAYS THE YORK ROAD MARKET AREA IS NOW SPLIT BY THE ROAD ITSELF.
19 TO THE WEST ARE VERY AFFLUENT RESIDENTIAL NEIGHBORHOODS WITH HIGH
20 RESIDENTIAL VALUES. TO THE EAST ARE MORE MODEST NEIGHBORHOODS WITH
21 LOWER RESIDENTIAL VALUES, HOMEOWNERSHIP RATES, AND HOUSEHOLD INCOMES.

22 (3) THE YORK ROAD CORRIDOR CAN AND DOES SERVE AS A MEETING GROUND FOR ALL
23 ADJOINING NEIGHBORHOODS AND COMMERCIAL USES THAT CAN ACHIEVE THEIR
24 HIGHEST POTENTIAL WHEN THEY APPEAL TO ALL CONSUMER HOUSEHOLDS.

25 *(B) NEEDS AND OPPORTUNITIES FACING THE DISTRICT.*

26 (1) THE YORK ROAD CORRIDOR AND VISION ACTION PLAN OF 2015 IDENTIFIED A
27 VARIETY OF NEEDS AND OPPORTUNITIES FACING THE YORK ROAD CORRIDOR.

28 (2) ACCORDING TO THE PLAN:

29 (I) HOUSEHOLD SPENDING WITHIN THE YORK ROAD MARKET AREA IS ESTIMATED
30 AT \$265.9 MILLION ANNUALLY, AND SPENDING ON FOOD AND DRINK IS
31 ESTIMATED AT \$29.9 MILLION. THESE ESTIMATES DO NOT INCLUDE SPENDING
32 BY THE AREA'S SIZEABLE STUDENT POPULATION. IT IS ALSO ESTIMATED THAT
33 THE AREA PRESENTLY CAPTURES ONLY 29.8% OF THAT TOTAL SPENDING, WITH
34 THE REMAINING SPENDING GOING TO BUSINESSES ELSEWHERE. THIS
35 DISPOSABLE INCOME IN THE LOCAL CORRIDOR MARKETPLACE WOULD BE
36 CAPTURED WITHIN YORK ROAD WITH AN EXPANDED MIX OF APPROPRIATE

Council Bill 18-0288

1 BUSINESS AND SERVICES TO MEET THE ON-GOING NEEDS OF THE LOCAL
2 COMMUNITY.

3 (ii) GIVEN ITS LARGELY BUILT-OUT NATURE, THE YORK ROAD CORRIDOR
4 OPERATES WITHIN MULTIPLE CONSTRAINTS AS REGARDS TO THE ATTRACTION
5 OF NEW COMMERCIAL/RETAIL DEVELOPMENT OPPORTUNITIES. IN PARTICULAR,
6 LAND PARCELS ALONG YORK ROAD ARE TYPICALLY SMALL, SHALLOW, AND IN
7 MULTIPLE OWNERSHIP; ARDUOUS ASSEMBLAGE OF PARCELS IS TYPICALLY
8 REQUIRED TO ACCOMMODATE THE NEEDS OF MANY RETAILERS. THERE ARE
9 FEW LARGER (2+ ACRE) PARCELS ALONG YORK ROAD, AND NONE ARE VACANT
10 LAND. OVER TIME THE YORK ROAD CORRIDOR WILL MANAGE ITS REAL
11 ESTATE RESOURCES IN SUCH A WAY THAT USES ALONG YORK ROAD WILL
12 BETTER SERVE THE MARKET AREA POPULATION, BY ATTRACTING RETAILERS
13 WHO WILL SERVE UNMET DEMAND AND BY UPGRADING UNDERUTILIZED
14 PROPERTIES.

15 (3) RECOMMENDATION OF THE PLAN:

16 ESTABLISHMENT OF A YORK ROAD BUSINESS IMPROVEMENT DISTRICT (BID) IS
17 RECOMMENDED AS THE MANAGEMENT ENTITY FOR THE CORRIDOR. IN ORDER TO
18 ADVANCE AND ULTIMATELY ACHIEVE ITS FULL POTENTIAL, THE CORRIDOR WILL
19 PROFIT FROM ACTIVE MANAGEMENT – A GROUP SPECIFICALLY TASKED TO
20 SUPERVISE DAY-TO-DAY OPERATIONS (E.G., SANITATION, SAFETY/SECURITY), BUT
21 ALSO TASKED WITH LONGER-TERM, STRATEGIC EFFORTS SUCH AS WORKING WITH
22 EXISTING BUSINESSES TO HELP THEM SUCCEED, IMPROVING THE BUSINESS MIX TO
23 GROW SALES, MARKETING THE CORRIDOR TO NEW BUSINESSES, AND CAPTURING
24 REAL ESTATE DEVELOPMENT OPPORTUNITIES AS THEY OCCUR. THE BID
25 STRUCTURE (AS CODIFIED IN STATE OF MARYLAND AND BALTIMORE CITY
26 AUTHORIZING LEGISLATION) IS FOCUSED ON COMMERCIAL ISSUES, DERIVING ITS
27 REVENUES PRINCIPALLY FROM A MANDATORY ASSESSMENT ON COMMERCIAL
28 PROPERTY OWNERS, THUS DEDICATING ITS ATTENTION TO IMPROVING THE
29 CORRIDOR’S BUSINESS ENVIRONMENT. THE BID WILL ALSO DERIVE OPERATING
30 REVENUES FROM FEE-FOR-SERVICE ARRANGEMENTS AND GRANTS FROM CITY
31 GOVERNMENT, FOUNDATIONS, ETC., TO PROVIDE VARIOUS SERVICES THAT ARE
32 BETTER DELIVERED LOCALLY.

33 (c) *CONSIDERATIONS.*

34 IN ADOPTING THIS ORDINANCE, THE CITY COUNCIL HAS:

- 35 (1) CONSIDERED THE VIEWS OF THE PROPERTY OWNERS, THE RETAIL MERCHANTS, THE
36 PROPERTY TENANTS, AND THE OTHER MEMBERS OF THE BUSINESS AND
37 RESIDENTIAL COMMUNITIES WITHIN THE YORK CORRIDOR BUSINESS
38 IMPROVEMENT DISTRICT.
- 39 (2) MADE A DETERMINATION THAT THE YORK CORRIDOR BUSINESS IMPROVEMENT
40 DISTRICT WILL REFLECT:

Council Bill 18-0288

1 (I) A DIVERSE MIX OF BUSINESS PROPERTIES; AND

2 (II) A DIVERSE ECONOMIC, SOCIAL, AND RACIAL MIX.

3 **§ 20-2. DISTRICT ESTABLISHED.**

4 (A) *IN GENERAL.*

5 THERE IS A BUSINESS IMPROVEMENT DISTRICT, TO BE KNOWN AS THE YORK ROAD
6 BUSINESS IMPROVEMENT DISTRICT (THE "DISTRICT").

7 (B) *BOUNDARIES.*

8 THE BOUNDARIES OF THE DISTRICT ARE AS SHOWN ON THE FOLLOWING MAP APPENDED TO
9 THIS BILL, TITLED "ATTACHMENT A - PROPOSED YORK ROAD BID".

10 **§ 20-3. AUTHORITY CREATED.**

11 (A) *AUTHORITY CREATED.*

12 THERE IS A YORK CORRIDOR BUSINESS IMPROVEMENT DISTRICT MANAGEMENT
13 AUTHORITY, REFERRED TO IN THIS SUBTITLE AS THE "AUTHORITY".

14 (B) *PURPOSE.*

15 THE PURPOSE OF THE AUTHORITY IS TO:

16 (1) PROMOTE AND MARKET THE DISTRICT;

17 (2) PROVIDE SUPPLEMENTAL SECURITY AND MAINTENANCE SERVICES;

18 (3) PROVIDE AMENITIES IN PUBLIC AREAS; AND

19 ~~(4) IMPLEMENT THE RECOMMENDATIONS OUTLINED IN THE YORK ROAD CORRIDOR~~
20 ~~VISION AND ACTION PLAN, ADOPTED BY THE PLANNING COMMISSION IN 2015, AS~~
21 ~~THAT PLAN MAY BE MODIFIED OR SUPERSEDED FROM TIME TO TIME BY THE~~
22 ~~PLANNING COMMISSION; AND~~

23 (4) (5) PROVIDE OTHER SERVICES AND FUNCTIONS AS MAY BE REQUESTED BY THE
24 AUTHORITY AND APPROVED BY AN ORDINANCE OF THE MAYOR AND CITY
25 COUNCIL.

26 **§20-4. POWERS AND FUNCTIONS OF AUTHORITY.**

27 (A) ~~GOVERNMENTAL BODY POWERS.~~

28 TO THE GREATEST EXTENT ALLOWABLE BY LAW, THE AUTHORITY IS AND SHALL BE
29 DEEMED TO BE A SPECIAL ~~TAXING TAX~~ DISTRICT AND, ~~THEREFORE, A GOVERNMENTAL~~
30 ~~BODY, BOTH POLITIC AND CORPORATE,~~ EXERCISING ONLY THOSE POWERS AS ARE
31 PROVIDED FOR IN THIS SUBTITLE.

Council Bill 18-0288

1 (B) AUTHORIZED ACTIONS.

- 2 (1) THE AUTHORITY MAY ACQUIRE, HOLD, AND USE BOTH REAL AND PERSONAL PROPERTY
3 AS NECESSARY TO ACHIEVE ITS PURPOSES, ~~INCLUDING ACQUISITION BY PURCHASE,~~
4 ~~LEASE, OR OTHER MEANS.~~
- 5 (2) THE AUTHORITY MAY ENGAGE THE SERVICES OF AN ADMINISTRATOR (THE
6 "ADMINISTRATOR"), WHO MAY BE AN INDIVIDUAL OR AN ENTITY, TO ADMINISTER THE
7 PROGRAMS AND UNDERTAKINGS OF THE AUTHORITY.
- 8 (3) THE AUTHORITY MAY SUE AND BE SUED. HOWEVER, THE DISTRICT, THE AUTHORITY,
9 ITS BOARD OF DIRECTORS, AND ITS ADMINISTRATOR SHALL BENEFIT, TO THE FULLEST
10 EXTENT ALLOWABLE BY LAW, FROM ALL PROVISIONS OF FEDERAL, STATE, AND LOCAL
11 LAW LIMITING THE LIABILITY OF EMPLOYEES, OFFICERS, AGENTS, AND OFFICIALS OF
12 GOVERNMENTAL BODIES.
- 13 (4) THE AUTHORITY MAY ACCEPT GRANTS.
- 14 (5) THE AUTHORITY MAY BORROW FUNDS FOR PURPOSES CONSISTENT WITH THE PUBLIC
15 PURPOSES OF THE AUTHORITY. HOWEVER, NO BORROWING MAY BE FOR A TERM
16 BEYOND THE DATE FOR THE DISTRICT'S RENEWAL UNDER § 20-16 OF THIS SUBTITLE;
- 17 (6) THE AUTHORITY SHALL ADOPT AN ANNUAL BUDGET AND IMPOSE, CHARGE, AND
18 COLLECT THE TAXES OR CHARGES ON BENEFITTED PROPERTIES WITHIN THE DISTRICT,
19 AS AUTHORIZED BY CITY CHARTER ARTICLE II, § (63) AND THIS SUBTITLE.
- 20 (7) THE AUTHORITY MAY CREATE AND ENTER INTO PARTNERSHIPS BETWEEN IT AND
21 VARIOUS PROPERTY OWNERS. THESE PARTNERSHIPS MAY PROVIDE FOR THE PROVISION
22 OF PERMITTED SERVICES AND BENEFITS BY THE AUTHORITY IN EXCHANGE FOR
23 PAYMENTS ARRANGED BY CONTRACT, DONATION, GIFT, SERVICES IN KIND, OR OTHER
24 MECHANISM BY WHICH FUNDS OR BENEFITS ARE PROVIDED TO THE AUTHORITY.
- 25 (8) THE AUTHORITY MAY ESTABLISH AND ELECT OFFICERS NOT ALREADY PROVIDED FOR
26 IN THIS SUBTITLE AND PROVIDE FOR THEIR TERMS AND DUTIES.
- 27 (9) THE AUTHORITY MAY CONTRACT FOR AND PURCHASE GOODS AND SERVICES, WITHOUT
28 HAVING TO COMPLY WITH CITY REQUIREMENTS GOVERNING WAGE SCALES,
29 COMPETITIVE BIDDING, OR OTHER PROCUREMENT MATTERS. HOWEVER, THE
30 AUTHORITY NONETHELESS SHALL BE SUBJECT TO APPLICABLE ORDINANCES
31 REGARDING CITY POLICY ON ENCOURAGING AND ACHIEVING GOALS FOR
32 PARTICIPATION OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES IN THE
33 CONTRACTING ACTIVITIES.
- 34 (10) SUBJECT TO THE APPROVAL OF THE BOARD OF ESTIMATES, THE AUTHORITY MAY
35 ADOPT, AMEND, AND MODIFY BYLAWS, CONSISTENT WITH CITY CHARTER ARTICLE II,
36 § (63) AND THIS SUBTITLE.
- 37 (11) THE AUTHORITY MAY IMPLEMENT ITS PROGRAMS AND GOALS DIRECTLY THROUGH ITS
38 EMPLOYEES OR THROUGH 1 OR MORE CONTRACTS. THESE CONTRACTS MAY BE WITH
39 INDEPENDENT CONTRACTORS OR CONTRACTUAL EMPLOYEES.

Council Bill 18-0288

1 (12) THE AUTHORITY MAY ASSIST IN THE LEASING, MARKETING, AND PROMOTIONAL
2 ACTIVITIES WITHIN THE DISTRICT, TO THE EXTENT THOSE ACTIVITIES ARE APPROVED
3 BY THE GOVERNING BOARD OF THE AUTHORITY.

4 (13) THE AUTHORITY MAY APPOINT, HIRE, OR ENGAGE AUDITORS, ACCOUNTANTS,
5 ATTORNEYS, ASSISTANTS, AIDES, EMPLOYEES, AND ADVISORS AS IT CONSIDERS
6 NECESSARY FOR THE PROPER PERFORMANCE OF ITS DUTIES, BUT CONSISTENT WITH
7 THIS SUBTITLE.

8 (14) THE AUTHORITY MAY DO ALL OTHER THINGS NECESSARY OR CONVENIENT TO CARRY
9 OUT ITS GOALS, OBJECTIVES, AND POWERS.

10 § 20-5. LIMITATIONS ON AUTHORITY.

11 (A) *NOT AGENCY OF CITY OR STATE.*

12 (1) THE AUTHORITY IS NOT AND MAY NOT BE DEEMED TO BE AN AGENCY OF THE MAYOR
13 AND CITY OF BALTIMORE OR OF THE STATE OF MARYLAND.

14 (2) THE OFFICERS AND EMPLOYEES OF THE AUTHORITY ARE NOT AND MAY NOT ACT AS
15 AGENTS OR EMPLOYEES OF THE MAYOR AND CITY OF BALTIMORE OR THE STATE OF
16 MARYLAND.

17 (B) *UNAUTHORIZED ACTIONS.*

18 (1) THE AUTHORITY MAY NOT EXERCISE ANY POLICE OR GENERAL POWERS OTHER THAN
19 THOSE AUTHORIZED BY STATE LAW AND CITY ORDINANCE.

20 (2) THE AUTHORITY MAY NOT PLEDGE THE FULL FAITH OR CREDIT OF THE CITY.

21 ~~(3) THE AUTHORITY MAY NOT LEVY ANY TAXES AGAINST PROPERTIES THAT ARE EXEMPT~~
22 ~~UNDER STATE LAW FROM ORDINARY PROPERTY TAXES.~~

23 (3) THE AUTHORITY MAY NOT IMPOSE TAXES AGAINST PROPERTIES THAT ARE EXEMPT
24 UNDER STATE LAW FROM ORDINARY PROPERTY TAXES.

25 (4) THE AUTHORITY MAY NOT IMPOSE ANY TAXES OR CHARGES IN EXCESS OF THOSE
26 APPROVED BY THE BOARD OF ESTIMATES.

27 (5) THE AUTHORITY MAY NOT EXERCISE THE POWER OF EMINENT DOMAIN.

28 (6) THE AUTHORITY MAY NOT EXTEND ITS LIFE WITHOUT THE APPROVAL OF THE CITY
29 COUNCIL.

30 (7) EXCEPT AS OTHERWISE PROVIDED BY LAW, THE AUTHORITY MAY NOT ENGAGE IN
31 COMPETITION WITH THE PRIVATE SECTOR.

32 (8) EXCEPT AS OTHERWISE PROVIDED IN § 20-17 OF THIS SUBTITLE, THE AUTHORITY MAY
33 NOT REVERT CHARGES OR TAXES COLLECTED UNDER THIS SUBTITLE TO THE GENERAL
34 FUND OF THE CITY.

Council Bill 18-0288

1 (9) THE AUTHORITY MAY NOT EMPLOY INDIVIDUALS WHO RESIDE OUTSIDE OF THE CITY.

2 (10) EXCEPT AS REQUIRED OR APPROPRIATE TO FACILITATE ITS NORMAL OPERATIONS, THE
3 AUTHORITY MAY NOT INCUR DEBT.

4 (11) THE AUTHORITY MAY NOT EXERCISE ANY POWER SPECIFICALLY WITHHELD BY THE
5 TERMS OF EITHER THIS SUBTITLE OR, IF MORE RESTRICTIVE, CITY CHARTER ARTICLE II,
6 § (63).

7 (C) *INTERPRETATION OF POWERS.*

8 THE POWERS OF THE AUTHORITY SHALL BE BROADLY INTERPRETED TO ALLOW THE
9 AUTHORITY TO ACHIEVE THE GOALS OF CITY CHARTER ARTICLE II, § (63), INCLUDING THE
10 PROVISION OF SUPPLEMENTARY SECURITY AND MAINTENANCE SERVICES, THE PROMOTION
11 AND MARKETING OF THE DISTRICT, AND THE PROVISION OF AMENITIES IN PUBLIC AREAS.

12 § 20-6. BOARD OF DIRECTORS.

13 (A) *IN GENERAL.*

14 THE AUTHORITY SHALL BE GOVERNED BY AND ADMINISTERED THROUGH A BOARD OF
15 DIRECTORS (THE "BOARD").

16 (B) *NUMBER AND APPOINTMENT.*

17 (1) THE NUMBER OF VOTING MEMBERS OF THE FULL BOARD MUST BE NOT LESS THAN 9,
18 EXCLUDING VACANCIES, AND NO MORE THAN 15.

19 (2) THE BOARD HAS FULL AUTHORITY TO INCREASE OR DECREASE ITS MEMBERSHIP,
20 WITHIN THE LIMITS SPECIFIED IN THIS SUBSECTION.

21 (C) *COMPOSITION.*

22 (1) OF THE VOTING MEMBERS OF THE BOARD:

23 (i) 1 SHALL BE THE COUNCILMEMBER FOR THE DISTRICT;

24 (ii) 1 SHALL REPRESENT A NOT-FOR-PROFIT INSTITUTION WITH SIGNIFICANT PROPERTY
25 HOLDINGS ALONG THE YORK ROAD CORRIDOR;

26 (iii) 1 SHALL BE a COMMUNITY REPRESENTATIVE, APPOINTED BY THE YORK ROAD
27 PARTNERSHIP OR ITS SUCCESSOR ORGANIZATION;

28 (iv) AT LEAST 1 SHALL BE A BUSINESS OPERATOR IN THE DISTRICT, WHO DOES NOT
29 OWN THE PROPERTY IN WHICH HIS OR HER BUSINESS IS LOCATED; AND

30 (v) AT LEAST 1 SHALL BE A BUSINESS OPERATOR IN THE DISTRICT, WHO OWNS THE
31 PROPERTY IN WHICH HIS OR HER BUSINESS IS LOCATED.

Council Bill 18-0288

1 (2) AT ALL TIMES, A MAJORITY OF THE BOARD MUST BE REPRESENTATIVES OF PROPERTY
2 OWNERS SUBJECT TO THE TAX IMPOSED BY THIS SUBTITLE AND MUST BE SO
3 DESIGNATED BY THE BOARD.

4 (D) *TERMS TO BE STAGGERED.*

5 THE TERMS OF THE MEMBERS ARE STAGGERED, AS REQUIRED BY THE TERMS OF THE
6 MEMBERS FIRST APPOINTED.

7 (E) *EXERCISE OF AUTHORITY POWERS.*

8 ALL POWERS OF THE AUTHORITY ARE EXERCISED BY AND THROUGH THE BOARD, UNLESS
9 DELEGATED BY THE BOARD TO 1 OR MORE OFFICERS OF THE BOARD OR TO THE
10 ADMINISTRATOR.

11 (F) ~~BYLAWS, RULES, AND REGULATIONS.~~

12 (1) THE BOARD MAY ADOPT BYLAWS, ~~RULES, AND REGULATIONS~~ AS IT CONSIDERS
13 NECESSARY TO CARRY OUT THE POWERS OF THE AUTHORITY. HOWEVER, THESE
14 BYLAWS, ~~RULES, AND REGULATIONS~~ MAY NOT BE INCONSISTENT WITH THE TERMS OF
15 THIS SUBTITLE OR OF CITY CHARTER ARTICLE II, § (63).

16 (2) ALL BYLAWS ARE SUBJECT TO THE APPROVAL OF THE BOARD OF ESTIMATES.

17 (3) THE BOARD MAY ESTABLISH ITS OWN PROCEDURES RELATING TO THE INTERNAL
18 ADMINISTRATION OF THE AUTHORITY, EXCEPT AS MAY BE RESTRICTED BY CITY
19 CHARTER ARTICLE II, § (63) OR THIS SUBTITLE.

20 (G) *OFFICERS.*

21 (1) THE BOARD SHALL SELECT FROM AMONG ITS MEMBERS INDIVIDUALS TO SERVE AS THE
22 CHAIR, VICE-CHAIR, TREASURER, AND SECRETARY OF THE AUTHORITY.

23 (2) THESE OFFICERS SERVE AT THE PLEASURE OF THE BOARD.

24 (3) THE BOARD MAY DELEGATE TO THESE OFFICERS THOSE RESPONSIBILITIES THAT THE
25 BOARD CONSIDERS APPROPRIATE.

26 § 20-7. ANNUAL FINANCIAL PLAN.

27 (A) *BOARD TO ADOPT.*

28 THE BOARD SHALL ADOPT AN ANNUAL FINANCIAL PLAN (THE "FINANCIAL PLAN"), BASED
29 ON THE CITY'S FISCAL YEAR, CONSISTING OF AT LEAST A BUDGET AND A PROPOSED
30 SCHEDULE OF TAXES OR CHARGES TO BE IMPOSED THROUGHOUT THE DISTRICT.

31 (B) *PUBLIC HEARING.*

32 BEFORE ADOPTING THE FINANCIAL PLAN, THE BOARD SHALL ARRANGE FOR A PUBLIC
33 HEARING ON THE PROPOSED PLAN. NOTICE OF THE HEARING MUST BE PUBLISHED IN A

Council Bill 18-0288

1 NEWSPAPER OF GENERAL CIRCULATION IN BALTIMORE CITY AT LEAST ONCE A WEEK FOR 3
2 CONSECUTIVE WEEKS.

3 (C) *BOARD OF ESTIMATES APPROVAL REQUIRED.*

4 THE AUTHORITY MAY NOT APPROVE A FINANCIAL PLAN THAT INCLUDES TAXES OR
5 CHARGES IN EXCESS OF THOSE APPROVED BY THE BOARD OF ESTIMATES.

6 **§ 20-8. SUPPLEMENTAL TAX.**

7 (A) *BOARD OF ESTIMATES TO DETERMINE ASSESSABLE BASE.*

8 (1) THE BOARD OF ESTIMATES SHALL OBTAIN FROM THE DIRECTOR OF FINANCE THE
9 "ASSESSABLE BASE" OF THE DISTRICT, WHICH SHALL CONSTITUTE A LISTING BY
10 PROPERTY AND A CALCULATION OF THE SUM OF ASSESSMENTS ON PROPERTIES SUBJECT
11 TO THE SUPPLEMENTAL TAX.

12 (2) PROPERTIES SUBJECT TO THE TAX SHALL INCLUDE ALL PROPERTIES WITHIN THE
13 DISTRICT EXCEPT:

14 (I) RESIDENTIAL UNITS IN A CONDOMINIUM BUILDING, WHETHER OR NOT THE
15 UNITS ARE OWNER-OCCUPIED; AND

16 (II) ALL OTHER BUILDINGS USED FOR RESIDENTIAL PURPOSES, OTHER THAN A
17 BUILDING THAT CONTAINS 4 OR MORE RENTAL UNITS; AND

18 (III) SUBJECT TO PRORATION, ALL OTHER BUILDINGS OR PORTIONS OF BUILDINGS
19 USED EXCLUSIVELY FOR THE CONSUMPTION AND ENJOYMENT OF ARTS AND
20 CULTURE; AND

21 (IV) PROPERTIES EXEMPT UNDER:

22 (A) THIS SUBTITLE;

23 (B) CITY CHARTER ARTICLE II, § (63); OR

24 (C) ANY OTHER APPLICABLE LAW.

25 (3) THE BOARD OF ESTIMATES SHALL DETERMINE WITH FINALITY THE ASSESSABLE BASE
26 ON WHICH THE SUPPLEMENTAL TAX WILL BE BASED.

27 (B) *ASSESSMENT; COLLECTION; ENFORCEMENT.*

28 (1) FUNDING FOR AUTHORITY OPERATIONS SHALL BE PROVIDED BY A SUPPLEMENTAL
29 PROPERTY TAX (THE "SUPPLEMENTAL TAX") ON THE ASSESSABLE BASE OF THE
30 DISTRICT AS DETERMINED UNDER SUBSECTION (A) OF THIS SECTION.

31 (2) THE SUPPLEMENTAL TAX SHALL BE ASSESSED AND COLLECTED IN CONJUNCTION WITH
32 THE PROPERTY TAXES ASSESSED AND COLLECTED BY THE CITY (THE "REGULAR TAX"),
33 UNLESS OTHERWISE ESTABLISHED BY THE BOARD OF ESTIMATES.

Council Bill 18-0288

1 (3) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE:

2 (I) THE SUPPLEMENTAL TAX SHALL BE ENFORCED IN THE SAME WAY AS THE
3 REGULAR TAX IS ENFORCED; AND

4 (II) ALL PROVISIONS THAT APPLY TO ASSESSMENTS, REFUNDS, CREDITS,
5 COLLECTIONS, AND ENFORCEMENT OF THE REGULAR TAX APPLY TO THE
6 SUPPLEMENTAL TAX.

7 (C) *DETERMINATION OF TAX.*

8 THE SUPPLEMENTAL TAX RATE SHALL BE DETERMINED AS FOLLOWS:

9 (1) ANY INCREASE IN THE RATE OF THE SUPPLEMENTAL TAX MUST BE APPROVED BY A
10 MAJORITY OF THE BOARD'S VOTING MEMBERS.

11 (2) FOR THE FIRST FULL BUDGET YEAR, THE RATE OF THE SUPPLEMENTAL TAX SHALL
12 BE SET TO RAISE REVENUES EQUAL TO THE COSTS OF THE FINANCIAL PLAN.

13 (3) FOR ANY YEAR AFTER THE FIRST FULL BUDGET YEAR, THE RATE OF THE
14 SUPPLEMENTAL TAX MAY BE ADJUSTED TO YIELD REVENUES EQUAL TO THE COSTS
15 OF THE FINANCIAL PLAN. THAT RATE, HOWEVER, MAY NOT BE INCREASED BY
16 MORE THAN ~~10%~~ 5% A YEAR UNLESS THE INCREASE IS APPROVED BY 80% OR
17 MORE OF THE PROPERTY-OWNER REPRESENTATIVES ON THE BOARD.

18 (D) *EXEMPTION FOR PUBLIC SERVICE COMPANIES.*

19 EXEMPT FROM THE SUPPLEMENTAL TAX ARE THE POLES, CONDUITS, TUNNELS, PIPE LINES,
20 MANHOLES, AND OTHER SIMILAR SURFACE OR SUBSURFACE STRUCTURES, INCLUDING
21 THEIR EQUIPMENT, OWNED AND CONTROLLED BY A PUBLIC SERVICE CORPORATION,
22 LOCATED ON, OVER, OR UNDER STREETS, ALLEYS, OR OTHER PUBLIC WAYS OR LANDS, THE
23 CONSTRUCTION OF WHICH IS AUTHORIZED BY THE CITY, AND THE INSTALLATION OF WHICH
24 IS REGULATED AND SUPERVISED BY THE DIRECTOR OF PUBLIC WORKS OR THE DIRECTOR'S
25 DESIGNEE OR THE DIRECTOR OF THE DEPARTMENT OF TRANSPORTATION OR THE
26 DIRECTOR'S DESIGNEE.

27 § 20-9. OTHER CHARGES.

28 (A) *PROPERTY SUBJECT TO SUPPLEMENTAL TAX.*

29 (1) PROPERTIES THAT ARE SUBJECT TO THE SUPPLEMENTAL TAX ARE NOT REQUIRED TO
30 PAY ANY OTHER CHARGES OR FEES FOR SERVICES GENERALLY PROVIDED WITHIN THE
31 DISTRICT BY THE AUTHORITY.

32 (2) HOWEVER, THE AUTHORITY MAY IMPOSE CHARGES AND FEES FOR ANY SPECIAL
33 SERVICES REQUESTED BY AND PERFORMED FOR 1 OR MORE PROPERTY OWNERS.

Council Bill 18-0288

1 (B) *OTHERS.*

2 WITH THE APPROVAL OF THE BOARD OF ESTIMATES, THE BOARD MAY ESTABLISH OTHER
3 FEES AND CHARGES FOR SPECIFIC SERVICES PERFORMED:

- 4 (1) WITHIN THE DISTRICT;
- 5 (2) WITHIN AREAS ADJOINING THE DISTRICT;
- 6 (3) FOR PROPERTIES AND OWNERS NOT SUBJECT TO THE SUPPLEMENTAL TAX; AND
- 7 (4) IN CONJUNCTION WITH PARTNERSHIPS ENCOURAGED BY THIS SUBTITLE.

8 **§ 20-10. BASELINE CITY SERVICES.**

9 (A) *AGREEMENT TO MAINTAIN.*

10 BEFORE IMPOSING AND COLLECTING THE SUPPLEMENTAL TAX, THE AUTHORITY SHALL
11 ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE MAYOR REGARDING THE
12 LEVEL OF SERVICES TO BE MAINTAINED BY THE CITY AS THE CITY'S PARTNERSHIP
13 OBLIGATION TO THE AUTHORITY AND THE DISTRICT'S TAXPAYERS.

14 (B) *SCOPE OF AGREEMENT.*

15 THIS MEMORANDUM OF UNDERSTANDING SHALL:

- 16 (1) DESCRIBE THE EXISTING LEVELS OF SERVICE WITHIN THE DISTRICT;
- 17 (2) COMMIT THE CITY TO THE MAINTENANCE OF THOSE LEVELS OF SERVICE; AND
- 18 (3) OUTLINE THE FURTHER UNDERTAKINGS OF THE CITY IN RESPONSE TO THE
19 INITIATIVE REPRESENTED BY THE CREATION OF THE DISTRICT (THE "BASELINE
20 PLUS").

21 (C) *GOVERNING PRINCIPLES.*

22 THE MAINTENANCE OF EXISTING SERVICES SHALL BE GOVERNED BY 2 PRINCIPLES:

- 23 (1) THOSE SERVICES MAY NOT BE DECREASED EXCEPT:
- 24 (I) AS PART OF AN OVERALL DECREASE IN SERVICES NECESSITATED BY
25 CHANGES IN FUNDING, POLICY, OR RESOURCES; AND
- 26 (II) ONLY IN PROPORTION TO THE DECREASES IMPLEMENTED ELSEWHERE IN THE
27 CITY.
- 28 (2) ANY INCREASE IN SERVICES GENERALLY THROUGHOUT THE CITY SHALL BE
29 MATCHED WITH INCREASES IN THOSE SERVICES WITHIN THE DISTRICT, IN
30 PROPORTION TO THE INCREASES IMPLEMENTED ELSEWHERE IN THE CITY.

Council Bill 18-0288

1 § 20-11. PARTNERSHIPS.

2 (A) *AUTHORITY ENCOURAGED TO CREATE.*

3 THE AUTHORITY IS AUTHORIZED AND ENCOURAGED TO ENTER INTO PARTNERSHIPS WITH
4 THE PROPERTY OWNERS AND USERS WITHIN THE DISTRICT AND ADJOINING AREAS THAT
5 ARE NOT SUBJECT TO THE SUPPLEMENTAL TAX ("EXEMPT PARTNERS") FOR THE PURPOSE
6 OF FURTHERING THE BROAD OBJECTIVES OF IMPROVING AND ENHANCING PUBLIC SERVICES
7 THROUGHOUT THE DISTRICT AND IN ADJOINING AREAS.

8 (B) *SPECIFIC POWERS.*

9 IN FURTHERANCE OF THAT OBJECTIVE, THE AUTHORITY MAY:

- 10 (1) CONTRACT TO PROVIDE VARYING LEVELS OF SERVICES TO AREAS ADJOINING THE
11 DISTRICT;
- 12 (2) AGREE TO ACCEPT DONATIONS, CONTRIBUTIONS, AND VOLUNTARY PAYMENTS OF
13 ANY KIND FROM EXEMPT PARTNERS (COLLECTIVELY, "VOLUNTARY PAYMENTS"),
14 WITH OR WITHOUT AGREEMENTS REGARDING SPECIFIC SERVICES AND FUNCTIONS;
- 15 (3) ENTER INTO AGREEMENTS WITH EXEMPT PARTNERS TO INCLUDE PROPERTY OWNED
16 BY THOSE EXEMPT PARTNERS WITHIN THE DISTRICT IN RETURN FOR VOLUNTARY
17 PAYMENTS OR COMMITMENTS REGARDING THE PROVISION OF SIMILAR SERVICES
18 AND FUNCTIONS WITHIN PROPERTIES OWNED BY EXEMPT PARTNERS; AND
- 19 (4) ESTABLISH RATES AND CHARGES FOR THE PROVISION OF SERVICES TO EXEMPT
20 PARTNERS.

21 § 20-12. COLLECTION AND DISBURSEMENT.

22 (A) *IN GENERAL.*

23 THE AUTHORITY SHALL ESTABLISH WITH THE APPROPRIATE CITY AGENCIES THE METHODS
24 BY WHICH THE SUPPLEMENTAL TAX IS TO BE ASSESSED, COLLECTED, AND DISBURSED TO
25 THE AUTHORITY.

26 (B) *FUNDS NOT PART OF CITY REVENUE.*

27 AMOUNTS COLLECTED BY THE CITY ON BEHALF OF THE AUTHORITY:

- 28 (1) MAY NOT BE INCLUDED IN THE REVENUES OF THE CITY;
- 29 (2) ARE NOT AND MAY NOT BE DEEMED TO BE SUBJECT TO THE BUDGETARY AND
30 APPROPRIATION PROCESS; AND
- 31 (3) SHALL BE DISBURSED PROMPTLY ON COLLECTION.

Council Bill 18-0288

1 (C) CITY TO BEAR EXPENSE OF COLLECTION, ETC.

2 AS PART OF THE CITY'S CONTRIBUTION TO THE DISTRICT, THE COLLECTION, ASSESSMENT,
3 DISBURSEMENT, RECORD-KEEPING, AND ENFORCEMENT INVOLVED IN THE PROCESS MAY
4 NOT BE A CHARGE TO OR AGAINST THE AUTHORITY OR THE DISTRICT, BUT SHALL BE AN
5 ELEMENT OF THE BASELINE PLUS.

6 (D) DEPARTMENT OF FINANCE AUTHORIZED TO COLLECT.

7 (1) THE DEPARTMENT OF FINANCE MAY COLLECT THE SUPPLEMENTAL TAX AND OTHER
8 CHARGES AS ARE APPROVED BY THE BOARD OF ESTIMATES.

9 (2) THE ASSESSMENT FOR THE SUPPLEMENTAL TAX MAY BE INCLUDED WITH THE ANNUAL
10 REAL PROPERTY TAX BILL SUBMITTED TO THE OWNERS OF PROPERTIES WITHIN THE
11 DISTRICT.

12 (3) THE DEPARTMENT OF FINANCE SHALL MAKE REGULAR REMITTANCES OF THE
13 AMOUNTS COLLECTED TO THE BOARD OF THE AUTHORITY.

14 (E) PENALTIES AND INTEREST.

15 THE PENALTIES AND INTEREST APPLICABLE TO DELINQUENT TAXES SHALL BE APPLIED TO
16 DELINQUENCIES IN PAYMENT OF THE SUPPLEMENTAL TAX.

17 (F) LIEN ON PROPERTY.

18 (1) THE AMOUNT OF ANY OUTSTANDING ASSESSMENT ON ANY PROPERTY AND OF
19 ACCRUED INTEREST AND OTHER CHARGES CONSTITUTES A LIEN ON THE PROPERTY.

20 (2) THIS LIEN:

21 (I) TAKES PRECEDENCE OVER ALL OTHER LIENS, WHETHER CREATED BEFORE OR
22 AFTER THE ASSESSMENT, COMMENSURATE WITH A LIEN FOR STATE AND
23 COUNTY TAXES, GENERAL MUNICIPAL TAXES, AND PRIOR IMPROVEMENT
24 ASSESSMENTS; AND

25 (II) MAY NOT BE DEFEATED OR POSTPONED BY ANY PRIVATE OR JUDICIAL SALE, BY
26 ANY MORTGAGE, OR BY ANY ERROR OR MISTAKE IN THE DESCRIPTION OF THE
27 PROPERTY OR IN THE NAMES OF THE OWNERS.

28 (3) NO ERROR IN THE PROCEEDINGS OF THE CITY OR THE BOARD EXEMPTS ANY PROPERTY
29 FROM THE LIEN, FROM ITS PAYMENT, OR FROM THE PENALTIES OR INTEREST ON IT.

30 § 20-13. ADMINISTRATOR.

31 (A) IN GENERAL.

32 THE ADMINISTRATOR IS RESPONSIBLE FOR THE DAY-TO-DAY OPERATIONS OF THE BOARD
33 AND ITS EMPLOYEES AND CONTRACTORS.

Council Bill 18-0288

1 (B) *POWERS.*

2 THE ADMINISTRATOR MAY:

- 3 (1) PREPARE THE FINANCIAL PLAN FOR REVIEW AND APPROVAL BY THE BOARD;
- 4 (2) IMPLEMENT THE APPROVED FINANCIAL PLAN AND ARRANGE FOR THE COLLECTION
5 AND DISBURSEMENT OF THE SUPPLEMENTAL TAX AND ALL OTHER CHARGES, FEES,
6 AND REVENUES OF THE AUTHORITY;
- 7 (3) ESTABLISH PROCEDURES AND PROCESSES NECESSARY TO PERFORM THE FUNCTIONS
8 CALLED FOR UNDER THE FINANCIAL PLAN AND THE BUDGET;
- 9 (4) HIRE AND RETAIN EMPLOYEES, AGENTS, AND CONTRACTORS AS NEEDED TO
10 PERFORM THE ADMINISTRATOR'S FUNCTIONS FOR THE AUTHORITY, SUBJECT TO
11 § 20-4(B)(9) OF THIS SUBTITLE;
- 12 (5) EXERCISE THE POWERS GRANTED TO THE AUTHORITY BY THIS SUBTITLE, EXCEPT
13 THAT THE BOARD RETAINS FINAL DISCRETION AND POWER WITH REGARD TO ALL
14 SUBSTANTIVE AGREEMENTS, CONTRACTS, AND OTHER ARRANGEMENTS BINDING
15 ON THE AUTHORITY; AND
- 16 (6) EXERCISE THE ADDITIONAL RIGHTS, POWERS, AND AUTHORITY GRANTED TO THE
17 ADMINISTRATOR BY THE BOARD.

18 (C) *IMMUNITY.*

19 THE ADMINISTRATOR IS THE DIRECT AGENT OF THE AUTHORITY, SO THAT ANY IMMUNITY
20 AFFORDED TO THE AUTHORITY AND ITS OFFICERS, EMPLOYEES, AND AGENTS, IS AFFORDED
21 AS WELL TO THE ADMINISTRATOR.

22 § 20-14. **OVERSIGHT BY BOARD OF ESTIMATES.**

23 (A) *IN GENERAL.*

24 THE BOARD OF ESTIMATES HAS THE FOLLOWING POWERS WITH REGARD TO THE DISTRICT
25 AND THE AUTHORITY.

26 (B) *FINANCIAL PLAN; RATES AND CHARGES.*

- 27 (1) THE FINANCIAL PLAN AND THE SCHEDULE OF RATES AND CHARGES ARE SUBJECT TO
28 THE APPROVAL OF THE BOARD OF ESTIMATES.
- 29 (2) THE BOARD OF THE AUTHORITY SHALL SUBMIT ALL MATERIALS AT LEAST 2 MONTHS
30 BEFORE THE PROPOSED EFFECTIVE DATE OF A BUDGET OR SUPPLEMENTAL TAX.
- 31 (3) IN CONSIDERING A PROPOSED BUDGET AND SCHEDULE OF TAXES AND CHARGES, THE
32 BOARD OF ESTIMATES MAY NOT EXCEED OR INCREASE EITHER THE BUDGET OR THE
33 SCHEDULE OF TAXES, RATES, AND CHARGES BEYOND THOSE PROPOSED BY THE
34 AUTHORITY.

Council Bill 18-0288

1 (C) *BYLAWS.*

2 THE BOARD OF ESTIMATES MUST APPROVE THE BYLAWS OF THE AUTHORITY AND ANY
3 PROPOSED AMENDMENTS TO IT.

4 (D) *APPROVAL AND RENEWAL PROCESS.*

5 THE BOARD OF ESTIMATES IS THE FINAL ARBITER AND DECISION MAKER REGARDING THE
6 APPROVAL AND RENEWAL PROCESS FOR THE DISTRICT.

7 **§ 20-15. ELECTION APPROVAL PROCESS.**

8 (A) *LIST OF ELIGIBLE VOTERS.*

9 THE BOARD OF ESTIMATES, WITH THE ASSISTANCE OF THE BOARD AND THE DEPARTMENT
10 OF FINANCE, SHALL COMPILE A LIST OF THOSE PERSONS ELIGIBLE TO VOTE ON THE
11 ESTABLISHMENT OF THE DISTRICT AND ON ANY QUESTION RELATING TO ITS RENEWAL.

12 (B) *ELIGIBILITY CRITERIA.*

13 (1) PERSONS ELIGIBLE TO VOTE ARE THE OWNERS OF PROPERTY SUBJECT TO TAX UNDER
14 § 20-8 OF THIS SUBTITLE.

15 (2) NO MORE THAN 1 VOTE MAY BE CAST FOR EACH TAX PARCEL.

16 (C) *ELECTION.*

17 (1) A BALLOT SHALL BE PROVIDED TO EACH ELIGIBLE VOTER FOR THE APPROVAL OF THE
18 ESTABLISHMENT OF THE DISTRICT.

19 (2) EACH BALLOT, WITH A CERTIFIED SIGNATURE OF THE ELIGIBLE VOTER OR DULY
20 AUTHORIZED REPRESENTATIVE, MUST BE RETURNED TO THE BOARD OF ESTIMATES,
21 C/O THE COMPTROLLER'S OFFICE, WITHIN 30 DAYS OF THE DATE SPECIFIED ON THE
22 BALLOT.

23 (D) *PERCENTAGE APPROVAL.*

24 (1) WITHIN 20 DAYS OF THE END OF THE ELECTION PERIOD, THE BOARD OF ESTIMATES
25 SHALL DETERMINE THE AGGREGATE VOTES CAST BY THE ELIGIBLE VOTERS.

26 (2) IF THE BOARD OF ESTIMATES DETERMINES THAT AT LEAST 58% OF THE AGGREGATE
27 VOTES CAST APPROVED THE ESTABLISHMENT OF THE DISTRICT, THE BOARD OF
28 ESTIMATES SHALL CERTIFY THE DISTRICT AND AUTHORITY AS APPROVED FOR
29 OPERATION.

Council Bill 18-0288

1 **§ 20-16. 4-YEAR REVIEWS.**

2 (A) *PUBLIC HEARINGS.*

3 NO LATER THAN 4 YEARS AFTER THE ESTABLISHMENT OF THE DISTRICT, AND EVERY 4
4 YEARS FOLLOWING, THE MAYOR AND CITY COUNCIL SHALL HOLD 1 OR MORE PUBLIC
5 HEARINGS TO EVALUATE THE ACTIVITIES AND UNDERTAKINGS OF THE AUTHORITY AND
6 THE DISTRICT.

7 (B) *MAYOR AND COUNCIL TO DECIDE.*

8 AT THE CONCLUSION OF THE HEARINGS, THE MAYOR AND CITY COUNCIL SHALL
9 DETERMINE WHETHER THE DISTRICT IS TO CONTINUE FOR ANOTHER 4 YEARS.

10 (C) *PROCESS TO BE REPEATED.*

11 THIS PROCESS SHALL BE REPEATED PERIODICALLY TO SATISFY THE REQUIREMENTS OF
12 CITY CHARTER ARTICLE II, § (63) .

13 **§ 20-17. DISSOLUTION OF DISTRICT.**

14 (A) *DISSOLUTION ON CERTAIN EVENTS.*

15 IF THE DISTRICT IS NOT APPROVED AS PROVIDED IN § 20-15 OF THIS SUBTITLE, OR IS NOT
16 RENEWED AS PROVIDED IN § 20-16 OF THIS SUBTITLE, THE AUTHORITY SHALL CEASE ITS
17 OPERATIONS, AND THE DISTRICT SHALL CEASE TO EXIST, AT THE END OF THE CITY'S
18 FISCAL YEAR IN WHICH THE TERMINATING EVENT OCCURS.

19 (B) *LIMITED CONTINUATION.*

20 THE AUTHORITY SHALL CONTINUE ITS EXISTENCE ONLY AS LONG AS NECESSARY TO:

21 (1) TERMINATE OPERATIONS IN A REASONABLE FASHION; AND

22 (2) ARRANGE FOR THE REFUNDING OF ALL FUNDS NOT NEEDED TO SATISFY
23 OUTSTANDING OBLIGATIONS AND RESERVES FOR UNCERTAIN OBLIGATIONS AND
24 LIABILITIES.

25 (C) *UNSPENT FUNDS.*

26 ANY UNSPENT FUNDS REVERT TO THE CITY'S GENERAL FUND.

27 **SECTION 2. AND BE IT FURTHER ORDAINED, That:**

28 (a) The Interim Board of the Authority consists of the following individuals:

29 Jill Witty
30 Jill Whitty
31 Po Chang
32 Louis Denrich

Council Bill 18-0288

1 Ray Davis
2 Janet Miller
3 Trudy McNair
4 Robert Kelly
5 Donna Blackwell
6 Bill Henry

7 (b) The Interim Board is responsible for:

- 8 (1) drafting the bylaws of the Authority;
9 (2) recommending a full Board to the Board of Estimates; and
10 (3) preparing a proposed operations plan and budget.

11 (c) (1) The Interim Board members serve for a period not to exceed 6 months, unless
12 extended by the Board of Estimates, and only until a full Board is approved by the
13 Board of Estimates.

14 (2) On a member's resignation, expiration of term, or removal in accordance with the
15 Authority's bylaws, successors shall be elected by the remaining members of the
16 Board.

17 (d) (1) The Interim Board shall propose to the Board of Estimates the initial full
18 membership of the Board and the proposed terms for each director. The terms of
19 the proposed members shall be staggered.

20 (2) Interim Board members may be included in the recommended full Board list.

21 (3) The recommendation shall occur no later than 10 days after approval of the
22 District, and shall be subject to the consent and concurrence of the Board of
23 Estimates.

24 (4) The full Board proposed by the Interim Board is subject to the approval of the
25 Board of Estimates.

26 (e) (1) The first Financial Plan submitted may be for less than a full fiscal year.

27 (2) The initial budget for the Authority shall include all of the fiscal year ending on
28 June 30, 2019, and may include the costs of preparing the Financial Plan and
29 implementing the Authority and the District, whether or not those costs were
30 incurred during that fiscal year.

31 (3) If the Authority is not implemented as a result of the election approval process,
32 neither the Authority nor the District, nor the City, has any liability for costs
33 incurred before the initiation of operations, whether or not incurred by the
34 Administrator or on behalf of the District or the Authority.

35 (f) For the initial budget year, the rate of the Supplemental Tax shall be set to raise
36 revenues equal to the costs of the Financial Plan.

Council Bill 18-0288

1 (g) The Interim Board may determine the initial Administrator of the Authority.

2 **SECTION 3. AND BE IT FURTHER ORDAINED,** That, effective December 31, 2019, City Code
3 Article 14, § 11-23 {"York Road"} is repealed, in its entirety, the York Road Retail Business
4 District shall cease to exist, and the Business Association for that District shall cease its
5 operations.

6 **SECTION 3 4. AND BE IT FURTHER ORDAINED,** That all provisions of this Ordinance are
7 severable. If a court determines that a word, phrase, clause, sentence, paragraph, subsection,
8 section, or other provision is invalid or that the application of any part of the provision to any
9 person or circumstances is invalid, the remaining provisions and the application of those
10 provisions to other persons or circumstances are not affected by that decision.

11 **SECTION 4 5. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this
12 Ordinance are not law and may not be considered to have been enacted as a part of this or any
13 prior Ordinance.

14 **SECTION 5 6. AND BE IT FURTHER ORDAINED,** That, except as provided in Section 3 of this
15 Ordinance, this Ordinance takes effect on the date it is enacted.

Bellona-Gittings

Lake Evesham

Evesham Park

PROPOSED York Road BID

Glen Oak

Rosebank

Chinquapin Park

Homeland

Belvedere

Mid-Govans

Cameron Village

Villages Of Homeland

York-Homeland

Woodbourne-McCabe

Blythewood

Loyola/Notre Dame

Radnor-Winston

Winston-Govans

Kenilworth Park

New Northwood

Kernewood

Richnor Springs

Wrenlane

Wilson Park

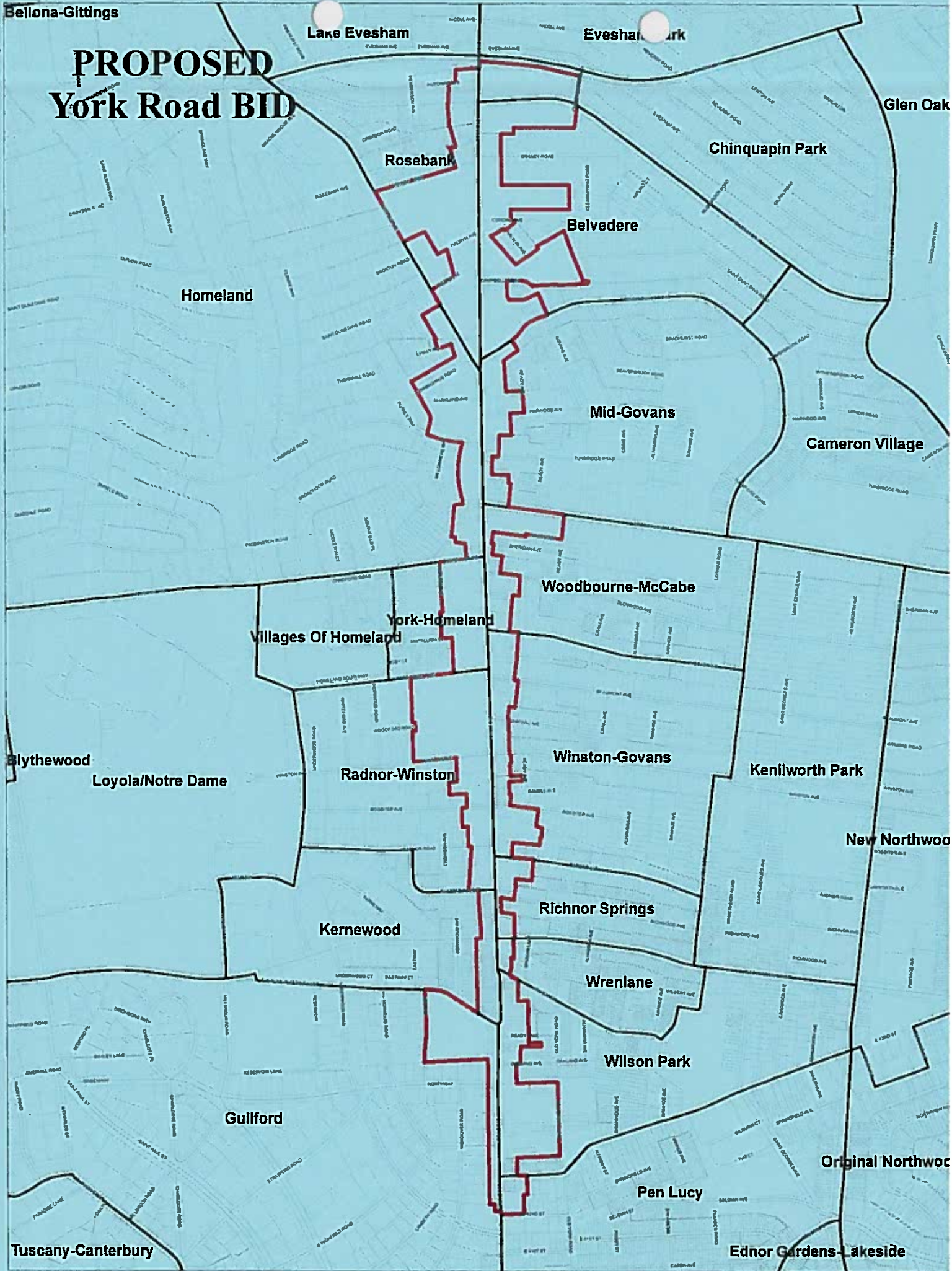
Gulford

Original Northwood

Pen Lucy

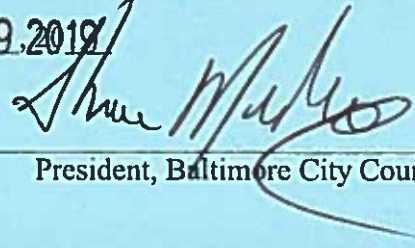
Tuscany-Canterbury

Ednor Gardens-Lakeside



Council Bill 18-0288

Certified as duly passed this _____ day of APR 29, 2019



President, Baltimore City Council

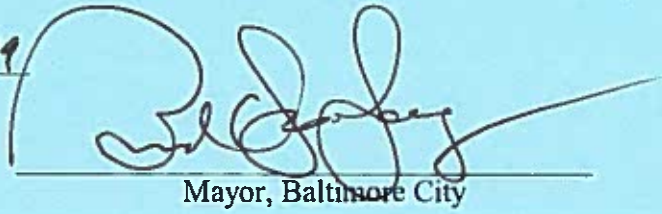
Certified as duly delivered to Her Honor, the Mayor,

this _____ day of APR 29, 2019



Chief Clerk

Approved this 6th day of May, 2019



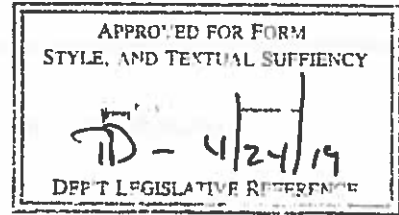
Mayor, Baltimore City

Approved For Form and Legal Sufficiency

This 1st Day of May 2019



Chief Solicitor



AMENDMENTS TO COUNCIL BILL 18-288
(1" Reader Copy)

By: Housing and Urban Affairs Committee

Amendment No. 1

On page 1, in line 15, after the first semi-colon, insert "abolishing the York Road Retail Business District"; and, in the same line, strike "a special effective date" and substitute "special effective dates"; and, on the same page, after line 27, insert:

"BY repealing
Article 14 - Special Benefits Districts
Section 11-23, in its entirety
Baltimore City Code
(Edition 2000)".

Amendment No. 2

On page 17, after line 27, insert:

"SECTION 3. AND BE IT FURTHER ORDAINED, That, effective December 31, 2019, City Code Article 14, § 11-23 {"York Road"} is repealed, in its entirety, the York Road Retail Business District shall cease to exist, and the Business Association for that District shall cease its operations.";

and, on the same page, in line 28, line 33, and line 35, after "SECTION", strike "3", "4", and "5", respectively, and substitute "4", "5", and "6", respectively.

Amendment No. 3

On page 17, in line 36, after "That", insert ". except as provided in Section 3 of this Ordinance.".

Amendment No. 4

On page 16, in line 20, strike "Jill Witty" and substitute "Jill Whitty".

Amendment No. 5

On page 10, in line 13, strike "10%" and substitute "5%".

ADOPTED

Amendment No. 6

On page 4, in line 12, after the semi-colon, insert "AND"; on that same page, strike lines 13 through 16 in their entireties; and, on that same page, in line 17, strike "(5)" and substitute "(4)".

Amendment No. 7

On page 4, in line 21, strike "*GOVERNMENTAL BODY*" and substitute "POWERS"; on that same page, in line 23, strike "TAXING" and substitute "TAX"; on that same page, in lines 23 and 24, strike "AND, THEREFORE, A GOVERNMENTAL BODY, BOTH POLITIC AND CORPORATE"; on that same page, in line 27, strike "BOTH REAL AND PERSONAL"; and, on that same page, in lines 28 and 29, strike ", INCLUDING ACQUISITION BY PURCHASE, LEASE OR OTHER MEANS".

Amendment No. 8

On page 6, strike lines 14 and 15 in their entireties and substitute:

"(3) THE AUTHORITY MAY NOT IMPOSE TAXES AGAINST PROPERTIES THAT ARE EXEMPT UNDER STATE LAW FROM ORDINARY PROPERTY TAXES."

Amendment No. 9

On page 8, in lines 5, 6, and 8, in each instance, strike ", RULES, AND REGULATIONS".

BALTIMORE CITY COUNCIL
Housing And Urban Affairs Committee
VOTING RECORD

DATE: 4-23-14

BILL#CC: 18 - 0288 BILL TITLE: Ordinance - York Corridor Business Improvement District - Establishment

MOTION BY: Burnett **SECONDED BY:** HENRY

FAVORABLE

FAVORABLE WITH AMENDMENTS

UNFAVORABLE

WITHOUT RECOMMENDATION

NAME	YEAS	NAYS	ABSENT	ABSTAIN
Bullock, J. Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Schleifer, I. Vice Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Burnett, K.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Henry, B.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sneed, S.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cohen, Z	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dorsey, R.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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TOTALS	<u>4</u>	<u>0</u>		

CHAIRPERSON: [Signature]

COMMITTEE STAFF: Richard G. Krummerich, Initials: RTL

P. 52-53

CITY OF BALTIMORE

BOARD OF ESTIMATES
Room 204, City Hall
Baltimore, Maryland 21202
410-396-4755



BERNARD C. "JACK" YOUNG
PRESIDENT, CITY COUNCIL

CATHERINE E. PUGH
MAYOR

JOAN M. PRATT
COMPTROLLER

RUDOLPH S. CHOW, P.E.
DIRECTOR OF PUBLIC WORKS

ANDRE M. DAVIS
CITY SOLICITOR

BERNICE H. TAYLOR
DEPUTY COMPTROLLER
AND CLERK TO THE BOARD

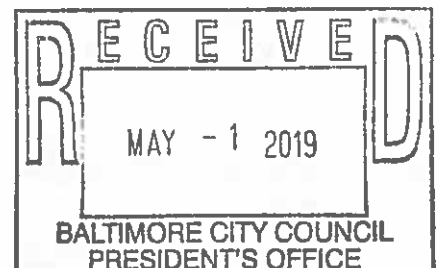
May 1, 2019

Honorable President and Members
of the City Council

Ladies and Gentlemen:

On May 1, 2019, the Board had before it for consideration the following pending City Council Bill:

18-0288 - For the purpose of creating a community benefits district, to be known as the York Corridor Business Improvement District; specifying the boundaries of the District; creating an Authority and providing for its rights, duties, and powers; providing for the selection and composition of the Authority's Board of Directors; providing for an Administrator for the Authority; mandating the financial responsibilities of the Authority and the City in conjunction with the operation of the District; providing for the assessment, collection, and enforcement of a supplemental tax to be collected by and for the Authority; specifying the City's role in maintaining and enhancing existing services; encouraging the creation of partnerships among the Authority, the City, the State, the Federal Government, and property owners not subject to the supplemental tax; designating the Board of Estimates as the agency charged with reviewing and approving various matters relating to the District and the Authority; providing for the renewal, expiration, termination, and approval of the District and the Authority; providing for a special effective date; and generally relating to the existence, operation, and control of the York Corridor Business Improvement District and Authority.



City Council Bill 18-0288 - cont'd

THE LAW DEPARTMENT APPROVES THIS BILL FOR FORM AND LEGAL SUFFICIENCY SO LONG AS THE BELOW LISTED AMENDMENTS ARE INCLUDED. AMENDMENTS TO COUNCIL BILL 18-0288 (1ST READER COPY).

Proposed by: Law Dep't

AMENDMENT No. 1

On page 4, delete lines 13 through 16.

AMENDMENT No. 2

On page 4, in line 23, delete "ING" after "TAX."

AMENDMENT No. 3

On page 4, strike "GOVERNMENTAL BODY" on line 21 and substitute "POWERS, "; and in 23 and 23, strike "AND, THEREFORE, A GOVERNMENTAL BODY, BOTH POLITIC AND CORPORATE,"

AMENDMENT No. 4

On page 4, in line 27, strike "BOTH REAL AND PERSONAL" and on the same page in lines 28 and 29 strike "INCLUDING ACQUISITION BY PURCHASE, LEASE OR OTHERWISE."

AMENDMENT No. 5

On page 6 strike lines 14 and 15 and substitute "TAXES MAY NOT BE IMPOSED AGAINST PROPERTIES THAT ARE EXEMPT UNDER STATE LAW FROM ORDINARY PROPERTY TAXES."

AMENDMENT No. 6

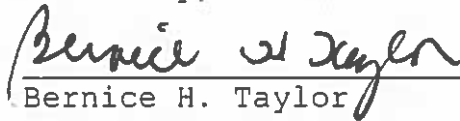
On page 8, in lines 6 and 8, strike, "RULES AND REGULATIONS."

City Council Bill 18-0288 - cont'd

After NOTING AND CONCURRING in all favorable reports received, the Board approved the aforementioned City Council Bill and referred it to the City Council with the recommendation that it be approved and passed by that Honorable Body.

The President **ABSTAINED** and the Mayor **ABSTAINED** from voting.

Sincerely,



Bernice H. Taylor
Clerk to the Board of Estimates

MAY 01 2019



CATHERINE E. PUGH
Mayor

BALTIMORE POLICE DEPARTMENT



MICHAEL S. HARRISON
Police Commissioner

April 23, 2019

Honorable President and Members of the Baltimore City Council
Room 400, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

Attention: Natawna Austin, Executive Secretary

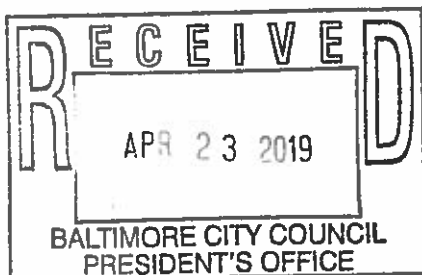
**Re: City Council Bill No. 18-0288
York Corridor Business Improvement District- Establishment**

Dear Council President Young and Members of the City Council:


The Baltimore Police Department (BPD) has reviewed Council Bill 18-0288. This legislation is for the purpose of creating a community benefits district, to be known as the York Corridor Business Improvement District; specifying the boundaries of the Districts; creating an Authority and providing for its rights, duties, and powers; providing for the selection and composition of the Authority's Board of Directors; providing for an Administrator for the Authority; mandating the financial responsibilities of the Authority and the City in conjunction with the operation of the District; providing for the assessment, collection, and enforcement of a supplemental tax to be collected by and for the Authority; specifying the City's role in maintaining and enhancing existing services; designate the Board of Estimates as the agency charged with reviewing and approving various matters relating to the District and the authority; provide for the renewal, expiration, terminations and approval of the District and Authority; provide for a special effective date; and generally relating to the existence, operation and control of the York Corridor Business Improvement District and Authority.

The BPD has a positive relationship with existing four Districts and Authorities and currently works with the Charles Village District, providing as safety patrols and supplemental patrols by on-duty BPD officers. Should City Council Bill 18-0288 be approved and legislated, the BPD looks forward to working with the York Corridor Business Improvement District and Authority to implement a service agreement that best suits the York Corridor Business Improvement District and Authority's needs.


The BPD is support of City Council bill 18-0288. Thank you for the opportunity to comment. The BPD looks forward to working with the City Council on this matter.



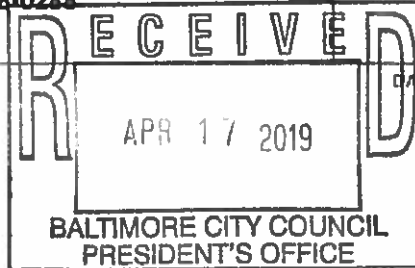
Sincerely,


Eric J. Melancon
Chief of Staff

c/o 242 West 29th Street • Baltimore, Maryland 21211-2908

FROM	NAME & TITLE	Rudolph S. Chow, P.E., Director	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Department of Public Works 600 Abel Wolman Municipal Building		
	SUBJECT	Mayor and City Council Resolution 18-0288		

TO



DATE April 5, 2019

TO Housing and Urban Affairs Committee

INTRODUCTION

I am herein reporting on Mayor and City Council Resolution 18-0288 introduced by Council Member Henry and Council President Young.

PURPOSE

The purpose of the Bill, among other things, is to create a community benefits district, to be known as the York Corridor Business Improvement District; specify the boundaries of the District; create an Authority and provide for its rights, duties and powers; provide for the selection and composition of the Authority's Board of Directors and for an Administrator for the Authority; mandate the financial responsibilities of the Authority and the City in conjunction with the operation of the District; provide for the assessment, collection and enforcement of a supplemental tax to be collected by and for the Authority; specify the City's role in maintaining and enhancing existing services; designate the Board of Estimates as the agency charged with reviewing and approving various matters relating to the District and the authority; provide for the renewal, expiration, termination and approval of the District and Authority; provide for a special effective date; and generally relating to the existence, operation and control of the York Corridor Business Improvement District and Authority.

BRIEF HISTORY

Article II of the Baltimore City Charter authorizes the City to establish up to six community benefit district management authorities by ordinance, provided that 58 percent of the people in the proposed district concur. The purpose of these authorities is to promote and market the district areas, provide supplemental security and maintenance services, and other public amenities. City Council Bill 18-0288 proposes to add a fifth benefit district to be known as the York Corridor Business Improvement District and Authority. The proposed new District and Authority grew from a planning process which began in 2012 with representatives of the City of Baltimore, Baltimore Development Corporation, Govanstowne Business Association, York Road Partnership, Notre Dame University of Maryland, Loyola University Maryland, and others interested in a corridor-wide plan to improve and better serve the communities adjacent to the York Road commercial corridor. The Planning Commission adopted the York Corridor Vision and Action Plan in 2015.

FISCAL IMPACT

The Department of Public Works is an active partner with the existing four Districts and Authorities, providing baseline services through individual baseline services agreements, and it is anticipated that a similar process would be implemented with the York Corridor Business Improvement District and Authority should City Council Bill 18-0288 be approved and enacted. Typically, one baseline service agreement stipulates what each affected agency commits to provide within the defined district. For the Bureau of Solid Waste, these services include curbside mixed refuse and recycling collection, placement and emptying of corner cans, frequency of street cleaning along the corridor and identified portions of side streets, graffiti removal, rat abatement, and any other services routinely provided.

Fav w/ Law's Amends

The Honorable President and Members
of the Baltimore City Council
April 5, 2019
Page 2

AGENCY/DEPARTMENT POSITION

The bill report submitted by the Department of Law recommends amending the legislation in order to approve the bill for form and legal sufficiency. The Department of Public Works defers to the Department of Law in this regard, and therefore supports passage of Mayor and City Council Resolution 18-0288 as proposed to be amended by Law.



If you have any questions, please do not hesitate to contact Ms. Marcia Collins at 410-396-1960 (Marcia.Collins@baltimorecity.gov).

Sincerely,



Rudolph S. Chow, P.E.
Director

RSC:MMC

FROM	NAME & TITLE	Rudolph S. Chow, P.E., Director	CITY of BALTIMORE 	
	AGENCY NAME & ADDRESS	Department of Public Works 600 Abel Wolman Municipal Building		
	SUBJECT	Mayor and City Council Resolution 18-0288		

DATE April 5, 2019

TO

TO Housing and Urban Affairs Committee

INTRODUCTION

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PURPOSE

The purpose of the Bill, among other things, is to create a community benefits district, to be known as the York Corridor Business Improvement District; specify the boundaries of the District; create an Authority and provide for its rights, duties and powers; provide for the selection and composition of the Authority's Board of Directors and for an Administrator for the Authority; mandate the financial responsibilities of the Authority and the City in conjunction with the operation of the District; provide for the assessment, collection and enforcement of a supplemental tax to be collected by and for the Authority; specify the City's role in maintaining and enhancing existing services; designate the Board of Estimates as the agency charged with reviewing and approving various matters relating to the District and the authority; provide for the renewal, expiration, termination and approval of the District and Authority; provide for a special effective date; and generally relating to the existence, operation and control of the York Corridor Business Improvement District and Authority.

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FISCAL IMPACT

The Department of Public Works is an active partner with the existing four Districts and Authorities, providing baseline services through individual baseline services agreements, and it is anticipated that a similar process would be implemented with the York Corridor Business Improvement District and Authority should City Council Bill 18-0288 be approved and enacted. Typically, one baseline service agreement stipulates what each affected agency commits to provide within the defined district. For the Bureau of Solid Waste, these services include curbside mixed refuse and recycling collection, placement and emptying of corner cans, frequency of street cleaning along the corridor and identified portions of side streets, graffiti removal, rat abatement, and any other services routinely provided.

The Honorable President and Members
of the Baltimore City Council

April 5, 2019

Page 2

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If you have any questions, please do not hesitate to contact Ms. Marcia Collins at 410-396-1960 (Marcia.Collins@baltimorecity.gov).

Sincerely,



Rudolph S. Chow, P.E.
Director

RSC:MMC



BALTIMORE CITY
DEPARTMENT OF HOUSING &
COMMUNITY DEVELOPMENT

MEMORANDUM

To: The Honorable President and Members of the Baltimore City Council
c/o Natawna Austin, Executive Secretary

From: Michael Braverman, Housing Commissioner *MB*

Date: February 22, 2019

Re: **City Council Bill 18-0288, York Corridor Business Improvement District – Establishment**

The Department of Housing and Community Development (HCD) has reviewed City Council Bill 18-0288, for the purpose of creating a community benefits districts to be known as the York Corridor Business Improvement District (BID).

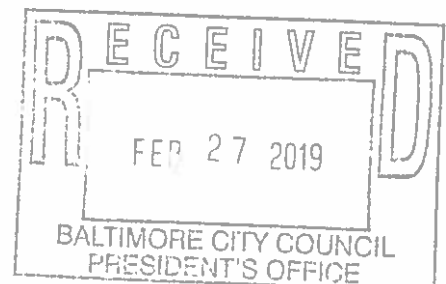
This bill is the result of the York Corridor Vision and Action Plan, which was adopted by the Planning Commission in 2015. The plan was the product of collaboration between the City of Baltimore, Govanstowne Business Association, York Road Partnership, Notre Dame University of Maryland, Loyola University Maryland and other stakeholders.

This bill will create a York Corridor Business Improvement District Management Authority, which will have the authority to levy a surcharge tax on eligible property and generate revenue from other sources such as grants and service fees. These funds will be used to promote commercial development along the York Road corridor. The successful implementation of the BID will result in a more economically vibrant district that will benefit all of the surrounding communities.

In its bill report, the Baltimore Development Corporation (BDC) conditioned its support on the current York Road Retail Business District being abolished through legislation and the rates under the proposed BID not adversely impact existing small businesses. HCD supports the passage of City Council Bill 18-0288 under the same conditions as BDC.

MB:td

cc: Mr. Jeffrey Amoros, Mayor's Office of Government Relations



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CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor

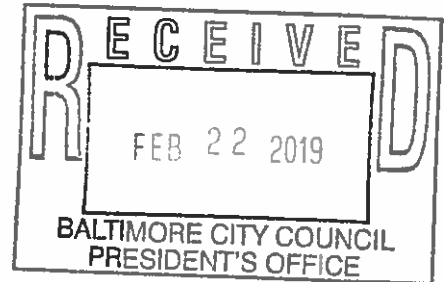


DEPARTMENT OF LAW

ANDRE M. DAVIS, CITY SOLICITOR
100 N. Holliday Street
Suite 101, City Hall
Baltimore, Maryland 21202

February 22, 2019

The Honorable President and Members
of the Baltimore City Council
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202



Re: City Council Bill 18-0288 – York Corridor Business Improvement District

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 18-0288 for form and legal sufficiency. The bill would create the York Corridor Business Improvement District as a Community Benefits District and Authority.

The City's power to establish community benefits districts comes from the Maryland General Assembly's enactment of Chapter 732 of the 1994 Laws of Maryland, which is codified in Section (63) of Article II of the Baltimore City Charter. *See, e.g., Piscatelli v. Bd. of Liquor License Comm'rs*, 378 Md. 623, 633-34 (2003) (express powers of Baltimore City are found in Article II of the Baltimore City Charter). The City may establish no more than six such districts by ordinance but fifty eight percent of the people in the district must approve the establishing ordinance in a special election before it becomes law. Charter, Art. II, § (63)(k). If the ordinance is approved and the district and Authority are established, the Mayor and City Council may not diminish services to the district simply because it is a separate community benefits district. Charter, Art. II, § (63)(i).

Currently, there are four such districts, each codified as a separate Subtitle of Article 14 of the Baltimore City Code: Charles Village Community Benefits District (Subtitle 6); Midtown Community Benefits District (Subtitle 7); Waterfront Management District (Subtitle 8) and Retail Business Districts (Subtitle 11). Charter, Art. II, § (63)(a)(1); *but see* Charter, Art. II, § (61) (General Assembly gave separate and different power to enact the Downtown Management District, which is codified in Subtitle 1 of Article 14 of the Baltimore City Code). The districts are managed by management authorities, which must be "proposed by the Board of Estimates of Baltimore City and approved through an ordinance by the Mayor and City Council." Charter, Art. II, § (63)(a)(3).

Assuming the Board of Estimates has proposed the Authority for this district, this bill must "provide procedures for a special election" to approve this ordinance "which may be administered by write-in ballots" and "provide criteria for the eligibility of voters" for that special election. Charter, Art. II, § (63)(k).

Fav w/ Amanda S

This bill must also address all of the following:

- (1) specify the powers and functions within the limits of this section, which may be exercised and conducted by the Authority and the amount of taxes or charges which may be imposed on properties in the district.
- (2) specify the duration of the Authority and define the boundaries of the district.
- (3) provide for the imposition and collection of the taxes or charges and for disbursement of the revenue therefrom to the Authority. The financial plan of the Authority, including its annual budget and its tax rate and schedule of charges, shall be subject to approval by the Board of Estimates. Taxes and charges imposed under this paragraph may not exceed those proposed by the Authority.
- (4) determine the organization and method of initial appointment of officers and board members of the Authority. The majority of the members of the board shall be owners or representatives of owners of properties in the district that are subject to taxes or charges under this section. A voting member of the board must be eligible to vote in the election under subsection (j) {*subsection (k)*} of this section.
- (5) determine what classes of property in the district owned by public service companies as defined in Article 78 of the Annotated Code of Maryland {*now, Public Utility Companies Article*} shall be subject to or exempt from taxes or charges under this section.

Charter, Art. II, § (63)(c).

This bill provides for all of these things.

There are certain functions that a Community Benefits District and its management Authority may NOT be allowed to do:

- (1) exercise any police or general powers other than those authorized by State law and City ordinance;
- (2) pledge the full faith or credit of the City;
- (3) impose taxes or charges in excess of those approved by the Board of Estimates;
- (4) exercise the power of eminent domain;
- (5) extend its life without the approval of the City Council;
- (6) except as otherwise provided by law, engage in competition with the private sector;
- (7) except as otherwise provided in subsection (i) {*subsection (j)*} of this section, revert charges or taxes collected pursuant to this section to the General Fund of the City;
- (8) be an agency of the Mayor and City Council of Baltimore or the State of Maryland and its officers and employees may not act as agents or employees of the Mayor and City Council of Baltimore or the State of Maryland;
- (9) employ individuals who reside outside the City of Baltimore; and
- (10) except as required or appropriate to facilitate its normal operations, incur debt.

Charter, Art. II, § (63)(e).

The language in this bill potentially violates Section (63)(e)(1) above in that provides the Authority with the ability to act pursuant to the Planning Commission's recommendations in the 2015 York Road Corridor Vision and Action Plan, as that plan may be amended over time by the Commission, thereby effectively authorizing the Planning Commission to exercise the general legislative powers conferred by the General Assembly on the Mayor and City Council in Section (63) of Article II of the City Charter. It does this by skipping the Mayor and City Council's required approval for additional powers, as required by Section (63)(c)(1) of Article II of the City Charter, and simply blessing in advance all such future powers that the Authority may need in order to carry out the Planning Commissions potential future directions. Although it may seem as if the Mayor and City Council can simply approve the Authority's ability to follow the Planning Commission in advance, this is not what can be read as the intended meaning of Section (63). Rather, rules of statutory construction dictate that all parts of Section (63) be read in harmony to avoid any superfluous provisions and that the more specific provisions govern over more general ones. *See, e.g., Thanner Enters., LLC v. Balt. County*, 414 Md. 265, 278 (2010) (citation omitted). Were the Mayor and City Council able to simply authorize this Authority to do whatever the Planning Commission said without a future ordinance to outline those additional powers, then Section (63)(c)(1) would in some ways be superfluous and the more specific provisions in Section (63)(e)(1) would not be given full effect. In addition, there is nothing in Section (63), or any part of Article II of the City Charter, that evidences the General Assembly's legislative intent to confer power on the Planning Commission to provide powers for the Authority. Nor does Section 72 of Article VI of the City Charter give the Planning Commission the power to direct a public corporation. And, it is not possible to give legislative or policy making power to an administrative body such as the Planning Commission. *See, e.g., City of Baltimore v. Wollman*, 123 Md. 310, 316 342 (1914); *accord Andy's Ice Cream v. City of Salisbury*, 125 Md. App. 125, 161 (1999); *see also* 72 Op. City Sol. 18, 20 (1980) (citing 73 C.J.S. §75, p. 381-382). To avoid this likely unintended consequence, this bill should be amended to remove Section 20-3(B)(4). Assuming that the recommendations of the Planning Commission are within the existing powers of the Authority, the Authority could implement them, or the Authority could return to the Mayor and City Council for additional authority by ordinance if necessary.

Additionally, the language in 20-4(A) needs to be amended because it says that the bill will create a "special taxing district." This community benefits district, when effective, will not a special taxing district as that term is used in Section (62A) of Article II of the Baltimore City Charter. (emphasis added). A community benefits district does not have most of the powers of a Special Taxing District. Rather, this bill creates a special tax district, as provided in Section (63)(d) of Article II of the Baltimore City Charter. (emphasis added). The distinction is immense and the correct language is required. Thus, the letters "ING" must be deleted from line 23 on page 4 of the bill. Although that phrase exists in the City Code for other benefit districts, it is not accurate.

The words "and, therefore, a governmental body, both politic and corporate," must also be deleted from lines 23 and 24 on page 4 of the bill because the Authority will not be such a body. As Maryland's highest Court has explained, it is a public corporation. *Floyd v. Mayor and City Council of Baltimore*, 407 Md. 461, 488 (2009). The heading in "(A) GOVERNMENTAL BODY" should be changed to reflect that the Authority is not a governmental body. This bill

could also be easily amended by removing all of Section 20-4(A) as it is unnecessary, confusing and confers no power on the Authority that it does not already possess by operation of state law.

Section 20-4(B)(1) must be amended to remove "or other means" because some of the other means left of acquiring property, including by condemnation, are not available to the Authority and this ordinance may not confer that power upon it. City Charter, Art. II, § (63)(e)(4). It would also be prudent to remove the phrase "both real and personal" from line 27 on page 4 because it could be read to prevent the Authority from acquiring, holding and using any intellectual property. By enumerating types of property not found in Section (63)(d)(2), the bill would be read to restrict the Authority. *See, e.g., Handley v. Ocean Downs, LLC*, 151 Md. App. 615, 637-38 (2003) ("*ejusdem generis* is 'based on 'the supposition that if the legislature had intended the general words to be construed in an unrestricted sense, it would not have enumerated the specific things''").

The wording of Section 20-5(B)(3) must be changed because the Authority does not levy the taxes at issue here, but instead proposes such taxes be levied in addition to the other real property taxes levied by the City and State, consistent with state law. *See, e.g., Casey Development Corp. v. Montgomery County*, 212 Md. 138, 148 (1957) (levying a tax is a legislative function that the Authority could not do). Although this wording exists in the City Code for other Benefit Districts, it is not accurate and the wording should read: "Taxes may not be imposed against properties that are exempt under state law from ordinary property taxes." City Charter, Art. II, §§ (63)(c), (d).

Although present in other Community Benefit District ordinances, the language in Section 20-6(F)(1) that provides that the Board may adopt "rules and regulations" is not wholly accurate as it is not a legislative or political body. Rather, it is more accurate to provide for bylaws only, as that term is what applies to public corporations. City Charter, Art. II, §§ (63)(d)(8), (e)(1). The phrase, if left in the bill, should be understood as not enacting any laws required to be followed by those in the District, but rather as additional processes that govern how the Board must act- i.e. a mechanism similar to a bylaw.

In considering this bill as a proposed new Community Benefits District, the City Council must do three things:

- (1) give consideration to the views of the property owners, the retail merchants, the property tenants, and the other members of the business and residential communities within the district;
- (2) make a determination that a district created under this section will reflect a diverse mix of business and residential properties; and
- (3) make a determination that a district created under this section will reflect a diverse economic, social, and racial mix.

Although the bill provides in Section 20-1(C) that such things have been considered, it is best if, at the hearing, the committee considers the business and residential community views and makes the two determinations.

Once established by the special election, the Authority is a public corporation with the power to "promote and market districts, provide supplemental security and maintenance services, provide amenities in public areas, provide park and recreational programs and functions." Charter, Art. II, § (63)(a)(2). The Authority may request additional powers from the Mayor and City Council via ordinance. The Authority's continued existence must be reauthorized every four years. 1997 Md. Laws ch. 655; 2000 Md. Laws ch. 89 (codified in City Code, Art. 14, §6-16); *see also* 2003 Md. Laws ch. 475.

As this bill is the required authorization to create the district and Authority, the Law Department approves this bill for form and legal sufficiency so long as the foregoing amendments are included. Assuming it is enacted by the Mayor and City Council, it does not become law unless and until fifty eight percent of the district approves it in a special election.

Very truly yours,



Hilary Ruley
Chief Solicitor

cc: Andre M. Davis, City Solicitor
Karen Stokes, Mayor's Office of Government Relations
Jeffrey Amoros, Mayor's Office of Government Relations
Elena DiPietro, Chief Solicitor
Victor Tervalá, Chief Solicitor
Ashlea Brown, Assistant Solicitor

**AMENDMENTS TO COUNCIL BILL 18-0288
(1st Reader Copy)**

Proposed by: Law Dep't

Amendment No. 1

On page 4, delete lines 13 through 16.

Amendment No. 2

On page 4, in line 23, delete "ING" after "TAX".

Amendment No. 3

On page 4, strike "GOVERNMENTAL BODY" on line 21 and substitute "POWERS"; and in 23 and 24, strike "AND, THEREFORE, A GOVERNMENTAL BODY, BOTH POLITIC AND CORPORATE,".

Amendment No. 4

On page 4, in line 27, strike "BOTH REAL AND PERSONAL" and on the same page in lines 28 and 29 strike "INCLUDING ACQUISITION BY PURCHASE, LEASE OR OTHERWISE".

Amendment No. 5

On page 6, strike lines 14 and 15 and substitute "TAXES MAY NOT BE IMPOSED AGAINST PROPERTIES THAT ARE EXEMPT UNDER STATE LAW FROM ORDINARY PROPERTY TAXES."

Amendment No. 6

On page 8, in lines 6 and 8, strike ", RULES AND REGULATIONS."

RMAC

FROM	NAME & TITLE	Robert Cenname, Chief
	AGENCY NAME & ADDRESS	Bureau of the Budget and Management Research Room 432, City Hall (410) 396-4941
	SUBJECT	City Council Bill #18-0288 York Corridor Business Improvement District

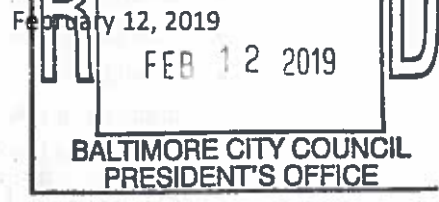
CITY of
BALTIMORE
MEMO



TO

The Honorable President and
Members of the City Council
Room 400, City Hall

DATE:



no objection

Attention: Ms. Natawna Austin

We are herein reporting on City Council Bill #18-0288, introduced for the purpose of creating a community benefits district to be known as the York Corridor Business Improvement District. The legislation defines the authority, power, duties as well as the operational details for the district.

Background:

The York Road corridor serves residents from all surrounding neighborhoods as an economic hub and informal meeting ground. Establishing a business district along the corridor would enable local communities to leverage the nearly \$266 million of household spending that takes place within the York Road Market Area annually. The proposed District plans to achieve this by capturing a higher percentage of the Area's disposable income, coordinating management of real property along the corridor, and developing long-term strategies for economic success. The District would work with existing businesses to expand, market themselves, and identify real estate development opportunities.

To date the City has created four special benefits districts: The Charles Village Community Benefits District, Downtown Management District (managed by the Downtown Partnership), Midtown Community Benefits District, and Waterfront Management District (managed by the Waterfront Partnership). Each district has the authority to levy a surcharge tax rate on eligible property within their respective catchment areas and to generate revenue from other sources including grants and service fees. The surcharge rate must be approved annually by the BOE.

Charles Village District

- **Background:** Created in 1995 and encompasses the neighborhoods of Abell, Charles Village, Harwood, Old Goucher, as well as parts of Remington and Barclay.
- **Surcharge Rate:** \$0.125 per \$100 of assessed value on real property.
- **Anticipated Fiscal 2019 Revenue from Surcharge:** \$790,804.
- **Services Provided:** Safety patrols performed by off-duty officers and supplemental patrols by on-duty Baltimore City officers; Supports the Local Safety Advisory Council and victim assistance programs; Maintenance and sanitation for streets and sidewalks; Gutter cleaning in residential and business areas; Trash receptacle management and bulk trash removal; Rat abatement and

vermin control for public spaces; Public outreach including weekly crime alerts, monthly sanitation alerts, and annual financial reports.

Downtown District

- **Background:** Created in 1992 and encompasses the neighborhoods of Preston Gardens, Charles Center, Downtown, Inner Harbor, and parts of Otterbein, Ridgely's Delight, Mount Vernon and the University of Maryland, Baltimore.
- **Surcharge Rate:** \$0.2239 per \$100 of assessed value on real property.
- **Anticipated Fiscal 2019 Revenue from Surcharge:** \$7,497,233.
- **Services Provided:** Teams of Ambassadors who serve as neighborhood guides, pick up litter and maintain public parks and green spaces; Public festivals and entertainment including Baltimore Restaurant Week, First Thursdays, the Mt. Vernon Monument Lighting, and many other events; Maintains and staffs the visitors center, for tourists and residents; Supports the Peace Ambassador program around the Inner Harbor which facilitates productive relationships between teenagers, the Baltimore City Police Department, and area businesses; Teams up with the Mayor's Office for Youth Works, a program that connects young people to summer jobs.

Midtown District

- **Background:** Created in 1996 and encompasses the neighborhoods of Mount Vernon, Charles North and Station North, Bolton Hill and Madison Park.
- **Surcharge Rate:** \$0.132 per \$100 of assessed value on real property.
- **Anticipated Fiscal 2019 Revenue from Surcharge:** \$1,293,972.
- **Services Provided:** Clean Teams to maintain public walkways and gutters; Maintains and empties trash receptacles; Seasonal maintenance such as leaf removal, weed trimming and composting; Disposes of bulk trash and illegally dumped items; Maintains public parks and green spaces; Works with the City's Forestry Division to plant and water trees; Safety patrols performed by off-duty officers; Publishes tips for improving personal and property safety.

Waterfront District

- **Background:** Created in 2007 and encompasses the neighborhoods of Harbor East, Harbor Point, Inner Harbor and part of Fells Point.
- **Surcharge Rate:** \$0.17 per \$100 of assessed value on real property.
- **Anticipated Fiscal 2019 Revenue from Surcharge:** \$2,977,463.
- **Services Provided:** Clean and Green Teams to maintain the waterfront, monitor public parks and green spaces, power wash sidewalks, remove graffiti, plant trees and gardens, vacuum litter and maintain trashcans; Visitor services at the Inner Harbor as well as Safety Guides, for the benefit of tourists, workers and residents; Public events and attractions at the waterfront such as seasonal paddle boats, a skating rink and Healthy Harbor ecotours; Harbor restoration and public education about the water and local ecosystem.

Analysis:

Once a District is created, it would adopt an annual Financial Plan which details the supplemental services to be provided. To generate funding for those services, a supplemental tax rate must be approved annually

by the City's Board of Estimates. The following table summarizes the taxable base as well as the estimated revenue at two different surcharge rates for the proposed catchment area:

CC Bill 18-0288 - Estimated Surcharge				
Property Type	# of Properties	Assessment Value	Gross Surcharge at \$0.01	Gross Surcharge at \$0.2239
Commercial	191	\$78,921,000	\$7,892	\$176,704
Exempt	37	\$0	\$0	\$0
Residential	78	\$7,883,681	\$788	\$17,652
Total	306	\$86,804,681	\$8,680	\$194,356

The proposed district would generate \$8,680 at a rate of \$0.01 per \$100 of assessment value (One-Cent yield). Alternatively, at the rate of \$0.2239 per \$100 of assessment value, currently imposed within the existing Downtown Partnership District, the York Corridor Business Improvement District would generate \$194,356.

Additionally, the proposed district encompasses 53 properties that already belong to the existing Retail Business District License (RBDL) area. Local business associations affiliated with the RBDL pay a fee for marketing, promotions, special events and beautification. The rate charged to these businesses is based on square footage. The tax-paying properties affiliated with both the RBDL and proposed York Road District already pay a combined \$12,825 annually.

Conclusion:

Special Benefits Districts create a relationship in which property owners in the District collectively agree to a supplemental tax in order to fund additional services. Funds are remitted directly to the District through a separate tax bill, and as such there is no direct fiscal impact to the City. Based on this analysis, the Department of Finance does not oppose the legislation.

However, it is important to note that property owners in the City already pay a significantly higher tax rate than surrounding jurisdictions, at \$2.248 per \$100 of assessed value. Although approval of the District requires the support of 58% of property owners in the catchment area, that leaves up to 42% of property owners that could be obligated to shoulder an additional tax burden that they did not support. Additionally, some businesses in the catchment area are already paying Retail Business District Fees. These factors must be considered when evaluating the types of the services to be provided and the proposal of a supplemental rate.

cc: Henry Raymond
 Jeff Amoros



MEMORANDUM

TO: Honorable President and Members of the City Council
Attention: Natawna B. Austin, Executive Secretary

FROM: William H. Cole, President & CEO *W.H. Cole*

DATE: October 17, 2018

SUBJECT: City Council Bill No. 18-0288
York Corridor Business Improvement District – Establishment

The Baltimore Development Corporation (BDC) has been asked to comment on City Council Bill No. 18-0288, an ordinance for the purpose of creating a community benefits district, to be known as the York Corridor Business Improvement District and specifying the operation of such District.

This bill is a result of the York Corridor Vision and Action Plan adopted by the Planning Commission in 2015. Baltimore Development Corporation participated in meetings surrounding these efforts, along with representatives from the City of Baltimore, Govanstowne Business Association, York Road Partnership, Notre Dame University of Maryland, Loyola University Maryland, and other stakeholders.

Business Improvement Districts can be an important component of a vibrant commercial corridor; creating the mechanism required for the collection of adequate supplemental funding, structured engagement of appropriate stakeholders, and proper administration necessary to maintain its health, safety, and vitality.

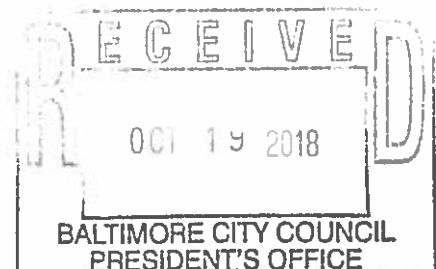
BDC supports the proposed ordinance under the following conditions:

- 1) The current York Road Retail Business District be abolished through legislation
- 2) The rates under the proposed BID do not adversely impact existing small businesses

If the conditions outlined are met, BDC respectfully requests that Bill No. 18-0288 be given favorable consideration by the City Council.

Cc: Kyron Banks, Mayor's Office

F



FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #18-0288/ YORK CORRIDOR BUSINESS IMPROVEMENT DISTRICT – ESTABLISHMENT		

TO

DATE:

The Honorable President and
Members of the City Council
City Hall, Room 400
100 North Holliday Street

September 28, 2018

The Department of Planning is in receipt of City Council Bill #18-0288, which is for the purpose of creating a community benefits district, to be known as the York Corridor Business Improvement District; specifying the boundaries of the District; creating an Authority and providing for its rights, duties, and powers; providing for the selection and composition of the Authority's Board of Directors; providing for an Administrator for the Authority; mandating the financial responsibilities of the Authority and the City in conjunction with the operation of the District; providing for the assessment, collection, and enforcement of a supplemental tax to be collected by and for the Authority; specifying the City's role in maintaining and enhancing existing services; encouraging the creation of partnerships among the Authority, the City, the State, the Federal Government, and property owners not subject to the supplemental tax; designating the Board of Estimates as the agency charged with reviewing and approving various matters relating to the District and the Authority; providing for the renewal, expiration, termination, and approval of the District and the Authority; providing for a special effective date; and generally relating to the existence, operation, and control of the York Road Corridor Business Improvement District and Authority.

The Department of Planning recommends approval of City Council Bill #18-0288. This bill is a direct result of the York Road Corridor Vision and Action Plan that was adopted by the Planning Commission in 2015. The plan is the result of a planning process that began in June of 2012 when interested parties from the City of Baltimore, Baltimore Development Corporation, Govanstowne Business Association, York Road Partnership, Notre Dame University of Maryland, Loyola University Maryland, and other stakeholders began meeting to vision a future for the York Road commercial corridor. The first corridor wide action initiative listed in the plan is to establish a York Road Business Improvement District so that a staffed organization can carry out the tasks set forth in the plan.

If you have any questions, please contact Mr. Eric Tiso, Division Chief, Land Use and Urban Design Division at 410-396-8358.

TJS/ewt

cc: Mr. Pete Hammen, Chief Operating Officer
Mr. Jim Smith, Chief of Strategic Alliances
Ms. Karen Stokes, Mayor's Office
Mr. Colin Tarbert, Mayor's Office





LOYOLA UNIVERSITY MARYLAND

— 1862 —

The President

April 22, 2019

Hon. John T. Bullock
Chair, Housing and Urban Affairs Committee
Baltimore City Council
100 N. Holliday Street
Baltimore, MD 21202

Dear Councilman Bullock and Members of the Committee:

Please accept this letter of support for Council Bill 18-0288, the establishment of the York Road Corridor Business Improvement District (BID).

As the owner of 4806, 5000, and 5104 York Road, and as the tenant operator for our Loyola Clinical Centers at Belvedere Square, Loyola University Maryland understands first-hand the need for a Business Improvement District for York Road. For many years, Loyola has diligently worked alongside businesses, city agencies, the York Road Partnership, Govanstowne Business Association, and Councilman Bill Henry's office to address the health and stability of the York Road commercial corridor. Furthermore, the critical infrastructure recommendation of the 2015 Planning Commission-approved *York Road Commercial Corridor Vision and Action Plan* is to create a BID to serve as the active management entity for York Road's commercial corridor.

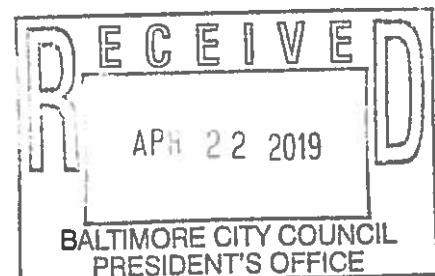
Continued economic growth in this area so close to our campus is critical to our York Road Initiative, and Loyola will continue to invest our student, faculty, and staff resources in our York Road community. As a tax-exempt property owner, we also commit to investing financially in the new York Road Business Improvement District.

Please contact me with any questions or concerns.

Sincerely,

Rev. Brian F. Linnane, S.J.
President

CC: Councilman Bill Henry, 4th District



CALL TO ORDER

INTRODUCTIONS

ATTENDANCE

Present 5 - Member John T. Bullock, Member Kristerfer Burnett, Member Bill Henry, Member Shannon Sneed, and Member Zeke Cohen

Absent 2 - Member Isaac "Yitzy" Schleifer, and Member Ryan Dorsey

ITEMS SCHEDULED FOR PUBLIC HEARING

18-0288

York Corridor Business Improvement District - Establishment

For the purpose of creating a community benefits district, to be known as the York Corridor Business Improvement District; specifying the boundaries of the District; creating an Authority and providing for its rights, duties, and powers; providing for the selection and composition of the Authority's Board of Directors; providing for an Administrator for the Authority; mandating the financial responsibilities of the Authority and the City in conjunction with the operation of the District; providing for the assessment, collection, and enforcement of a supplemental tax to be collected by and for the Authority; specifying the City's role in maintaining and enhancing existing services; encouraging the creation of partnerships among the Authority, the City, the State, the Federal Government, and property owners not subject to the supplemental tax; designating the Board of Estimates as the agency charged with reviewing and approving various matters relating to the District and the Authority; providing for the renewal, expiration, termination, and approval of the District and the Authority; providing for a special effective date; and generally relating to the existence, operation, and control of the York Corridor Business Improvement District and Authority.

Sponsors: Bill Henry, President Young

A motion was made by Member Burnett, seconded by Member Henry, that this Ordinance be Recommended Favorably with Amendment. The motion carried by the following vote:

Yes: 5 - Member Bullock, Member Burnett, Member Henry, Member Sneed, and Member Cohen

Absent: 2 - Member "Yitzy" Schleifer, and Member Dorsey

ADJOURNMENT



CITY OF BALTIMORE CITY COUNCIL HEARING ATTENDANCE RECORD

Committee: * Housing and Urban Affairs

Chairperson: * John Bullock

Date: April 23, 2019

Time: 2:00 PM

Place: * Council Chambers

Subject: * - Ordinance - York Road Business Improvement District - Establishment

CC Bill Number 18-0288

PLEASE PRINT

IF YOU WANT TO TESTIFY PLEASE CHECK HERE



FIRST NAME	LAST NAME	ST. #	ADDRESS/ORGANIZATION NAME	ZIP	EMAIL ADDRESS	TESTIFY	FOR	AGAINST	YES	NO	WHAT IS YOUR POSITION ON THIS BILL?	LOBBYIST: ARE YOU REGISTERED IN THE CITY (*)
John	Doe	100	North Charles Street	21202	Johndoenbmore@yahoo.com	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>
Ann	Castlow	508	Nicoll Ave Govans Govans Business Assoc	21212	ann@softscrapes.com	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>
Megan	Talbojs	830	BRADYMAN/GOVANS BUSINESS ASSOC	21212	govansstonmbusins0@gmail.com	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>
18-0298 KIMDA	FRANKLIN	1412	PARK BL	21217	barktok@mindspring.com	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>
18-0298 Lauri	Pinar	5309	Purinton Hwy	21212	lfpnrga@Pungapilly.com	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>
18-0298 Marilyn	Fisher	6108	Maywood Ave	21209	mfisher0611@gmail.com	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>
18-0298 Amanda	Cunningham	4900	Waltham Ave	21214	aluc819@gmail.com	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>
18-0298 SARA	LOFTD	1421	Park Ave	21217	fernofarm@gmail.com	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>
18-0298 DANN	Blakewell	817	York Rd Parkersburg	21212	Saturnat2132@gmail.com	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>
18-0298 Barbara	Dent	603	Holleg Rd	21212	bkpnt@mac.com	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>
18-0298 Noah	Carver	21212	York Rd	21212	NKCarver@gmail.com	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>

(* NOTE: IF YOU ARE COMPENSATED OR INCUR EXPENSES IN CONNECTION WITH THIS BILL, YOU MAY BE REQUIRED BY LAW TO REGISTER WITH THE CITY ETHICS BOARD. REGISTRATION IS A SIMPLE PROCESS. FOR INFORMATION AND FORMS, CALL OR WRITE: BALTIMORE CITY BOARD OF ETHICS, C/O DEPARTMENT OF LEGISLATIVE REFERENCE, 626 CITY HALL, BALTIMORE, MD 21202. TEL: 410-396-4730. FAX: 410-396-8483.



**CITY OF BALTIMORE
CITY COUNCIL HEARING ATTENDANCE RECORD**

Committee: * Housing and Urban Affairs

Chairperson: * John Bullock

Date: April 23, 2019

Time: 2:00 PM

Place: * Council Chambers

Subject: * - Ordinance - York Road Business Improvement District - Establishment

CC Bill Number 18-0288

PLEASE PRINT

IF YOU WANT TO TESTIFY PLEASE CHECK HERE



FIRST NAME	LAST NAME	ST. #	ADDRESS/ORGANIZATION NAME	ZIP	EMAIL ADDRESS	TESTIFY	FOR	AGAINST	YES	NO
John	Doe	100	North Charles Street	21202	Johndoenbmore@yahoo.com	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Marcia	Collins		DPD			<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
George	Farrant		FOGFLP #18-0298	21207		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bridgett	McCusker		FOGFLP #18-0298	21229		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Susan	Boerting		FOGFLP #18-0298	21201		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jude	Laffinone		FOGFLP #18-0298	21201		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Greg	Fitzgerald		Nature Park of MD Univ	21210		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Dick	Williams		Greenway FMD #18-0298	21217		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Annmarie	For		B&E	21201		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Shirley	Morris		BDS			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kande	RG		RG			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

(* NOTE: IF YOU ARE COMPENSATED OR INCUR EXPENSES IN CONNECTION WITH THIS BILL, YOU MAY BE REQUIRED BY LAW TO REGISTER WITH THE CITY ETHICS BOARD. REGISTRATION IS A SIMPLE PROCESS. FOR INFORMATION AND FORMS, CALL OR WRITE: BALTIMORE CITY BOARD OF ETHICS, C/O DEPARTMENT OF LEGISLATIVE REFERENCE, 626 CITY HALL, BALTIMORE, MD 21202. TEL: 410-396-4730; FAX: 410-396-8483.



**CITY OF BALTIMORE
CITY COUNCIL HEARING ATTENDANCE RECORD**

Committee: * Housing and Urban Affairs

Chairperson: * John Bynlock

Date: April 23, 2019

Time: 2:00 PM

Place: *Council Chambers

Subject: * - Ordinance - York Road Business Improvement District - Establishment

CC Bill Number 18-0288

PLEASE PRINT

IF YOU WANT TO TESTIFY PLEASE CHECK HERE



FIRST NAME	LAST NAME	ST. #	ADDRESS/ORGANIZATION NAME	ZIP	EMAIL ADDRESS	TESTIFY	FOR	AGAINST	YES	NO
John	Doe	100	North Charles Street	21202	Johndoenbmore@yahoo.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
John	Smith		5793 York Rd		Ray Davis 200 B question	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
John	Finnu		4040A UNIV.	21210		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
John	Smith		1427 Park Ave		Shinobu Ootook. can't sign agreement yet	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Andrew	Hinz	1427	Park Ave	21217		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

(*) NOTE: IF YOU ARE COMPENSATED OR INCUR EXPENSES IN CONNECTION WITH THIS BILL, YOU MAY BE REQUIRED BY LAW TO REGISTER WITH THE CITY ETHICS BOARD. REGISTRATION IS A SIMPLE PROCESS. FOR INFORMATION AND FORMS, CALL OR WRITE: BALTIMORE CITY BOARD OF ETHICS, C/O DEPARTMENT OF LEGISLATIVE REFERENCE, 626 CITY HALL, BALTIMORE, MD 21202. TEL: 410-396-4730. FAX: 410-396-8483.



THE MARYLAND GENERAL ASSEMBLY

ANNAPOLIS, MARYLAND 21401-1991

April 23, 2019

The Hon. John T. Bullock, Chair
Housing and Urban Affairs Committee
Baltimore City Hall
100 Holliday Street, Suite 500
Baltimore, MD 21202

Re: 18-0288 - York Corridor Business Improvement District – Establishment

Dear Councilman Bullock,

We write to you as members of the Maryland House of Delegates from the 43rd District, which includes the neighborhoods along the York Road Corridor, to request the Housing and Urban Affairs Committee's favorable consideration of Council Bill 18-0288. This bill would establish a Business Improvement District along the corridor from roughly Cold Spring Lane to Belvedere Avenue which would serve as the active management entity for the commercial corridor.

There are several long-term efforts underway to strengthen the York Road commercial corridor bringing together residents, small businesses, non-profits, and institutions. The primary infrastructure recommendation of the 2015 *York Road Commercial Corridor Vision and Action Plan* was to create a Business Improvement District for York Road. Stakeholders have worked for three years to collect data and connect with property owners throughout the corridor. It is our understanding that these outreach efforts have garnered community and property owner support for the BID.

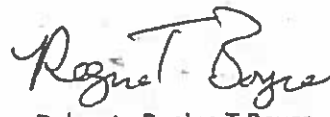
York Road is in the geographic center of our district, but it also represents a stark dividing line. On the west side are more affluent communities with many positive social indicators, and on the east side are communities that face major challenges in terms of residential property values, homeownership rates, and household income. York Road is, and should continue to be, a middle ground where communities come together. Creating a BID along the corridor will only serve to accelerate the rejuvenation of the corridor for the benefit of all adjoining communities.

For these reasons, we ask that the committee please report favorably on 18-0288. If you have any questions about this letter please contact Del. McIntosh's chief of staff, Matt Stegman, at maggie.mcintosh@house.state.md.us or by phone at (410) 323-4052.

Sincerely,


Senator Mary Washington


Delegate Maggie McIntosh


Delegate Regina T. Boyce

cc: Councilman Isaac "Yitzy" Schleifer, Vice Chair
Councilman Kristerfer Burnett
Councilman Bill Henry
Councilwoman Shannon Sneed
Councilman Zeke Cohen
Councilman Ryan Dorsey



NOTRE DAME
OF MARYLAND
UNIVERSITY

OFFICE OF THE PRESIDENT

Sent via email

April 18, 2019

The Honorable John T. Bullock
Chair of the Housing and Urban Affairs Committee
Baltimore City Council
100 Holliday Street
Baltimore, MD 21202

Re: City Council Bill 18-0288

Dear Chairman Bullock:

On behalf of Notre Dame of Maryland University (NDMU), I write in enthusiastic support of City Council Bill 18-0288 – York Corridor Business Improvement District – Establishment. This bill is a direct result of a multi-year effort stemming from the York Road Corridor Vision and Action Plan that was adopted by the Planning Commission in 2015.

Beginning in 2012, the York Corridor Collective (YCC), a coalition of representatives from City agencies, local businesses, community associations, University partners, and other interested stakeholders, has worked collaboratively to examine and establish a York Road Corridor Business Improvement District (BID) to provide enhanced services on York Road. The proposed BID will have dedicated staff to create a cleaner, green commercial corridor, drive foot traffic and sales, attract new businesses to the corridor and provide support to existing commercial tenants and owners, and provide entry-level jobs to Baltimore residents.

In many ways, the York Road Corridor serves as an important meeting ground between more affluent neighborhoods to the West and more modest neighborhoods to the East. The BID is an important first step forward toward implementing the York Road Corridor Vision and Action Plan, which will lead to a cleaner, more vibrant, and thriving York Road community and commercial area.

If you have any questions regarding NDMU's support of 18-0288, please feel free to follow up with me at (410) 532-5109 or gfitzgerald@ndm.edu.

Sincerely,



Greg FitzGerald
Chief of Staff

Cc: Members of the Housing and Urban Affairs Committee

Krummerich, Richard

From: Swanson Graphics <swansonprinting@aol.com>
Sent: Thursday, March 21, 2019 2:40 PM
To: Krummerich, Richard
Subject: Bill 18-288, York Corridor Business Improvement District

Dear Mr. Krummerich,

I am writing to oppose Bill 18-288 on various grounds.

1. Bill Henry's scheme to tax only commercial property owners (most who cannot vote in his district) amounts to taxation without representation and is clearly discriminatory by charging a different property tax rate against only one type of property owner.
2. Bill Henry has failed to answer any questions that I have submitted to him in order to get specifics and clarifications on his bill. Those questions I sent him are appended at the bottom of this email.
3. Bill Henry has failed to properly notify the commercial property owners of his scheme so that most are not even aware that he is planning this. How will they be able to vote or voice their opinion on this plan.
4. I would like my questions that are appended to the bottom of this email to be asked at the hearing and demand that they be mailed to all commercial property owners in the affected area before any vote on this bill take place.

QUESTIONS SUBMITTED TO MR. HENRY ARE AS FOLLOWS:

I received in the mail a brochure and letter describing a scheme to set up some sort of new organization along York Road called Business Improvement District. I have a number of questions that I would like answered. If possible, I would like to get responses from all of your BID board of directors as well unless they are in unanimous agreement with your answers.

1. If this proposal is made into law, will the Retail Business District known as the GBA be eliminated? It appears from your brochure that the BID is a duplicate entity to what the GBA currently is and I want to know if both tax schemes will stay in place or if the GBA will be eliminated.
2. There are very few specifics in your brochure. I would like to know the specifically the following:
 - a. What is the proposed salary for the Executive Director?
 - b. What is the proposed pay for the 3.5 full time "Clean and Safe" workers?
 - c. What is the proposed budget for this entity?
3. What exactly will the duties and responsibilities be for the "Clean and Safe" workers?
4. Your brochure says this is to benefit the entire community, so I want to know why only commercial property owners are expected to pay for it instead of all property owners in the BID zone?
5. Is the 22 cents per \$100 rate fixed into the law or is that subject to increases periodically?
6. What is the mechanism for the BID to raise the rate of taxation and are there any limits on how fast and how much this entity can raise the taxes?
7. What is reasonably expected to be the benefit to the York Road Corridor from the services of the 3.5 full time "Clean and Safe" workers? Be specific.
8. How will the 3.5 "Clean and Safe" workers be distributed along the long York Road corridor? Please include the times and location(s) for these workers?
9. Why is it deemed necessary to have a new organization using tax money to duplicate the services that the city is supposed to provide under the current property tax system?
10. Has it already been planned that this BID proposal is to be expanded once it is approved to add more "Clean and Safe" workers? What is the plan and schedule for such increases?

Thank you,

Rick Swanson

Swanson Graphics
5205 York Road
Baltimore, MD 21212
410-435-6211
www.SwansonGraphics.com



March 14, 2019

RE: Draft Legislation (File # 18-0288)

Members of the Baltimore City Council,

Prior to the second reading of the Draft Legislation (File # 18-0288), the Govanstowne Business Association (GBA) would like to voice some of the critical concerns regarding the proposed Business Improvement District (BID) along the York Road Corridor from 43rd Street to Northern Parkway. As the organization established by City Council to represent the businesses along this Corridor, the concerns that GBA has consistently raised over the past four years are as follows:

(1) Proposed BID Fees to be paid by property owners are to be substantially more than current RBDL fees paid by businesses. The probability that property owners will pass on the significantly increased fees to their business tenants is high. The cost of operating a business in Baltimore City continues to rise due to increasing utilities, fees/taxes and wages; many of the businesses in this corridor will not be able to withstand additional inflationary costs, much less additional BID fees.

(2) The proposed funding structure does not include all stakeholders - residents, educational and faith-based non-profit organizations are excluded. The burden of the proposed BID "tax" falls solely on the shoulders of the property owners/managers, and ultimately passed on to our many small businesses. The purpose of the BID is to improve and support the community surrounding the business district, as a strong business community lends to a safer and stronger community. GBA leadership shares that vision, but the GBA has consistently suggested that all stakeholders participate in the BID funding, in appropriate ways for each stakeholder group. This would not only increase the needed revenues for a successful BID, but would be inclusive of thoughts and ideas to improve the entire community. Concerns have been raised that the anticipated annual budget of \$300,000-\$400,000 is not nearly robust enough to cover the services needed to make an effective positive impact on the Govans community, and we further anticipate the need for additional funding from all stakeholders.

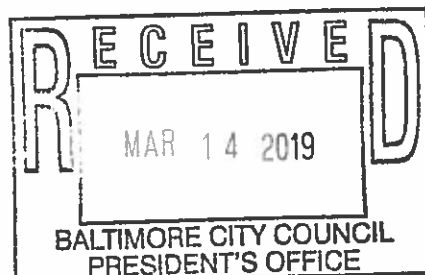
We ask that you carefully consider and address these concerns prior to moving further with this legislation. For those interested in more detail, we are able to provide documentation over the last four years addressing these concerns. Any questions or concerns may be addressed to Laura Penza, GBA President, at 410-435-6677 or govanstownebusiness@gmail.com.

Thank you for your attention to this critical matter.

Respectfully,

Laura Thul Penza, AIA
President, GBA
Owner, Penza Bailey Architects
Commercial Property Owner
Baltimore City Resident
Member, The York Corridor Collective (YCC)

James C. Clark
Vice President, GBA
Owner, Clark Burger & Pizza Trust
Baltimore City Resident

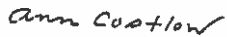




Andres Londono
Treasurer, GBA
Management, The Senator Theatre



Kathleen Cusack
Member, GBA
Owner, The Senator Theatre
Commercial Property Owner
Baltimore City Resident



Ann Costlow
Past President, GBA
Owner, Sofi's Crepes Franchise
Baltimore City Resident
Member, YCC



Margaret (Megan) Tahboub
Executive Director, GBA
Baltimore City Resident
Member, YCC

CC: Catherine Pugh, Mayor, Baltimore City (hard copy)
Michael Braverman, Commissioner, Baltimore City Department of Housing & Community
Development (electronic)
William H. Cole, President and CEO, Baltimore Development Corporation (electronic)

April 22, 2019

Baltimore City Council

RE: Draft Legislation (File # 18-0288)
Serious concerns with BID, as proposed

Members of the Baltimore City Council,

As a Govans area commercial and residential property owner, an owner of Penza Bailey Architects, as well as president of the Govanstowne Business Association (GBA), I would like voice serious concerns regarding the creation of the Business Improvement District (BID) as proposed.

My GBA background: we moved our business into the old Homeland Post Office in the mid 90s. As a supporter of covenanted neighborhoods and community, I was glad to learn that our new business was a part of the Govanstowne Business Association. The GBA Director connected us with BDC and City departments, and a Neighborhood BusinessWorks low-interest loan helped to make our commercial building purchase and adaptive reuse project a reality. Since then, I have been very involved in the Govanstowne Business Association, and also represented my neighborhood and the businesses in the York Road Partnership (YRP) for many years.

As a supporter and promoter of **small business incentives**, I appreciate programs that help small business invest in our City, strengthening communities. In 2012, I was proud to meet with interested parties from the City of Baltimore, BDC, GBA, York Road Partnership, local Universities and other York Road stakeholders to vision a future for the York Road commercial corridor. The York Corridor Collective (YCC) was initiated to work **collectively** to improve our York Road community and help revitalize economic development in our district. We all shared a collected Vision of a strong business community and a safer and stronger community, however the **proposed BID as proposed, does not support small businesses**. My concerns of the proposed BID include:

Lack of Inclusive funding - The proposed funding structure does not include all stakeholders, as the burden of the proposed BID "tax" falls solely on the shoulders of the property owners, and ultimately passed on to our small businesses. All YCC stakeholders making decisions about the future of the York Road community and businesses should be included in funding, appropriate for each stakeholder group. Including all stakeholders in effective BID funding would not only increase revenues to make a positive impact in Govans, but would do so without adversely affecting any one stakeholder group.

BID Geographic area – The BID proposes to adjust the current RBDL boundaries, reducing the stronger business properties north of Northern Parkway, creating additional burden to the small businesses on the southern end. Questionable reasoning was provided: that some businesses north of Northern Parkway are not interested in a BID, which would not help the BID survey results. I suggest that many businesses south of Northern Parkway are not interested in this BID, as proposed.

Lack of sustainable funding – Incomplete and incorrect funding scenarios have been presented, and proposed BID funds are to be substantially more than current RBDL fees paid by businesses. Currently, approximately 270 businesses now pay a total of +/- \$45,000; the proposed BID increases the total (initial) income of the BID to +/- \$320,000 - to be paid by the proposed reduced number of properties, approximately 230 property owners.

Insufficient Funding - Concerns have been raised that the anticipated annual budget of \$300,000-\$400,000 is not nearly robust enough to cover the services needed to keep York Road clean and safe.

Ongoing Funding increases – will likely be needed to make an effective positive impact on the Govans community. Small businesses will not be able to bear the full burden. Decisions about the amount is proposed to be made by BID board members that do not participate in funding.

BID Board member selection – engaged businesses have not been selected; most business property members selected have not generally been engaged in the district. This is concerning.

Business Exodus potential – Rather than entice new businesses and support our businesses that have invested in Baltimore City, the proposed funding structure may result in savvy businesses moving their business over the City-County line, yet still maintaining their client base. This should not be desired by any business improvement district.

No Transition plan - Although the Govans RBDL funding is intended to be 'transitioned' into the proposed BID structure, there has been no transition plan proposed to date.

Lack of YCC leadership inclusion – Although GBA leadership has been included in all YCC meetings, GBA has NOT supported the transition of our organization as proposed, nor have we been included in critical meetings about our business district, or transition details for the new BID Board

Business Property Owners - have not yet been notified of this BID effort, except those that the business association knows and has reached out to.

Future RBDL transitions - We have been told that Govans is expected to be the prototype for other RBDL transitions. Other RBDL presidents are very concerned about this process.

I trust that each of you, our Elected Councilpersons, will consider and address these concerns prior to moving further with this legislation. I look forward to being able to support a successful BID transition process and funding structure that other Baltimore City communities may benefit from - in a positive way for all stakeholders.

Sincerely,



Laura Thul Penza, AIA LEED AP BD+C
Principal
Penza Bailey Architects

**Baltimore City Retail Business District License
(RBDL) Presidents Council**

April 22, 2019

Will Beckford, Managing Director
Baltimore Development Corporation
36 S Charles Street, Suite 2100
Baltimore, MD 21201

RE: The future of Baltimore RBDL organizations

Dear Mr. Beckford,

The RBDL Presidents began meeting together again, to regularly maintain our informative collective discussions.

As we resumed RBDL President meeting discussions, we were very concerned to learn that the Govanstowne RBDL has been proposed to be 'transitioned' into a new BID structure, but that GBA leadership has NOT yet supported the BID, as proposed, nor have they been included in critical meetings and decisions about their business district. We understand that GBA leadership has consistently voiced their critical concerns to Councilman Henry over the past four years, however, he has introduced 'his bill' into City Council, proposing a Business Improvement District (BID) for Govans, without addressing serious stakeholder concerns from those negatively impacted. The Draft Legislation (File # 18-0288) is now awaiting Second Reader, scheduled on April 23, 2019.

Govans leadership has been informed that this proposed BID is expected to be the prototype for other RBDL 'transitions,' since we understand some City and/or BDC representatives may not feel that the RBDL organizations are effective, and therefore have been discussing alternative business district funding structures.

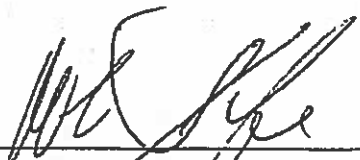
As representatives of 1700 businesses in Baltimore City, the RBDL Presidents understand that small businesses are the lifeblood of our City. We firmly believe that the RBDL leadership should be included in discussions related to the business district decision-making process. This is the most effective way for any alternative funding or alternative organizational structures for our individual communities.

A strong business community results in safer and stronger surrounding communities. Each RBDL will likely have different needs, in order to be most effective. Inclusive funding by all stakeholders will help make a positive impact in our City neighborhoods, and should not adversely affect any one stakeholder group. Baltimore City small businesses will benefit from additional incentives and assistance, rather than additional financial burdens.

We understand there may be more effective ways to fulfill the RBDL missions, but please consider addressing individual business district concerns prior to moving further with RBDL 'transitions,' including the Govans district. Thank you for your attention to this critical matter.

Respectfully,
Baltimore City RBDL Presidents Council

Yeshiyah B. Israel
Sister Yeshiyah B. Israel, President
Pimlico Merchants (4)
President, RBDL Presidents Council


Hank Shofer, President
Federal Hill Business Association (8)

Sonny Morstein

Sonny Morstein
Federal Hill Business Association (8)
Vice president RBDL Presidents Council



Laura Penza, President
Govanstowne Business District (3)



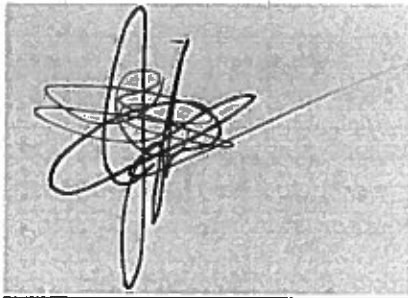
Kristen Mitchell, Director
Market Center Business District (2)

Megan Tahboub

Megan Tahboub, Executive Director
Govanstowne Business District (3)



Krista Cushman, President
Hamilton Business Association (7)



Judson K. Kerr, RBDL President
Market Center Business District (2)



Greg Armstrong, President
Mt. Washington Village Merchants Association (10)

CC: Jack Young, Interim Mayor, Baltimore City
Michael Braverman, Commissioner, Baltimore City Department of Housing & Community Development
William H. Cole, President and CEO, Baltimore Development Corporation
Catherine Pugh, Mayor, Baltimore City

City of Baltimore

City Council
City Hall, Room 408
100 North Holliday Street
Baltimore, Maryland
21202

Meeting Agenda - Final

Housing and Urban Affairs Committee

Tuesday, April 23, 2019

2:00 PM

Du Burns Council Chamber, 4th floor, City Hall

18-0288

CALL TO ORDER

INTRODUCTIONS

ATTENDANCE

ITEMS SCHEDULED FOR PUBLIC HEARING

18-0288

York Corridor Business Improvement District - Establishment

For the purpose of creating a community benefits district, to be known as the York Corridor Business Improvement District; specifying the boundaries of the District; creating an Authority and providing for its rights, duties, and powers; providing for the selection and composition of the Authority's Board of Directors; providing for an Administrator for the Authority; mandating the financial responsibilities of the Authority and the City in conjunction with the operation of the District; providing for the assessment, collection, and enforcement of a supplemental tax to be collected by and for the Authority; specifying the City's role in maintaining and enhancing existing services; encouraging the creation of partnerships among the Authority, the City, the State, the Federal Government, and property owners not subject to the supplemental tax; designating the Board of Estimates as the agency charged with reviewing and approving various matters relating to the District and the Authority; providing for the renewal, expiration, termination, and approval of the District and the Authority; providing for a special effective date; and generally relating to the existence, operation, and control of the York Corridor Business Improvement District and Authority.

ADJOURNMENT

THIS MEETING IS OPEN TO THE PUBLIC



BILL SYNOPSIS

Committee: Housing and Urban Affairs

Bill CC 18-0288

Ordinance – York Corridor Business Improvement District - Establishment

*Sponsor: Councilmember Henry**

Introduced: September 17, 2007

Purpose:

For the purpose of creating a community benefits district, to be known as the York Corridor Business Improvement District; specifying the boundaries of the District; creating an Authority and providing for its rights, duties, and powers; providing for the selection and composition of the Authority’s Board of Directors; providing for an Administrator for the Authority; mandating the fiscal responsibilities of the Authority and the City in conjunction with the operation of the District; providing for the assessment, collection, and enforcement of a supplemental tax to be collected to be collected by and for the Authority; specifying the City’s role in maintaining and enhancing existing services; encouraging the creation of partnerships among the Authority, the City, the State, the Federal Government, and property owners not subject to the supplemental Tax; designating the Board of Estimates as the agency charged with reviewing and approving various matters relating to the District and the Authority; providing for a special effective date; and generally relating to the existence, operation and control of the York Corridor Business Improvement District.

Effective: Upon enactment

Hearing Date/Time/Location: April 23, 2019 at 2:00 PM in the Council Chambers

Agency Reports

Planning Commission	Favorable
Baltimore Development Corporation	Favorable
Department of Law	Favorable/Amend
Department of Housing and Community Development	Favorable

Finance
Public Works
Police
Board of Estimates

No Objection
Favorable/Amended

Analysis

Current Law

Article II Sec. (63). Of the Baltimore City Charter authorizes the establishment of up to 6 Community Benefits Districts within the City. An Ordinance of the Mayor and City Council is an essential element of the process. Following passage of the Ordinance a special election must be held and 58% of affected persons must vote in favor of establishment. Currently four such Districts exist in the City.

Background

This Legislation establishes the York Corridor Business Improvement District. The District is located in North Central Baltimore along the York Road corridor between Northern Parkway and 43rd Street and is approximately 2-3 blocks wide at various points. Among the highlights of the Bill are:

1. Creates an Authority to manage the District.
2. Authorizes the hiring of an Administrator.
3. Requires the adoption of an annual budget.
4. Establishes a Board of Directors of nine to fifteen persons.
5. Authorizes the Board of Directors to assess a supplemental tax on certain commercial properties within the district.
6. Authorizes the authority to perform services for the benefit of the District.
7. Requires reauthorization of the District every four years.
8. Requires approval of the board of Estimates for establishment of the authority.]
9. Creates a temporary Board of Directors who has authority to hire an Administrator.

10. Takes effect upon enactment.

Additional Information

Fiscal Note: Not Available

Information Source(s): Bill File

Analysis by: Richard G. Krummerich
Analysis Date: 4-18-18

Direct Inquiries to: 410-396-1266

**CITY OF BALTIMORE
COUNCIL BILL 18-0288
(First Reader)**

Introduced by: Councilmember Henry, President Young

Introduced and read first time: September 17, 2018

Assigned to: Housing and Urban Affairs Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Planning, Department of Housing and Community Development, Baltimore Development Corporation, Department of Finance, Board of Estimates, *Department of public works, Police Department*

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **York Corridor Business Improvement District – Establishment**

3 FOR the purpose of creating a community benefits district, to be known as the York Corridor
4 Business Improvement District; specifying the boundaries of the District; creating an
5 Authority and providing for its rights, duties, and powers; providing for the selection and
6 composition of the Authority's Board of Directors; providing for an Administrator for the
7 Authority; mandating the financial responsibilities of the Authority and the City in
8 conjunction with the operation of the District; providing for the assessment, collection, and
9 enforcement of a supplemental tax to be collected by and for the Authority; specifying the
10 City's role in maintaining and enhancing existing services; encouraging the creation of
11 partnerships among the Authority, the City, the State, the Federal Government, and property
12 owners not subject to the supplemental tax; designating the Board of Estimates as the agency
13 charged with reviewing and approving various matters relating to the District and the
14 Authority; providing for the renewal, expiration, termination, and approval of the District and
15 the Authority; providing for a special effective date; and generally relating to the existence,
16 operation, and control of the York Corridor Business Improvement District and Authority.

17 BY authority of

18 Article II - General Powers
19 Section(s) 63
20 Baltimore City Charter
21 (1996 Edition)

22 BY adding

23 Article 14 - Special Benefits Districts
24 Section(s) 20-1 to 20-17, to be under the new subtitle designation,
25 "Subtitle 20. York Corridor Business Improvement District"
26 Baltimore City Code
27 (Edition 2000)

28 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
29 Laws of Baltimore City read as follows:

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

Council Bill 18-0288

Baltimore City Code

Article 14. Special Benefits Districts

SUBTITLE 20. YORK CORRIDOR BUSINESS IMPROVEMENT DISTRICT

§ 20-1. FINDINGS.

(A) IMPORTANCE OF THE YORK ROAD CORRIDOR.

- (1) THE YORK ROAD CORRIDOR IS A 2-MILE LONG STRIP OF COMMERCIAL DEVELOPMENT THAT SERVES AS A LINEAR COLLECTION OF AT LEAST 3 PRINCIPAL NODES FOCUSED ON MAJOR CROSSROADS INTERSECTIONS (BELVEDERE AVENUE, WOODBOURNE AVENUE, COLD SPRING LANE), WHICH SERVE THE LOCAL COMMERCIAL/RETAIL NEEDS OF THEIR ADJOINING NEIGHBORHOODS TO THE EAST AND WEST.
- (2) IN MANY WAYS THE YORK ROAD MARKET AREA IS NOW SPLIT BY THE ROAD ITSELF. TO THE WEST ARE VERY AFFLUENT RESIDENTIAL NEIGHBORHOODS WITH HIGH RESIDENTIAL VALUES. TO THE EAST ARE MORE MODEST NEIGHBORHOODS WITH LOWER RESIDENTIAL VALUES, HOMEOWNERSHIP RATES, AND HOUSEHOLD INCOMES.
- (3) THE YORK ROAD CORRIDOR CAN AND DOES SERVE AS A MEETING GROUND FOR ALL ADJOINING NEIGHBORHOODS AND COMMERCIAL USES THAT CAN ACHIEVE THEIR HIGHEST POTENTIAL WHEN THEY APPEAL TO ALL CONSUMER HOUSEHOLDS.

(B) NEEDS AND OPPORTUNITIES FACING THE DISTRICT.

- (1) THE YORK ROAD CORRIDOR AND VISION ACTION PLAN OF 2015 IDENTIFIED A VARIETY OF NEEDS AND OPPORTUNITIES FACING THE YORK ROAD CORRIDOR.
- (2) ACCORDING TO THE PLAN:
 - (i) HOUSEHOLD SPENDING WITHIN THE YORK ROAD MARKET AREA IS ESTIMATED AT \$265.9 MILLION ANNUALLY, AND SPENDING ON FOOD AND DRINK IS ESTIMATED AT \$29.9 MILLION. THESE ESTIMATES DO NOT INCLUDE SPENDING BY THE AREA'S SIZEABLE STUDENT POPULATION. IT IS ALSO ESTIMATED THAT THE AREA PRESENTLY CAPTURES ONLY 29.8% OF THAT TOTAL SPENDING, WITH THE REMAINING SPENDING GOING TO BUSINESSES ELSEWHERE. THIS DISPOSABLE INCOME IN THE LOCAL CORRIDOR MARKETPLACE WOULD BE CAPTURED WITHIN YORK ROAD WITH AN EXPANDED MIX OF APPROPRIATE BUSINESSES AND SERVICES TO MEET THE ON-GOING NEEDS OF THE LOCAL COMMUNITY.
 - (ii) GIVEN ITS LARGELY BUILT-OUT NATURE, THE YORK ROAD CORRIDOR OPERATES WITHIN MULTIPLE CONSTRAINTS AS REGARDS TO THE ATTRACTION OF NEW COMMERCIAL/RETAIL DEVELOPMENT OPPORTUNITIES. IN PARTICULAR, LAND PARCELS ALONG YORK ROAD ARE TYPICALLY SMALL, SHALLOW, AND IN MULTIPLE OWNERSHIP; ARDUOUS ASSEMBLAGE OF PARCELS IS TYPICALLY REQUIRED TO ACCOMMODATE THE NEEDS OF MANY RETAILERS. THERE ARE FEW LARGER (2+ ACRE) PARCELS ALONG YORK ROAD, AND NONE ARE VACANT

Council Bill 18-0288

1 LAND. OVER TIME THE YORK ROAD CORRIDOR WILL MANAGE ITS REAL
2 ESTATE RESOURCES IN SUCH A WAY THAT USES ALONG YORK ROAD WILL
3 BETTER SERVE THE MARKET AREA POPULATION, BY ATTRACTING RETAILERS
4 WHO WILL SERVE UNMET DEMAND AND BY UPGRADING UNDERUTILIZED
5 PROPERTIES.

6 (3) RECOMMENDATION OF THE PLAN:

7 ESTABLISHMENT OF A YORK ROAD BUSINESS IMPROVEMENT DISTRICT (BID) IS
8 RECOMMENDED AS THE MANAGEMENT ENTITY FOR THE CORRIDOR. IN ORDER TO
9 ADVANCE AND ULTIMATELY ACHIEVE ITS FULL POTENTIAL, THE CORRIDOR WILL
10 PROFIT FROM ACTIVE MANAGEMENT – A GROUP SPECIFICALLY TASKED TO
11 SUPERVISE DAY-TO-DAY OPERATIONS (E.G., SANITATION, SAFETY/SECURITY), BUT
12 ALSO TASKED WITH LONGER-TERM, STRATEGIC EFFORTS SUCH AS WORKING WITH
13 EXISTING BUSINESSES TO HELP THEM SUCCEED, IMPROVING THE BUSINESS MIX TO
14 GROW SALES, MARKETING THE CORRIDOR TO NEW BUSINESSES, AND CAPTURING
15 REAL ESTATE DEVELOPMENT OPPORTUNITIES AS THEY OCCUR. THE BID
16 STRUCTURE (AS CODIFIED IN STATE OF MARYLAND AND BALTIMORE CITY
17 AUTHORIZING LEGISLATION) IS FOCUSED ON COMMERCIAL ISSUES, DERIVING ITS
18 REVENUES PRINCIPALLY FROM A MANDATORY ASSESSMENT ON COMMERCIAL
19 PROPERTY OWNERS, THUS DEDICATING ITS ATTENTION TO IMPROVING THE
20 CORRIDOR’S BUSINESS ENVIRONMENT. THE BID WILL ALSO DERIVE OPERATING
21 REVENUES FROM FEE-FOR-SERVICE ARRANGEMENTS AND GRANTS FROM CITY
22 GOVERNMENT, FOUNDATIONS, ETC., TO PROVIDE VARIOUS SERVICES THAT ARE
23 BETTER DELIVERED LOCALLY.

24 (C) *CONSIDERATIONS.*

25 IN ADOPTING THIS ORDINANCE, THE CITY COUNCIL HAS:

26 (1) CONSIDERED THE VIEWS OF THE PROPERTY OWNERS, THE RETAIL MERCHANTS, THE
27 PROPERTY TENANTS, AND THE OTHER MEMBERS OF THE BUSINESS AND
28 RESIDENTIAL COMMUNITIES WITHIN THE YORK CORRIDOR BUSINESS
29 IMPROVEMENT DISTRICT.

30 (2) MADE A DETERMINATION THAT THE YORK CORRIDOR BUSINESS IMPROVEMENT
31 DISTRICT WILL REFLECT:

32 (I) A DIVERSE MIX OF BUSINESS PROPERTIES; AND

33 (II) A DIVERSE ECONOMIC, SOCIAL, AND RACIAL MIX.

34 § 20-2. DISTRICT ESTABLISHED.

35 (A) *IN GENERAL.*

36 THERE IS A BUSINESS IMPROVEMENT DISTRICT, TO BE KNOWN AS THE YORK ROAD
37 BUSINESS IMPROVEMENT DISTRICT (THE “DISTRICT”).

Council Bill 18-0288

1 (B) *BOUNDARIES.*

2 THE BOUNDARIES OF THE DISTRICT ARE AS SHOWN ON THE FOLLOWING MAP APPENDED TO
3 THIS BILL, TITLED "ATTACHMENT A - PROPOSED YORK ROAD BID".

4 **§ 20-3. AUTHORITY CREATED.**

5 (A) *AUTHORITY CREATED.*

6 THERE IS A YORK CORRIDOR BUSINESS IMPROVEMENT DISTRICT MANAGEMENT
7 AUTHORITY, REFERRED TO IN THIS SUBTITLE AS THE "AUTHORITY".

8 (B) *PURPOSE.*

9 THE PURPOSE OF THE AUTHORITY IS TO:

- 10 (1) PROMOTE AND MARKET THE DISTRICT;
- 11 (2) PROVIDE SUPPLEMENTAL SECURITY AND MAINTENANCE SERVICES;
- 12 (3) PROVIDE AMENITIES IN PUBLIC AREAS;
- 13 (4) IMPLEMENT THE RECOMMENDATIONS OUTLINED IN THE YORK ROAD CORRIDOR
14 VISION AND ACTION PLAN, ADOPTED BY THE PLANNING COMMISSION IN 2015, AS
15 THAT PLAN MAY BE MODIFIED OR SUPERSEDED FROM TIME TO TIME BY THE
16 PLANNING COMMISSION; AND
- 17 (5) PROVIDE OTHER SERVICES AND FUNCTIONS AS MAY BE REQUESTED BY THE
18 AUTHORITY AND APPROVED BY AN ORDINANCE OF THE MAYOR AND CITY
19 COUNCIL.

20 **§20-4. POWERS AND FUNCTIONS OF AUTHORITY.**

21 (A) *GOVERNMENTAL BODY.*

22 TO THE GREATEST EXTENT ALLOWABLE BY LAW, THE AUTHORITY IS AND SHALL BE
23 DEEMED TO BE A SPECIAL TAXING DISTRICT AND, THEREFORE, A GOVERNMENTAL BODY,
24 BOTH POLITIC AND CORPORATE, EXERCISING ONLY THOSE POWERS AS ARE PROVIDED FOR
25 IN THIS SUBTITLE.

26 (B) *AUTHORIZED ACTIONS.*

- 27 (1) THE AUTHORITY MAY ACQUIRE, HOLD, AND USE BOTH REAL AND PERSONAL PROPERTY
28 AS NECESSARY TO ACHIEVE ITS PURPOSES, INCLUDING ACQUISITION BY PURCHASE,
29 LEASE, OR OTHER MEANS.
- 30 (2) THE AUTHORITY MAY ENGAGE THE SERVICES OF AN ADMINISTRATOR (THE
31 "ADMINISTRATOR"), WHO MAY BE AN INDIVIDUAL OR AN ENTITY, TO ADMINISTER THE
32 PROGRAMS AND UNDERTAKINGS OF THE AUTHORITY.

Council Bill 18-0288

- 1 (3) THE AUTHORITY MAY SUE AND BE SUED. HOWEVER, THE DISTRICT, THE AUTHORITY,
2 ITS BOARD OF DIRECTORS, AND ITS ADMINISTRATOR SHALL BENEFIT, TO THE FULLEST
3 EXTENT ALLOWABLE BY LAW, FROM ALL PROVISIONS OF FEDERAL, STATE, AND LOCAL
4 LAW LIMITING THE LIABILITY OF EMPLOYEES, OFFICERS, AGENTS, AND OFFICIALS OF
5 GOVERNMENTAL BODIES.
- 6 (4) THE AUTHORITY MAY ACCEPT GRANTS.
- 7 (5) THE AUTHORITY MAY BORROW FUNDS FOR PURPOSES CONSISTENT WITH THE PUBLIC
8 PURPOSES OF THE AUTHORITY. HOWEVER, NO BORROWING MAY BE FOR A TERM
9 BEYOND THE DATE FOR THE DISTRICT'S RENEWAL UNDER § 20-16 OF THIS SUBTITLE;
- 10 (6) THE AUTHORITY SHALL ADOPT AN ANNUAL BUDGET AND IMPOSE, CHARGE, AND
11 COLLECT THE TAXES OR CHARGES ON BENEFITTED PROPERTIES WITHIN THE DISTRICT,
12 AS AUTHORIZED BY CITY CHARTER ARTICLE II, § (63) AND THIS SUBTITLE.
- 13 (7) THE AUTHORITY MAY CREATE AND ENTER INTO PARTNERSHIPS BETWEEN IT AND
14 VARIOUS PROPERTY OWNERS. THESE PARTNERSHIPS MAY PROVIDE FOR THE PROVISION
15 OF PERMITTED SERVICES AND BENEFITS BY THE AUTHORITY IN EXCHANGE FOR
16 PAYMENTS ARRANGED BY CONTRACT, DONATION, GIFT, SERVICES IN KIND, OR OTHER
17 MECHANISM BY WHICH FUNDS OR BENEFITS ARE PROVIDED TO THE AUTHORITY.
- 18 (8) THE AUTHORITY MAY ESTABLISH AND ELECT OFFICERS NOT ALREADY PROVIDED FOR
19 IN THIS SUBTITLE AND PROVIDE FOR THEIR TERMS AND DUTIES.
- 20 (9) THE AUTHORITY MAY CONTRACT FOR AND PURCHASE GOODS AND SERVICES, WITHOUT
21 HAVING TO COMPLY WITH CITY REQUIREMENTS GOVERNING WAGE SCALES,
22 COMPETITIVE BIDDING, OR OTHER PROCUREMENT MATTERS. HOWEVER, THE
23 AUTHORITY NONETHELESS SHALL BE SUBJECT TO APPLICABLE ORDINANCES
24 REGARDING CITY POLICY ON ENCOURAGING AND ACHIEVING GOALS FOR
25 PARTICIPATION OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES IN THE
26 CONTRACTING ACTIVITIES.
- 27 (10) SUBJECT TO THE APPROVAL OF THE BOARD OF ESTIMATES, THE AUTHORITY MAY
28 ADOPT, AMEND, AND MODIFY BYLAWS, CONSISTENT WITH CITY CHARTER ARTICLE II,
29 § (63) AND THIS SUBTITLE.
- 30 (11) THE AUTHORITY MAY IMPLEMENT ITS PROGRAMS AND GOALS DIRECTLY THROUGH ITS
31 EMPLOYEES OR THROUGH 1 OR MORE CONTRACTS. THESE CONTRACTS MAY BE WITH
32 INDEPENDENT CONTRACTORS OR CONTRACTUAL EMPLOYEES.
- 33 (12) THE AUTHORITY MAY ASSIST IN THE LEASING, MARKETING, AND PROMOTIONAL
34 ACTIVITIES WITHIN THE DISTRICT, TO THE EXTENT THOSE ACTIVITIES ARE APPROVED
35 BY THE GOVERNING BOARD OF THE AUTHORITY.
- 36 (13) THE AUTHORITY MAY APPOINT, HIRE, OR ENGAGE AUDITORS, ACCOUNTANTS,
37 ATTORNEYS, ASSISTANTS, AIDES, EMPLOYEES, AND ADVISORS AS IT CONSIDERS
38 NECESSARY FOR THE PROPER PERFORMANCE OF ITS DUTIES, BUT CONSISTENT WITH
39 THIS SUBTITLE.

Council Bill 18-0288

1 (14) THE AUTHORITY MAY DO ALL OTHER THINGS NECESSARY OR CONVENIENT TO CARRY
2 OUT ITS GOALS, OBJECTIVES, AND POWERS.

3 **§ 20-5. LIMITATIONS ON AUTHORITY.**

4 (A) *NOT AGENCY OF CITY OR STATE.*

5 (1) THE AUTHORITY IS NOT AND MAY NOT BE DEEMED TO BE AN AGENCY OF THE MAYOR
6 AND CITY OF BALTIMORE OR OF THE STATE OF MARYLAND.

7 (2) THE OFFICERS AND EMPLOYEES OF THE AUTHORITY ARE NOT AND MAY NOT ACT AS
8 AGENTS OR EMPLOYEES OF THE MAYOR AND CITY OF BALTIMORE OR THE STATE OF
9 MARYLAND.

10 (B) *UNAUTHORIZED ACTIONS.*

11 (1) THE AUTHORITY MAY NOT EXERCISE ANY POLICE OR GENERAL POWERS OTHER THAN
12 THOSE AUTHORIZED BY STATE LAW AND CITY ORDINANCE.

13 (2) THE AUTHORITY MAY NOT PLEDGE THE FULL FAITH OR CREDIT OF THE CITY.

14 (3) THE AUTHORITY MAY NOT LEVY ANY TAXES AGAINST PROPERTIES THAT ARE EXEMPT
15 UNDER STATE LAW FROM ORDINARY PROPERTY TAXES.

16 (4) THE AUTHORITY MAY NOT IMPOSE ANY TAXES OR CHARGES IN EXCESS OF THOSE
17 APPROVED BY THE BOARD OF ESTIMATES.

18 (5) THE AUTHORITY MAY NOT EXERCISE THE POWER OF EMINENT DOMAIN.

19 (6) THE AUTHORITY MAY NOT EXTEND ITS LIFE WITHOUT THE APPROVAL OF THE CITY
20 COUNCIL.

21 (7) EXCEPT AS OTHERWISE PROVIDED BY LAW, THE AUTHORITY MAY NOT ENGAGE IN
22 COMPETITION WITH THE PRIVATE SECTOR.

23 (8) EXCEPT AS OTHERWISE PROVIDED IN § 20-17 OF THIS SUBTITLE, THE AUTHORITY MAY
24 NOT REVERT CHARGES OR TAXES COLLECTED UNDER THIS SUBTITLE TO THE GENERAL
25 FUND OF THE CITY.

26 (9) THE AUTHORITY MAY NOT EMPLOY INDIVIDUALS WHO RESIDE OUTSIDE OF THE CITY.

27 (10) EXCEPT AS REQUIRED OR APPROPRIATE TO FACILITATE ITS NORMAL OPERATIONS, THE
28 AUTHORITY MAY NOT INCUR DEBT.

29 (11) THE AUTHORITY MAY NOT EXERCISE ANY POWER SPECIFICALLY WITHHELD BY THE
30 TERMS OF EITHER THIS SUBTITLE OR, IF MORE RESTRICTIVE, CITY CHARTER ARTICLE II,
31 § (63).

1 (C) *INTERPRETATION OF POWERS.*

2 THE POWERS OF THE AUTHORITY SHALL BE BROADLY INTERPRETED TO ALLOW THE
3 AUTHORITY TO ACHIEVE THE GOALS OF CITY CHARTER ARTICLE II, § (63), INCLUDING THE
4 PROVISION OF SUPPLEMENTARY SECURITY AND MAINTENANCE SERVICES, THE PROMOTION
5 AND MARKETING OF THE DISTRICT, AND THE PROVISION OF AMENITIES IN PUBLIC AREAS.

6 **§ 20-6. BOARD OF DIRECTORS.**

7 (A) *IN GENERAL.*

8 THE AUTHORITY SHALL BE GOVERNED BY AND ADMINISTERED THROUGH A BOARD OF
9 DIRECTORS (THE "BOARD").

10 (B) *NUMBER AND APPOINTMENT.*

11 (1) THE NUMBER OF VOTING MEMBERS OF THE FULL BOARD MUST BE NOT LESS THAN 9,
12 EXCLUDING VACANCIES, AND NO MORE THAN 15.

13 (2) THE BOARD HAS FULL AUTHORITY TO INCREASE OR DECREASE ITS MEMBERSHIP,
14 WITHIN THE LIMITS SPECIFIED IN THIS SUBSECTION.

15 (C) *COMPOSITION.*

16 (1) OF THE VOTING MEMBERS OF THE BOARD:

17 (i) I SHALL BE THE COUNCILMEMBER FOR THE DISTRICT;

18 (ii) I SHALL REPRESENT A NOT-FOR-PROFIT INSTITUTION WITH SIGNIFICANT PROPERTY
19 HOLDINGS ALONG THE YORK ROAD CORRIDOR;

20 (iii) I SHALL BE A COMMUNITY REPRESENTATIVE, APPOINTED BY THE YORK ROAD
21 PARTNERSHIP OR ITS SUCCESSOR ORGANIZATION;

22 (iv) AT LEAST 1 SHALL BE A BUSINESS OPERATOR IN THE DISTRICT, WHO DOES NOT
23 OWN THE PROPERTY IN WHICH HIS OR HER BUSINESS IS LOCATED; AND

24 (v) AT LEAST 1 SHALL BE A BUSINESS OPERATOR IN THE DISTRICT, WHO OWNS THE
25 PROPERTY IN WHICH HIS OR HER BUSINESS IS LOCATED.

26 (2) AT ALL TIMES, A MAJORITY OF THE BOARD MUST BE REPRESENTATIVES OF PROPERTY
27 OWNERS SUBJECT TO THE TAX IMPOSED BY THIS SUBTITLE AND MUST BE SO
28 DESIGNATED BY THE BOARD.

29 (D) *TERMS TO BE STAGGERED.*

30 THE TERMS OF THE MEMBERS ARE STAGGERED, AS REQUIRED BY THE TERMS OF THE
31 MEMBERS FIRST APPOINTED.

Council Bill 18-0288

1 (E) *EXERCISE OF AUTHORITY POWERS.*

2 ALL POWERS OF THE AUTHORITY ARE EXERCISED BY AND THROUGH THE BOARD, UNLESS
3 DELEGATED BY THE BOARD TO 1 OR MORE OFFICERS OF THE BOARD OR TO THE
4 ADMINISTRATOR.

5 (F) *BYLAWS, RULES, AND REGULATIONS.*

6 (1) THE BOARD MAY ADOPT BYLAWS, RULES, AND REGULATIONS AS IT CONSIDERS
7 NECESSARY TO CARRY OUT THE POWERS OF THE AUTHORITY. HOWEVER, THESE
8 BYLAWS, RULES, AND REGULATIONS MAY NOT BE INCONSISTENT WITH THE TERMS OF
9 THIS SUBTITLE OR OF CITY CHARTER ARTICLE II, § (63).

10 (2) ALL BYLAWS ARE SUBJECT TO THE APPROVAL OF THE BOARD OF ESTIMATES.

11 (3) THE BOARD MAY ESTABLISH ITS OWN PROCEDURES RELATING TO THE INTERNAL
12 ADMINISTRATION OF THE AUTHORITY, EXCEPT AS MAY BE RESTRICTED BY CITY
13 CHARTER ARTICLE II, § (63) OR THIS SUBTITLE.

14 (G) *OFFICERS.*

15 (1) THE BOARD SHALL SELECT FROM AMONG ITS MEMBERS INDIVIDUALS TO SERVE AS THE
16 CHAIR, VICE-CHAIR, TREASURER, AND SECRETARY OF THE AUTHORITY.

17 (2) THESE OFFICERS SERVE AT THE PLEASURE OF THE BOARD.

18 (3) THE BOARD MAY DELEGATE TO THESE OFFICERS THOSE RESPONSIBILITIES THAT THE
19 BOARD CONSIDERS APPROPRIATE.

20 § 20-7. ANNUAL FINANCIAL PLAN.

21 (A) *BOARD TO ADOPT.*

22 THE BOARD SHALL ADOPT AN ANNUAL FINANCIAL PLAN (THE "FINANCIAL PLAN"), BASED
23 ON THE CITY'S FISCAL YEAR, CONSISTING OF AT LEAST A BUDGET AND A PROPOSED
24 SCHEDULE OF TAXES OR CHARGES TO BE IMPOSED THROUGHOUT THE DISTRICT.

25 (B) *PUBLIC HEARING.*

26 BEFORE ADOPTING THE FINANCIAL PLAN, THE BOARD SHALL ARRANGE FOR A PUBLIC
27 HEARING ON THE PROPOSED PLAN. NOTICE OF THE HEARING MUST BE PUBLISHED IN A
28 NEWSPAPER OF GENERAL CIRCULATION IN BALTIMORE CITY AT LEAST ONCE A WEEK FOR 3
29 CONSECUTIVE WEEKS.

30 (C) *BOARD OF ESTIMATES APPROVAL REQUIRED.*

31 THE AUTHORITY MAY NOT APPROVE A FINANCIAL PLAN THAT INCLUDES TAXES OR
32 CHARGES IN EXCESS OF THOSE APPROVED BY THE BOARD OF ESTIMATES.

Council Bill 18-0288

1 § 20-8. SUPPLEMENTAL TAX.

2 (A) *BOARD OF ESTIMATES TO DETERMINE ASSESSABLE BASE.*

3 (1) THE BOARD OF ESTIMATES SHALL OBTAIN FROM THE DIRECTOR OF FINANCE THE
4 "ASSESSABLE BASE" OF THE DISTRICT, WHICH SHALL CONSTITUTE A LISTING BY
5 PROPERTY AND A CALCULATION OF THE SUM OF ASSESSMENTS ON PROPERTIES SUBJECT
6 TO THE SUPPLEMENTAL TAX.

7 (2) PROPERTIES SUBJECT TO THE TAX SHALL INCLUDE ALL PROPERTIES WITHIN THE
8 DISTRICT EXCEPT:

9 (I) RESIDENTIAL UNITS IN A CONDOMINIUM BUILDING, WHETHER OR NOT THE
10 UNITS ARE OWNER-OCCUPIED; AND

11 (II) ALL OTHER BUILDINGS USED FOR RESIDENTIAL PURPOSES, OTHER THAN A
12 BUILDING THAT CONTAINS 4 OR MORE RENTAL UNITS; AND

13 (III) SUBJECT TO PRORATION, ALL OTHER BUILDINGS OR PORTIONS OF BUILDINGS
14 USED EXCLUSIVELY FOR THE CONSUMPTION AND ENJOYMENT OF ARTS AND
15 CULTURE; AND

16 (IV) PROPERTIES EXEMPT UNDER:

17 (A) THIS SUBTITLE;

18 (B) CITY CHARTER ARTICLE II, § (63); OR

19 (C) ANY OTHER APPLICABLE LAW.

20 (3) THE BOARD OF ESTIMATES SHALL DETERMINE WITH FINALITY THE ASSESSABLE BASE
21 ON WHICH THE SUPPLEMENTAL TAX WILL BE BASED.

22 (B) *ASSESSMENT; COLLECTION; ENFORCEMENT.*

23 (1) FUNDING FOR AUTHORITY OPERATIONS SHALL BE PROVIDED BY A SUPPLEMENTAL
24 PROPERTY TAX (THE "SUPPLEMENTAL TAX") ON THE ASSESSABLE BASE OF THE
25 DISTRICT AS DETERMINED UNDER SUBSECTION (A) OF THIS SECTION.

26 (2) THE SUPPLEMENTAL TAX SHALL BE ASSESSED AND COLLECTED IN CONJUNCTION WITH
27 THE PROPERTY TAXES ASSESSED AND COLLECTED BY THE CITY (THE "REGULAR TAX"),
28 UNLESS OTHERWISE ESTABLISHED BY THE BOARD OF ESTIMATES.

29 (3) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE:

30 (I) THE SUPPLEMENTAL TAX SHALL BE ENFORCED IN THE SAME WAY AS THE
31 REGULAR TAX IS ENFORCED; AND

Council Bill 18-0288

1 (II) ALL PROVISIONS THAT APPLY TO ASSESSMENTS, REFUNDS, CREDITS,
2 COLLECTIONS, AND ENFORCEMENT OF THE REGULAR TAX APPLY TO THE
3 SUPPLEMENTAL TAX.

4 (C) *DETERMINATION OF TAX.*

5 THE SUPPLEMENTAL TAX RATE SHALL BE DETERMINED AS FOLLOWS:

6 (1) ANY INCREASE IN THE RATE OF THE SUPPLEMENTAL TAX MUST BE APPROVED BY A
7 MAJORITY OF THE BOARD'S VOTING MEMBERS.

8 (2) FOR THE FIRST FULL BUDGET YEAR, THE RATE OF THE SUPPLEMENTAL TAX SHALL
9 BE SET TO RAISE REVENUES EQUAL TO THE COSTS OF THE FINANCIAL PLAN.

10 (3) FOR ANY YEAR AFTER THE FIRST FULL BUDGET YEAR, THE RATE OF THE
11 SUPPLEMENTAL TAX MAY BE ADJUSTED TO YIELD REVENUES EQUAL TO THE COSTS
12 OF THE FINANCIAL PLAN. THAT RATE, HOWEVER, MAY NOT BE INCREASED BY
13 MORE THAN 10% A YEAR UNLESS THE INCREASE IS APPROVED BY 80% OR MORE OF
14 THE PROPERTY-OWNER REPRESENTATIVES ON THE BOARD.

15 (D) *EXEMPTION FOR PUBLIC SERVICE COMPANIES.*

16 EXEMPT FROM THE SUPPLEMENTAL TAX ARE THE POLES, CONDUITS, TUNNELS, PIPE LINES,
17 MANHOLES, AND OTHER SIMILAR SURFACE OR SUBSURFACE STRUCTURES, INCLUDING
18 THEIR EQUIPMENT, OWNED AND CONTROLLED BY A PUBLIC SERVICE CORPORATION,
19 LOCATED ON, OVER, OR UNDER STREETS, ALLEYS, OR OTHER PUBLIC WAYS OR LANDS, THE
20 CONSTRUCTION OF WHICH IS AUTHORIZED BY THE CITY, AND THE INSTALLATION OF WHICH
21 IS REGULATED AND SUPERVISED BY THE DIRECTOR OF PUBLIC WORKS OR THE DIRECTOR'S
22 DESIGNEE OR THE DIRECTOR OF THE DEPARTMENT OF TRANSPORTATION OR THE
23 DIRECTOR'S DESIGNEE.

24 § 20-9. OTHER CHARGES.

25 (A) *PROPERTY SUBJECT TO SUPPLEMENTAL TAX.*

26 (1) PROPERTIES THAT ARE SUBJECT TO THE SUPPLEMENTAL TAX ARE NOT REQUIRED TO
27 PAY ANY OTHER CHARGES OR FEES FOR SERVICES GENERALLY PROVIDED WITHIN THE
28 DISTRICT BY THE AUTHORITY.

29 (2) HOWEVER, THE AUTHORITY MAY IMPOSE CHARGES AND FEES FOR ANY SPECIAL
30 SERVICES REQUESTED BY AND PERFORMED FOR 1 OR MORE PROPERTY OWNERS.

31 (B) *OTHERS.*

32 WITH THE APPROVAL OF THE BOARD OF ESTIMATES, THE BOARD MAY ESTABLISH OTHER
33 FEES AND CHARGES FOR SPECIFIC SERVICES PERFORMED:

34 (1) WITHIN THE DISTRICT;

35 (2) WITHIN AREAS ADJOINING THE DISTRICT;

Council Bill 18-0288

1 (3) FOR PROPERTIES AND OWNERS NOT SUBJECT TO THE SUPPLEMENTAL TAX; AND

2 (4) IN CONJUNCTION WITH PARTNERSHIPS ENCOURAGED BY THIS SUBTITLE.

3 **§ 20-10. BASELINE CITY SERVICES.**

4 (A) *AGREEMENT TO MAINTAIN.*

5 BEFORE IMPOSING AND COLLECTING THE SUPPLEMENTAL TAX, THE AUTHORITY SHALL
6 ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE MAYOR REGARDING THE
7 LEVEL OF SERVICES TO BE MAINTAINED BY THE CITY AS THE CITY'S PARTNERSHIP
8 OBLIGATION TO THE AUTHORITY AND THE DISTRICT'S TAXPAYERS.

9 (B) *SCOPE OF AGREEMENT.*

10 THIS MEMORANDUM OF UNDERSTANDING SHALL:

11 (1) DESCRIBE THE EXISTING LEVELS OF SERVICE WITHIN THE DISTRICT;

12 (2) COMMIT THE CITY TO THE MAINTENANCE OF THOSE LEVELS OF SERVICE; AND

13 (3) OUTLINE THE FURTHER UNDERTAKINGS OF THE CITY IN RESPONSE TO THE
14 INITIATIVE REPRESENTED BY THE CREATION OF THE DISTRICT (THE "BASELINE
15 PLUS").

16 (C) *GOVERNING PRINCIPLES.*

17 THE MAINTENANCE OF EXISTING SERVICES SHALL BE GOVERNED BY 2 PRINCIPLES:

18 (1) THOSE SERVICES MAY NOT BE DECREASED EXCEPT:

19 (I) AS PART OF AN OVERALL DECREASE IN SERVICES NECESSITATED BY
20 CHANGES IN FUNDING, POLICY, OR RESOURCES; AND

21 (II) ONLY IN PROPORTION TO THE DECREASES IMPLEMENTED ELSEWHERE IN THE
22 CITY.

23 (2) ANY INCREASE IN SERVICES GENERALLY THROUGHOUT THE CITY SHALL BE
24 MATCHED WITH INCREASES IN THOSE SERVICES WITHIN THE DISTRICT, IN
25 PROPORTION TO THE INCREASES IMPLEMENTED ELSEWHERE IN THE CITY.

26 **§ 20-11. PARTNERSHIPS.**

27 (A) *AUTHORITY ENCOURAGED TO CREATE.*

28 THE AUTHORITY IS AUTHORIZED AND ENCOURAGED TO ENTER INTO PARTNERSHIPS WITH
29 THE PROPERTY OWNERS AND USERS WITHIN THE DISTRICT AND ADJOINING AREAS THAT
30 ARE NOT SUBJECT TO THE SUPPLEMENTAL TAX ("EXEMPT PARTNERS") FOR THE PURPOSE
31 OF FURTHERING THE BROAD OBJECTIVES OF IMPROVING AND ENHANCING PUBLIC SERVICES
32 THROUGHOUT THE DISTRICT AND IN ADJOINING AREAS.

Council Bill 18-0288

1 (B) *SPECIFIC POWERS.*

2 IN FURTHERANCE OF THAT OBJECTIVE, THE AUTHORITY MAY:

- 3 (1) CONTRACT TO PROVIDE VARYING LEVELS OF SERVICES TO AREAS ADJOINING THE
4 DISTRICT;
- 5 (2) AGREE TO ACCEPT DONATIONS, CONTRIBUTIONS, AND VOLUNTARY PAYMENTS OF
6 ANY KIND FROM EXEMPT PARTNERS (COLLECTIVELY, "VOLUNTARY PAYMENTS"),
7 WITH OR WITHOUT AGREEMENTS REGARDING SPECIFIC SERVICES AND FUNCTIONS;
- 8 (3) ENTER INTO AGREEMENTS WITH EXEMPT PARTNERS TO INCLUDE PROPERTY OWNED
9 BY THOSE EXEMPT PARTNERS WITHIN THE DISTRICT IN RETURN FOR VOLUNTARY
10 PAYMENTS OR COMMITMENTS REGARDING THE PROVISION OF SIMILAR SERVICES
11 AND FUNCTIONS WITHIN PROPERTIES OWNED BY EXEMPT PARTNERS; AND
- 12 (4) ESTABLISH RATES AND CHARGES FOR THE PROVISION OF SERVICES TO EXEMPT
13 PARTNERS.

14 **§ 20-12. COLLECTION AND DISBURSEMENT.**

15 (A) *IN GENERAL.*

16 THE AUTHORITY SHALL ESTABLISH WITH THE APPROPRIATE CITY AGENCIES THE METHODS
17 BY WHICH THE SUPPLEMENTAL TAX IS TO BE ASSESSED, COLLECTED, AND DISBURSED TO
18 THE AUTHORITY.

19 (B) *FUNDS NOT PART OF CITY REVENUE.*

20 AMOUNTS COLLECTED BY THE CITY ON BEHALF OF THE AUTHORITY:

- 21 (1) MAY NOT BE INCLUDED IN THE REVENUES OF THE CITY;
- 22 (2) ARE NOT AND MAY NOT BE DEEMED TO BE SUBJECT TO THE BUDGETARY AND
23 APPROPRIATION PROCESS; AND
- 24 (3) SHALL BE DISBURSED PROMPTLY ON COLLECTION.

25 (C) *CITY TO BEAR EXPENSE OF COLLECTION, ETC.*

26 AS PART OF THE CITY'S CONTRIBUTION TO THE DISTRICT, THE COLLECTION, ASSESSMENT,
27 DISBURSEMENT, RECORD-KEEPING, AND ENFORCEMENT INVOLVED IN THE PROCESS MAY
28 NOT BE A CHARGE TO OR AGAINST THE AUTHORITY OR THE DISTRICT, BUT SHALL BE AN
29 ELEMENT OF THE BASELINE PLUS.

30 (D) *DEPARTMENT OF FINANCE AUTHORIZED TO COLLECT.*

- 31 (1) THE DEPARTMENT OF FINANCE MAY COLLECT THE SUPPLEMENTAL TAX AND OTHER
32 CHARGES AS ARE APPROVED BY THE BOARD OF ESTIMATES.

Council Bill 18-0288

1 (2) THE ASSESSMENT FOR THE SUPPLEMENTAL TAX MAY BE INCLUDED WITH THE ANNUAL
2 REAL PROPERTY TAX BILL SUBMITTED TO THE OWNERS OF PROPERTIES WITHIN THE
3 DISTRICT.

4 (3) THE DEPARTMENT OF FINANCE SHALL MAKE REGULAR REMITTANCES OF THE
5 AMOUNTS COLLECTED TO THE BOARD OF THE AUTHORITY.

6 (E) *PENALTIES AND INTEREST.*

7 THE PENALTIES AND INTEREST APPLICABLE TO DELINQUENT TAXES SHALL BE APPLIED TO
8 DELINQUENCIES IN PAYMENT OF THE SUPPLEMENTAL TAX.

9 (F) *LIEN ON PROPERTY.*

10 (1) THE AMOUNT OF ANY OUTSTANDING ASSESSMENT ON ANY PROPERTY AND OF
11 ACCRUED INTEREST AND OTHER CHARGES CONSTITUTES A LIEN ON THE PROPERTY.

12 (2) THIS LIEN:

13 (I) TAKES PRECEDENCE OVER ALL OTHER LIENS, WHETHER CREATED BEFORE OR
14 AFTER THE ASSESSMENT, COMMENSURATE WITH A LIEN FOR STATE AND
15 COUNTY TAXES, GENERAL MUNICIPAL TAXES, AND PRIOR IMPROVEMENT
16 ASSESSMENTS; AND

17 (II) MAY NOT BE DEFEATED OR POSTPONED BY ANY PRIVATE OR JUDICIAL SALE, BY
18 ANY MORTGAGE, OR BY ANY ERROR OR MISTAKE IN THE DESCRIPTION OF THE
19 PROPERTY OR IN THE NAMES OF THE OWNERS.

20 (3) NO ERROR IN THE PROCEEDINGS OF THE CITY OR THE BOARD EXEMPTS ANY PROPERTY
21 FROM THE LIEN, FROM ITS PAYMENT, OR FROM THE PENALTIES OR INTEREST ON IT.

22 § 20-13. ADMINISTRATOR.

23 (A) *IN GENERAL.*

24 THE ADMINISTRATOR IS RESPONSIBLE FOR THE DAY-TO-DAY OPERATIONS OF THE BOARD
25 AND ITS EMPLOYEES AND CONTRACTORS.

26 (B) *POWERS.*

27 THE ADMINISTRATOR MAY:

28 (1) PREPARE THE FINANCIAL PLAN FOR REVIEW AND APPROVAL BY THE BOARD;

29 (2) IMPLEMENT THE APPROVED FINANCIAL PLAN AND ARRANGE FOR THE COLLECTION
30 AND DISBURSEMENT OF THE SUPPLEMENTAL TAX AND ALL OTHER CHARGES, FEES,
31 AND REVENUES OF THE AUTHORITY;

32 (3) ESTABLISH PROCEDURES AND PROCESSES NECESSARY TO PERFORM THE FUNCTIONS
33 CALLED FOR UNDER THE FINANCIAL PLAN AND THE BUDGET;

Council Bill 18-0288

1 (4) HIRE AND RETAIN EMPLOYEES, AGENTS, AND CONTRACTORS AS NEEDED TO
2 PERFORM THE ADMINISTRATOR'S FUNCTIONS FOR THE AUTHORITY, SUBJECT TO
3 § 20-4(B)(9) OF THIS SUBTITLE;

4 (5) EXERCISE THE POWERS GRANTED TO THE AUTHORITY BY THIS SUBTITLE, EXCEPT
5 THAT THE BOARD RETAINS FINAL DISCRETION AND POWER WITH REGARD TO ALL
6 SUBSTANTIVE AGREEMENTS, CONTRACTS, AND OTHER ARRANGEMENTS BINDING
7 ON THE AUTHORITY; AND

8 (6) EXERCISE THE ADDITIONAL RIGHTS, POWERS, AND AUTHORITY GRANTED TO THE
9 ADMINISTRATOR BY THE BOARD.

10 (C) *IMMUNITY.*

11 THE ADMINISTRATOR IS THE DIRECT AGENT OF THE AUTHORITY, SO THAT ANY IMMUNITY
12 AFFORDED TO THE AUTHORITY AND ITS OFFICERS, EMPLOYEES, AND AGENTS, IS AFFORDED
13 AS WELL TO THE ADMINISTRATOR.

14 **§ 20-14. OVERSIGHT BY BOARD OF ESTIMATES.**

15 (A) *IN GENERAL.*

16 THE BOARD OF ESTIMATES HAS THE FOLLOWING POWERS WITH REGARD TO THE DISTRICT
17 AND THE AUTHORITY.

18 (B) *FINANCIAL PLAN; RATES AND CHARGES.*

19 (1) THE FINANCIAL PLAN AND THE SCHEDULE OF RATES AND CHARGES ARE SUBJECT TO
20 THE APPROVAL OF THE BOARD OF ESTIMATES.

21 (2) THE BOARD OF THE AUTHORITY SHALL SUBMIT ALL MATERIALS AT LEAST 2 MONTHS
22 BEFORE THE PROPOSED EFFECTIVE DATE OF A BUDGET OR SUPPLEMENTAL TAX.

23 (3) IN CONSIDERING A PROPOSED BUDGET AND SCHEDULE OF TAXES AND CHARGES, THE
24 BOARD OF ESTIMATES MAY NOT EXCEED OR INCREASE EITHER THE BUDGET OR THE
25 SCHEDULE OF TAXES, RATES, AND CHARGES BEYOND THOSE PROPOSED BY THE
26 AUTHORITY.

27 (C) *BYLAWS.*

28 THE BOARD OF ESTIMATES MUST APPROVE THE BYLAWS OF THE AUTHORITY AND ANY
29 PROPOSED AMENDMENTS TO IT.

30 (D) *APPROVAL AND RENEWAL PROCESS.*

31 THE BOARD OF ESTIMATES IS THE FINAL ARBITER AND DECISION MAKER REGARDING THE
32 APPROVAL AND RENEWAL PROCESS FOR THE DISTRICT.

1 § 20-15. ELECTION APPROVAL PROCESS.

2 (A) *LIST OF ELIGIBLE VOTERS.*

3 THE BOARD OF ESTIMATES, WITH THE ASSISTANCE OF THE BOARD AND THE DEPARTMENT
4 OF FINANCE, SHALL COMPILE A LIST OF THOSE PERSONS ELIGIBLE TO VOTE ON THE
5 ESTABLISHMENT OF THE DISTRICT AND ON ANY QUESTION RELATING TO ITS RENEWAL.

6 (B) *ELIGIBILITY CRITERIA.*

7 (1) PERSONS ELIGIBLE TO VOTE ARE THE OWNERS OF PROPERTY SUBJECT TO TAX UNDER
8 § 20-8 OF THIS SUBTITLE.

9 (2) NO MORE THAN 1 VOTE MAY BE CAST FOR EACH TAX PARCEL.

10 (C) *ELECTION.*

11 (1) A BALLOT SHALL BE PROVIDED TO EACH ELIGIBLE VOTER FOR THE APPROVAL OF THE
12 ESTABLISHMENT OF THE DISTRICT.

13 (2) EACH BALLOT, WITH A CERTIFIED SIGNATURE OF THE ELIGIBLE VOTER OR DULY
14 AUTHORIZED REPRESENTATIVE, MUST BE RETURNED TO THE BOARD OF ESTIMATES,
15 C/O THE COMPTROLLER'S OFFICE, WITHIN 30 DAYS OF THE DATE SPECIFIED ON THE
16 BALLOT.

17 (D) *PERCENTAGE APPROVAL.*

18 (1) WITHIN 20 DAYS OF THE END OF THE ELECTION PERIOD, THE BOARD OF ESTIMATES
19 SHALL DETERMINE THE AGGREGATE VOTES CAST BY THE ELIGIBLE VOTERS.

20 (2) IF THE BOARD OF ESTIMATES DETERMINES THAT AT LEAST 58% OF THE AGGREGATE
21 VOTES CAST APPROVED THE ESTABLISHMENT OF THE DISTRICT, THE BOARD OF
22 ESTIMATES SHALL CERTIFY THE DISTRICT AND AUTHORITY AS APPROVED FOR
23 OPERATION.

24 § 20-16. 4-YEAR REVIEWS.

25 (A) *PUBLIC HEARINGS.*

26 NO LATER THAN 4 YEARS AFTER THE ESTABLISHMENT OF THE DISTRICT, AND EVERY 4
27 YEARS FOLLOWING, THE MAYOR AND CITY COUNCIL SHALL HOLD 1 OR MORE PUBLIC
28 HEARINGS TO EVALUATE THE ACTIVITIES AND UNDERTAKINGS OF THE AUTHORITY AND
29 THE DISTRICT.

30 (B) *MAYOR AND COUNCIL TO DECIDE.*

31 AT THE CONCLUSION OF THE HEARINGS, THE MAYOR AND CITY COUNCIL SHALL
32 DETERMINE WHETHER THE DISTRICT IS TO CONTINUE FOR ANOTHER 4 YEARS.

Council Bill 18-0288

1 (C) *PROCESS TO BE REPEATED.*

2 THIS PROCESS SHALL BE REPEATED PERIODICALLY TO SATISFY THE REQUIREMENTS OF
3 CITY CHARTER ARTICLE II, § (63) .

4 **§ 20-17. DISSOLUTION OF DISTRICT.**

5 (A) *DISSOLUTION ON CERTAIN EVENTS.*

6 IF THE DISTRICT IS NOT APPROVED AS PROVIDED IN § 20-15 OF THIS SUBTITLE, OR IS NOT
7 RENEWED AS PROVIDED IN § 20-16 OF THIS SUBTITLE, THE AUTHORITY SHALL CEASE ITS
8 OPERATIONS, AND THE DISTRICT SHALL CEASE TO EXIST, AT THE END OF THE CITY'S
9 FISCAL YEAR IN WHICH THE TERMINATING EVENT OCCURS.

10 (B) *LIMITED CONTINUATION.*

11 THE AUTHORITY SHALL CONTINUE ITS EXISTENCE ONLY AS LONG AS NECESSARY TO:

- 12 (1) TERMINATE OPERATIONS IN A REASONABLE FASHION; AND
13 (2) ARRANGE FOR THE REFUNDING OF ALL FUNDS NOT NEEDED TO SATISFY
14 OUTSTANDING OBLIGATIONS AND RESERVES FOR UNCERTAIN OBLIGATIONS AND
15 LIABILITIES.

16 (C) *UNSPENT FUNDS.*

17 ANY UNSPENT FUNDS REVERT TO THE CITY'S GENERAL FUND.

18 **SECTION 2. AND BE IT FURTHER ORDAINED, That:**

19 (a) The Interim Board of the Authority consists of the following individuals:

20 Jill Witty
21 Po Chang
22 Louis Denrich
23 Ray Davis
24 Janet Miller
25 Trudy McNair
26 Robert Kelly
27 Donna Blackwell
28 Bill Henry

29 (b) The Interim Board is responsible for:

- 30 (1) drafting the bylaws of the Authority;
31 (2) recommending a full Board to the Board of Estimates; and
32 (3) preparing a proposed operations plan and budget.

Council Bill 18-0288

1 (c) (1) The Interim Board members serve for a period not to exceed 6 months, unless
2 extended by the Board of Estimates, and only until a full Board is approved by the
3 Board of Estimates.

4 (2) On a member's resignation, expiration of term, or removal in accordance with the
5 Authority's bylaws, successors shall be elected by the remaining members of the
6 Board.

7 (d) (1) The Interim Board shall propose to the Board of Estimates the initial full
8 membership of the Board and the proposed terms for each director. The terms of
9 the proposed members shall be staggered.

10 (2) Interim Board members may be included in the recommended full Board list.

11 (3) The recommendation shall occur no later than 10 days after approval of the
12 District, and shall be subject to the consent and concurrence of the Board of
13 Estimates.

14 (4) The full Board proposed by the Interim Board is subject to the approval of the
15 Board of Estimates.

16 (e) (1) The first Financial Plan submitted may be for less than a full fiscal year.

17 (2) The initial budget for the Authority shall include all of the fiscal year ending on
18 June 30, 2019, and may include the costs of preparing the Financial Plan and
19 implementing the Authority and the District, whether or not those costs were
20 incurred during that fiscal year.

21 (3) If the Authority is not implemented as a result of the election approval process,
22 neither the Authority nor the District, nor the City, has any liability for costs
23 incurred before the initiation of operations, whether or not incurred by the
24 Administrator or on behalf of the District or the Authority.

25 (f) For the initial budget year, the rate of the Supplemental Tax shall be set to raise
26 revenues equal to the costs of the Financial Plan.

27 (g) The Interim Board may determine the initial Administrator of the Authority.

28 **SECTION 3. AND BE IT FURTHER ORDAINED,** That all provisions of this Ordinance are
29 severable. If a court determines that a word, phrase, clause, sentence, paragraph, subsection,
30 section, or other provision is invalid or that the application of any part of the provision to any
31 person or circumstances is invalid, the remaining provisions and the application of those
32 provisions to other persons or circumstances are not affected by that decision.

33 **SECTION 4. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance
34 are not law and may not be considered to have been enacted as a part of this or any prior
35 Ordinance.

36 **SECTION 5. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it is
37 enacted.

Bellona-Gittings

Lake Evesham

Evesham Park

PROPOSED York Road BID

Glen Oaks

Rosebank

Chinquapin Park

Homeland

Belvedere

Mid-Govans

Cameron Village

Woodbourne-McCabe

Villages Of Homeland

York-Homeland

Blythewood

Loyola/Notre Dame

Radnor-Winston

Winston-Govans

Kenilworth Park

New Northwoo

Kernewood

Richnor Springs

Wrenlane

Wilson Park

Guilford

Original Northwoo

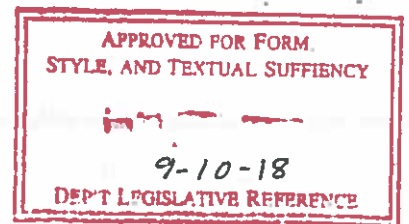
Pen Lucy

Tuscany-Canterbury

Ednor Gardens-Lakeside



INTRODUCTORY*
CITY OF BALTIMORE
COUNCIL BILL _____



Introduced by: Councilmember Henry

A BILL ENTITLED

AN ORDINANCE concerning

York Corridor Business Improvement District – Establishment

FOR the purpose of creating a community benefits district, to be known as the York Corridor Business Improvement District; specifying the boundaries of the District; creating an Authority and providing for its rights, duties, and powers; providing for the selection and composition of the Authority's Board of Directors; providing for an Administrator for the Authority; mandating the financial responsibilities of the Authority and the City in conjunction with the operation of the District; providing for the assessment, collection, and enforcement of a supplemental tax to be collected by and for the Authority; specifying the City's role in maintaining and enhancing existing services; encouraging the creation of partnerships among the Authority, the City, the State, the Federal Government, and property owners not subject to the supplemental tax; designating the Board of Estimates as the agency charged with reviewing and approving various matters relating to the District and the Authority; providing for the renewal, expiration, termination, and approval of the District and the Authority; providing for a special effective date; and generally relating to the existence, operation, and control of the York Corridor Business Improvement District and Authority.

By authority of

Article II - General Powers
Section(s) 63
Baltimore City Charter
(1996 Edition)

By adding

Article 14 - Special Benefits Districts
Section(s) 20-1 to 20-17, to be under the new subtitle designation,
"Subtitle 20. York Corridor Business Improvement District"
Baltimore City Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Laws of Baltimore City read as follows:

Baltimore City Code

Article 14. Special Benefits Districts

* WARNING: THIS IS AN UNOFFICIAL, INTRODUCTORY COPY OF THE BILL.
THE OFFICIAL COPY CONSIDERED BY THE CITY COUNCIL IS THE FIRST READER COPY.

SUBTITLE 20. YORK CORRIDOR BUSINESS IMPROVEMENT DISTRICT

§ 20-1. FINDINGS.

(A) IMPORTANCE OF THE YORK ROAD CORRIDOR.

- (1) THE YORK ROAD CORRIDOR IS A 2-MILE LONG STRIP OF COMMERCIAL DEVELOPMENT THAT SERVES AS A LINEAR COLLECTION OF AT LEAST 3 PRINCIPAL NODES FOCUSED ON MAJOR CROSSROADS INTERSECTIONS (BELVEDERE AVENUE, WOODBOURNE AVENUE, COLD SPRING LANE), WHICH SERVE THE LOCAL COMMERCIAL/RETAIL NEEDS OF THEIR ADJOINING NEIGHBORHOODS TO THE EAST AND WEST.
- (2) IN MANY WAYS THE YORK ROAD MARKET AREA IS NOW SPLIT BY THE ROAD ITSELF. TO THE WEST ARE VERY AFFLUENT RESIDENTIAL NEIGHBORHOODS WITH HIGH RESIDENTIAL VALUES. TO THE EAST ARE MORE MODEST NEIGHBORHOODS WITH LOWER RESIDENTIAL VALUES, HOMEOWNERSHIP RATES, AND HOUSEHOLD INCOMES.
- (3) THE YORK ROAD CORRIDOR CAN AND DOES SERVE AS A MEETING GROUND FOR ALL ADJOINING NEIGHBORHOODS AND COMMERCIAL USES THAT CAN ACHIEVE THEIR HIGHEST POTENTIAL WHEN THEY APPEAL TO ALL CONSUMER HOUSEHOLDS.

(B) NEEDS AND OPPORTUNITIES FACING THE DISTRICT.

- (1) THE YORK ROAD CORRIDOR AND VISION ACTION PLAN OF 2015 IDENTIFIED A VARIETY OF NEEDS AND OPPORTUNITIES FACING THE YORK ROAD CORRIDOR.
- (2) ACCORDING TO THE PLAN:
 - (i) HOUSEHOLD SPENDING WITHIN THE YORK ROAD MARKET AREA IS ESTIMATED AT \$265.9 MILLION ANNUALLY, AND SPENDING ON FOOD AND DRINK IS ESTIMATED AT \$29.9 MILLION. THESE ESTIMATES DO NOT INCLUDE SPENDING BY THE AREA'S SIZEABLE STUDENT POPULATION. IT IS ALSO ESTIMATED THAT THE AREA PRESENTLY CAPTURES ONLY 29.8% OF THAT TOTAL SPENDING, WITH THE REMAINING SPENDING GOING TO BUSINESSES ELSEWHERE. THIS DISPOSABLE INCOME IN THE LOCAL CORRIDOR MARKETPLACE WOULD BE CAPTURED WITHIN YORK ROAD WITH AN EXPANDED MIX OF APPROPRIATE BUSINESSES AND SERVICES TO MEET THE ON-GOING NEEDS OF THE LOCAL COMMUNITY.
 - (ii) GIVEN ITS LARGELY BUILT-OUT NATURE, THE YORK ROAD CORRIDOR OPERATES WITHIN MULTIPLE CONSTRAINTS AS REGARDS TO THE ATTRACTION OF NEW COMMERCIAL/RETAIL DEVELOPMENT OPPORTUNITIES. IN PARTICULAR, LAND PARCELS ALONG YORK ROAD ARE TYPICALLY SMALL, SHALLOW, AND IN MULTIPLE OWNERSHIP; ARDUOUS ASSEMBLAGE OF PARCELS IS TYPICALLY REQUIRED TO ACCOMMODATE THE NEEDS OF MANY RETAILERS. THERE ARE FEW LARGER (2+ ACRE) PARCELS ALONG YORK ROAD, AND NONE ARE VACANT LAND. OVER TIME THE YORK ROAD CORRIDOR WILL MANAGE ITS REAL ESTATE RESOURCES IN SUCH A WAY THAT USES ALONG YORK ROAD WILL BETTER SERVE THE MARKET AREA POPULATION, BY ATTRACTING RETAILERS WHO WILL SERVE UNMET DEMAND AND BY UPGRADING UNDERUTILIZED PROPERTIES.

(3) RECOMMENDATION OF THE PLAN:

ESTABLISHMENT OF A YORK ROAD BUSINESS IMPROVEMENT DISTRICT (BID) IS RECOMMENDED AS THE MANAGEMENT ENTITY FOR THE CORRIDOR. IN ORDER TO ADVANCE AND ULTIMATELY ACHIEVE ITS FULL POTENTIAL, THE CORRIDOR WILL PROFIT FROM ACTIVE MANAGEMENT – A GROUP SPECIFICALLY TASKED TO SUPERVISE DAY-TO-DAY OPERATIONS (E.G., SANITATION, SAFETY/SECURITY), BUT ALSO TASKED WITH LONGER-TERM, STRATEGIC EFFORTS SUCH AS WORKING WITH EXISTING BUSINESSES TO HELP THEM SUCCEED, IMPROVING THE BUSINESS MIX TO GROW SALES, MARKETING THE CORRIDOR TO NEW BUSINESSES, AND CAPTURING REAL ESTATE DEVELOPMENT OPPORTUNITIES AS THEY OCCUR. THE BID STRUCTURE (AS CODIFIED IN STATE OF MARYLAND AND BALTIMORE CITY AUTHORIZING LEGISLATION) IS FOCUSED ON COMMERCIAL ISSUES, DERIVING ITS REVENUES PRINCIPALLY FROM A MANDATORY ASSESSMENT ON COMMERCIAL PROPERTY OWNERS, THUS DEDICATING ITS ATTENTION TO IMPROVING THE CORRIDOR’S BUSINESS ENVIRONMENT. THE BID WILL ALSO DERIVE OPERATING REVENUES FROM FEE-FOR-SERVICE ARRANGEMENTS AND GRANTS FROM CITY GOVERNMENT, FOUNDATIONS, ETC., TO PROVIDE VARIOUS SERVICES THAT ARE BETTER DELIVERED LOCALLY.

(C) *CONSIDERATIONS.*

IN ADOPTING THIS ORDINANCE, THE CITY COUNCIL HAS:

- (1) CONSIDERED THE VIEWS OF THE PROPERTY OWNERS, THE RETAIL MERCHANTS, THE PROPERTY TENANTS, AND THE OTHER MEMBERS OF THE BUSINESS AND RESIDENTIAL COMMUNITIES WITHIN THE YORK CORRIDOR BUSINESS IMPROVEMENT DISTRICT.
- (2) MADE A DETERMINATION THAT THE YORK CORRIDOR BUSINESS IMPROVEMENT DISTRICT WILL REFLECT:
 - (I) A DIVERSE MIX OF BUSINESS PROPERTIES; AND
 - (II) A DIVERSE ECONOMIC, SOCIAL, AND RACIAL MIX.

§ 20-2. DISTRICT ESTABLISHED.

(A) *IN GENERAL.*

THERE IS A BUSINESS IMPROVEMENT DISTRICT, TO BE KNOWN AS THE YORK ROAD BUSINESS IMPROVEMENT DISTRICT (THE “DISTRICT”).

(B) *BOUNDARIES.*

THE BOUNDARIES OF THE DISTRICT ARE AS SHOWN ON THE FOLLOWING MAP APPENDED TO THIS BILL, TITLED “ATTACHMENT A - PROPOSED YORK ROAD BID”.

§ 20-3. AUTHORITY CREATED.

(A) *AUTHORITY CREATED.*

THERE IS A YORK CORRIDOR BUSINESS IMPROVEMENT DISTRICT MANAGEMENT AUTHORITY, REFERRED TO IN THIS SUBTITLE AS THE "AUTHORITY".

(B) *PURPOSE.*

THE PURPOSE OF THE AUTHORITY IS TO:

- (1) PROMOTE AND MARKET THE DISTRICT;
- (2) PROVIDE SUPPLEMENTAL SECURITY AND MAINTENANCE SERVICES;
- (3) PROVIDE AMENITIES IN PUBLIC AREAS;
- (4) IMPLEMENT THE RECOMMENDATIONS OUTLINED IN THE YORK ROAD CORRIDOR VISION AND ACTION PLAN, ADOPTED BY THE PLANNING COMMISSION IN 2015, AS THAT PLAN MAY BE MODIFIED OR SUPERSEDED FROM TIME TO TIME BY THE PLANNING COMMISSION; AND
- (5) PROVIDE OTHER SERVICES AND FUNCTIONS AS MAY BE REQUESTED BY THE AUTHORITY AND APPROVED BY AN ORDINANCE OF THE MAYOR AND CITY COUNCIL.

§20-4. POWERS AND FUNCTIONS OF AUTHORITY.

(A) *GOVERNMENTAL BODY.*

TO THE GREATEST EXTENT ALLOWABLE BY LAW, THE AUTHORITY IS AND SHALL BE DEEMED TO BE A SPECIAL TAXING DISTRICT AND, THEREFORE, A GOVERNMENTAL BODY, BOTH POLITIC AND CORPORATE, EXERCISING ONLY THOSE POWERS AS ARE PROVIDED FOR IN THIS SUBTITLE.

(B) *AUTHORIZED ACTIONS.*

- (1) THE AUTHORITY MAY ACQUIRE, HOLD, AND USE BOTH REAL AND PERSONAL PROPERTY AS NECESSARY TO ACHIEVE ITS PURPOSES, INCLUDING ACQUISITION BY PURCHASE, LEASE, OR OTHER MEANS.
- (2) THE AUTHORITY MAY ENGAGE THE SERVICES OF AN ADMINISTRATOR (THE "ADMINISTRATOR"), WHO MAY BE AN INDIVIDUAL OR AN ENTITY, TO ADMINISTER THE PROGRAMS AND UNDERTAKINGS OF THE AUTHORITY.
- (3) THE AUTHORITY MAY SUE AND BE SUED. HOWEVER, THE DISTRICT, THE AUTHORITY, ITS BOARD OF DIRECTORS, AND ITS ADMINISTRATOR SHALL BENEFIT, TO THE FULLEST EXTENT ALLOWABLE BY LAW, FROM ALL PROVISIONS OF FEDERAL, STATE, AND LOCAL LAW LIMITING THE LIABILITY OF EMPLOYEES, OFFICERS, AGENTS, AND OFFICIALS OF GOVERNMENTAL BODIES.
- (4) THE AUTHORITY MAY ACCEPT GRANTS.

- (5) THE AUTHORITY MAY BORROW FUNDS FOR PURPOSES CONSISTENT WITH THE PUBLIC PURPOSES OF THE AUTHORITY. HOWEVER, NO BORROWING MAY BE FOR A TERM BEYOND THE DATE FOR THE DISTRICT'S RENEWAL UNDER § 20-16 OF THIS SUBTITLE;
- (6) THE AUTHORITY SHALL ADOPT AN ANNUAL BUDGET AND IMPOSE, CHARGE, AND COLLECT THE TAXES OR CHARGES ON BENEFITTED PROPERTIES WITHIN THE DISTRICT, AS AUTHORIZED BY CITY CHARTER ARTICLE II, § (63) AND THIS SUBTITLE.
- (7) THE AUTHORITY MAY CREATE AND ENTER INTO PARTNERSHIPS BETWEEN IT AND VARIOUS PROPERTY OWNERS. THESE PARTNERSHIPS MAY PROVIDE FOR THE PROVISION OF PERMITTED SERVICES AND BENEFITS BY THE AUTHORITY IN EXCHANGE FOR PAYMENTS ARRANGED BY CONTRACT, DONATION, GIFT, SERVICES IN KIND, OR OTHER MECHANISM BY WHICH FUNDS OR BENEFITS ARE PROVIDED TO THE AUTHORITY.
- (8) THE AUTHORITY MAY ESTABLISH AND ELECT OFFICERS NOT ALREADY PROVIDED FOR IN THIS SUBTITLE AND PROVIDE FOR THEIR TERMS AND DUTIES.
- (9) THE AUTHORITY MAY CONTRACT FOR AND PURCHASE GOODS AND SERVICES, WITHOUT HAVING TO COMPLY WITH CITY REQUIREMENTS GOVERNING WAGE SCALES, COMPETITIVE BIDDING, OR OTHER PROCUREMENT MATTERS. HOWEVER, THE AUTHORITY NONETHELESS SHALL BE SUBJECT TO APPLICABLE ORDINANCES REGARDING CITY POLICY ON ENCOURAGING AND ACHIEVING GOALS FOR PARTICIPATION OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES IN THE CONTRACTING ACTIVITIES.
- (10) SUBJECT TO THE APPROVAL OF THE BOARD OF ESTIMATES, THE AUTHORITY MAY ADOPT, AMEND, AND MODIFY BYLAWS, CONSISTENT WITH CITY CHARTER ARTICLE II, § (63) AND THIS SUBTITLE.
- (11) THE AUTHORITY MAY IMPLEMENT ITS PROGRAMS AND GOALS DIRECTLY THROUGH ITS EMPLOYEES OR THROUGH 1 OR MORE CONTRACTS. THESE CONTRACTS MAY BE WITH INDEPENDENT CONTRACTORS OR CONTRACTUAL EMPLOYEES.
- (12) THE AUTHORITY MAY ASSIST IN THE LEASING, MARKETING, AND PROMOTIONAL ACTIVITIES WITHIN THE DISTRICT, TO THE EXTENT THOSE ACTIVITIES ARE APPROVED BY THE GOVERNING BOARD OF THE AUTHORITY.
- (13) THE AUTHORITY MAY APPOINT, HIRE, OR ENGAGE AUDITORS, ACCOUNTANTS, ATTORNEYS, ASSISTANTS, AIDES, EMPLOYEES, AND ADVISORS AS IT CONSIDERS NECESSARY FOR THE PROPER PERFORMANCE OF ITS DUTIES, BUT CONSISTENT WITH THIS SUBTITLE.
- (14) THE AUTHORITY MAY DO ALL OTHER THINGS NECESSARY OR CONVENIENT TO CARRY OUT ITS GOALS, OBJECTIVES, AND POWERS.

§ 20-5. LIMITATIONS ON AUTHORITY.

(A) *NOT AGENCY OF CITY OR STATE.*

- (1) THE AUTHORITY IS NOT AND MAY NOT BE DEEMED TO BE AN AGENCY OF THE MAYOR AND CITY OF BALTIMORE OR OF THE STATE OF MARYLAND.

(2) THE OFFICERS AND EMPLOYEES OF THE AUTHORITY ARE NOT AND MAY NOT ACT AS AGENTS OR EMPLOYEES OF THE MAYOR AND CITY OF BALTIMORE OR THE STATE OF MARYLAND.

(B) *UNAUTHORIZED ACTIONS.*

(1) THE AUTHORITY MAY NOT EXERCISE ANY POLICE OR GENERAL POWERS OTHER THAN THOSE AUTHORIZED BY STATE LAW AND CITY ORDINANCE.

(2) THE AUTHORITY MAY NOT PLEDGE THE FULL FAITH OR CREDIT OF THE CITY.

(3) THE AUTHORITY MAY NOT LEVY ANY TAXES AGAINST PROPERTIES THAT ARE EXEMPT UNDER STATE LAW FROM ORDINARY PROPERTY TAXES.

(4) THE AUTHORITY MAY NOT IMPOSE ANY TAXES OR CHARGES IN EXCESS OF THOSE APPROVED BY THE BOARD OF ESTIMATES.

(5) THE AUTHORITY MAY NOT EXERCISE THE POWER OF EMINENT DOMAIN.

(6) THE AUTHORITY MAY NOT EXTEND ITS LIFE WITHOUT THE APPROVAL OF THE CITY COUNCIL.

(7) EXCEPT AS OTHERWISE PROVIDED BY LAW, THE AUTHORITY MAY NOT ENGAGE IN COMPETITION WITH THE PRIVATE SECTOR.

(8) EXCEPT AS OTHERWISE PROVIDED IN § 20-17 OF THIS SUBTITLE, THE AUTHORITY MAY NOT REVERT CHARGES OR TAXES COLLECTED UNDER THIS SUBTITLE TO THE GENERAL FUND OF THE CITY.

(9) THE AUTHORITY MAY NOT EMPLOY INDIVIDUALS WHO RESIDE OUTSIDE OF THE CITY.

(10) EXCEPT AS REQUIRED OR APPROPRIATE TO FACILITATE ITS NORMAL OPERATIONS, THE AUTHORITY MAY NOT INCUR DEBT.

(11) THE AUTHORITY MAY NOT EXERCISE ANY POWER SPECIFICALLY WITHHELD BY THE TERMS OF EITHER THIS SUBTITLE OR, IF MORE RESTRICTIVE, CITY CHARTER ARTICLE II, § (63).

(C) *INTERPRETATION OF POWERS.*

THE POWERS OF THE AUTHORITY SHALL BE BROADLY INTERPRETED TO ALLOW THE AUTHORITY TO ACHIEVE THE GOALS OF CITY CHARTER ARTICLE II, § (63), INCLUDING THE PROVISION OF SUPPLEMENTARY SECURITY AND MAINTENANCE SERVICES, THE PROMOTION AND MARKETING OF THE DISTRICT, AND THE PROVISION OF AMENITIES IN PUBLIC AREAS.

§ 20-6. BOARD OF DIRECTORS.

(A) *IN GENERAL.*

THE AUTHORITY SHALL BE GOVERNED BY AND ADMINISTERED THROUGH A BOARD OF DIRECTORS (THE "BOARD").

(B) *NUMBER AND APPOINTMENT.*

- (1) THE NUMBER OF VOTING MEMBERS OF THE FULL BOARD MUST BE NOT LESS THAN 9, EXCLUDING VACANCIES, AND NO MORE THAN 15.
- (2) THE BOARD HAS FULL AUTHORITY TO INCREASE OR DECREASE ITS MEMBERSHIP, WITHIN THE LIMITS SPECIFIED IN THIS SUBSECTION.

(C) *COMPOSITION.*

- (1) OF THE VOTING MEMBERS OF THE BOARD:
 - (I) I SHALL BE THE COUNCILMEMBER FOR THE DISTRICT;
 - (II) I SHALL REPRESENT A NOT-FOR-PROFIT INSTITUTION WITH SIGNIFICANT PROPERTY HOLDINGS ALONG THE YORK ROAD CORRIDOR;
 - (III) I SHALL BE a COMMUNITY REPRESENTATIVE, APPOINTED BY THE YORK ROAD PARTNERSHIP OR ITS SUCCESSOR ORGANIZATION;
 - (IV) AT LEAST I SHALL BE A BUSINESS OPERATOR IN THE DISTRICT, WHO DOES NOT OWN THE PROPERTY IN WHICH HIS OR HER BUSINESS IS LOCATED; AND
 - (V) AT LEAST I SHALL BE A BUSINESS OPERATOR IN THE DISTRICT, WHO OWNS THE PROPERTY IN WHICH HIS OR HER BUSINESS IS LOCATED.
- (2) AT ALL TIMES, A MAJORITY OF THE BOARD MUST BE REPRESENTATIVES OF PROPERTY OWNERS SUBJECT TO THE TAX IMPOSED BY THIS SUBTITLE AND MUST BE SO DESIGNATED BY THE BOARD.

(D) *TERMS TO BE STAGGERED.*

THE TERMS OF THE MEMBERS ARE STAGGERED, AS REQUIRED BY THE TERMS OF THE MEMBERS FIRST APPOINTED.

(E) *EXERCISE OF AUTHORITY POWERS.*

ALL POWERS OF THE AUTHORITY ARE EXERCISED BY AND THROUGH THE BOARD, UNLESS DELEGATED BY THE BOARD TO 1 OR MORE OFFICERS OF THE BOARD OR TO THE ADMINISTRATOR.

(F) *BYLAWS, RULES, AND REGULATIONS.*

- (1) THE BOARD MAY ADOPT BYLAWS, RULES, AND REGULATIONS AS IT CONSIDERS NECESSARY TO CARRY OUT THE POWERS OF THE AUTHORITY. HOWEVER, THESE BYLAWS, RULES, AND REGULATIONS MAY NOT BE INCONSISTENT WITH THE TERMS OF THIS SUBTITLE OR OF CITY CHARTER ARTICLE II, § (63).
- (2) ALL BYLAWS ARE SUBJECT TO THE APPROVAL OF THE BOARD OF ESTIMATES.
- (3) THE BOARD MAY ESTABLISH ITS OWN PROCEDURES RELATING TO THE INTERNAL ADMINISTRATION OF THE AUTHORITY, EXCEPT AS MAY BE RESTRICTED BY CITY CHARTER ARTICLE II, § (63) OR THIS SUBTITLE.

(G) *OFFICERS.*

- (1) THE BOARD SHALL SELECT FROM AMONG ITS MEMBERS INDIVIDUALS TO SERVE AS THE CHAIR, VICE-CHAIR, TREASURER, AND SECRETARY OF THE AUTHORITY.
- (2) THESE OFFICERS SERVE AT THE PLEASURE OF THE BOARD.
- (3) THE BOARD MAY DELEGATE TO THESE OFFICERS THOSE RESPONSIBILITIES THAT THE BOARD CONSIDERS APPROPRIATE.

§ 20-7. ANNUAL FINANCIAL PLAN.

(A) *BOARD TO ADOPT.*

THE BOARD SHALL ADOPT AN ANNUAL FINANCIAL PLAN (THE "FINANCIAL PLAN"), BASED ON THE CITY'S FISCAL YEAR, CONSISTING OF AT LEAST A BUDGET AND A PROPOSED SCHEDULE OF TAXES OR CHARGES TO BE IMPOSED THROUGHOUT THE DISTRICT.

(B) *PUBLIC HEARING.*

BEFORE ADOPTING THE FINANCIAL PLAN, THE BOARD SHALL ARRANGE FOR A PUBLIC HEARING ON THE PROPOSED PLAN. NOTICE OF THE HEARING MUST BE PUBLISHED IN A NEWSPAPER OF GENERAL CIRCULATION IN BALTIMORE CITY AT LEAST ONCE A WEEK FOR 3 CONSECUTIVE WEEKS.

(C) *BOARD OF ESTIMATES APPROVAL REQUIRED.*

THE AUTHORITY MAY NOT APPROVE A FINANCIAL PLAN THAT INCLUDES TAXES OR CHARGES IN EXCESS OF THOSE APPROVED BY THE BOARD OF ESTIMATES.

§ 20-8. SUPPLEMENTAL TAX.

(A) *BOARD OF ESTIMATES TO DETERMINE ASSESSABLE BASE.*

- (1) THE BOARD OF ESTIMATES SHALL OBTAIN FROM THE DIRECTOR OF FINANCE THE "ASSESSABLE BASE" OF THE DISTRICT, WHICH SHALL CONSTITUTE A LISTING BY PROPERTY AND A CALCULATION OF THE SUM OF ASSESSMENTS ON PROPERTIES SUBJECT TO THE SUPPLEMENTAL TAX.
- (2) PROPERTIES SUBJECT TO THE TAX SHALL INCLUDE ALL PROPERTIES WITHIN THE DISTRICT EXCEPT:
 - (I) RESIDENTIAL UNITS IN A CONDOMINIUM BUILDING, WHETHER OR NOT THE UNITS ARE OWNER-OCCUPIED; AND
 - (II) ALL OTHER BUILDINGS USED FOR RESIDENTIAL PURPOSES, OTHER THAN A BUILDING THAT CONTAINS 4 OR MORE RENTAL UNITS; AND
 - (III) SUBJECT TO PRORATION, ALL OTHER BUILDINGS OR PORTIONS OF BUILDINGS USED EXCLUSIVELY FOR THE CONSUMPTION AND ENJOYMENT OF ARTS AND CULTURE; AND

(IV) PROPERTIES EXEMPT UNDER:

- (A) THIS SUBTITLE;
- (B) CITY CHARTER ARTICLE II, § (63); OR
- (C) ANY OTHER APPLICABLE LAW.

(3) THE BOARD OF ESTIMATES SHALL DETERMINE WITH FINALITY THE ASSESSABLE BASE ON WHICH THE SUPPLEMENTAL TAX WILL BE BASED.

(B) *ASSESSMENT; COLLECTION; ENFORCEMENT.*

(1) FUNDING FOR AUTHORITY OPERATIONS SHALL BE PROVIDED BY A SUPPLEMENTAL PROPERTY TAX (THE "SUPPLEMENTAL TAX") ON THE ASSESSABLE BASE OF THE DISTRICT AS DETERMINED UNDER SUBSECTION (A) OF THIS SECTION.

(2) THE SUPPLEMENTAL TAX SHALL BE ASSESSED AND COLLECTED IN CONJUNCTION WITH THE PROPERTY TAXES ASSESSED AND COLLECTED BY THE CITY (THE "REGULAR TAX"), UNLESS OTHERWISE ESTABLISHED BY THE BOARD OF ESTIMATES.

(3) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE:

(i) THE SUPPLEMENTAL TAX SHALL BE ENFORCED IN THE SAME WAY AS THE REGULAR TAX IS ENFORCED; AND

(ii) ALL PROVISIONS THAT APPLY TO ASSESSMENTS, REFUNDS, CREDITS, COLLECTIONS, AND ENFORCEMENT OF THE REGULAR TAX APPLY TO THE SUPPLEMENTAL TAX.

(C) *DETERMINATION OF TAX.*

THE SUPPLEMENTAL TAX RATE SHALL BE DETERMINED AS FOLLOWS:

(1) ANY INCREASE IN THE RATE OF THE SUPPLEMENTAL TAX MUST BE APPROVED BY A MAJORITY OF THE BOARD'S VOTING MEMBERS.

(2) FOR THE FIRST FULL BUDGET YEAR, THE RATE OF THE SUPPLEMENTAL TAX SHALL BE SET TO RAISE REVENUES EQUAL TO THE COSTS OF THE FINANCIAL PLAN.

(3) FOR ANY YEAR AFTER THE FIRST FULL BUDGET YEAR, THE RATE OF THE SUPPLEMENTAL TAX MAY BE ADJUSTED TO YIELD REVENUES EQUAL TO THE COSTS OF THE FINANCIAL PLAN. THAT RATE, HOWEVER, MAY NOT BE INCREASED BY MORE THAN 10% A YEAR UNLESS THE INCREASE IS APPROVED BY 80% OR MORE OF THE PROPERTY-OWNER REPRESENTATIVES ON THE BOARD.

(D) *EXEMPTION FOR PUBLIC SERVICE COMPANIES.*

EXEMPT FROM THE SUPPLEMENTAL TAX ARE THE POLES, CONDUITS, TUNNELS, PIPE LINES, MANHOLES, AND OTHER SIMILAR SURFACE OR SUBSURFACE STRUCTURES, INCLUDING THEIR EQUIPMENT, OWNED AND CONTROLLED BY A PUBLIC SERVICE CORPORATION, LOCATED ON, OVER, OR UNDER STREETS, ALLEYS, OR OTHER PUBLIC WAYS OR LANDS, THE CONSTRUCTION OF WHICH IS AUTHORIZED BY THE CITY, AND THE INSTALLATION OF WHICH

IS REGULATED AND SUPERVISED BY THE DIRECTOR OF PUBLIC WORKS OR THE DIRECTOR'S DESIGNEE OR THE DIRECTOR OF THE DEPARTMENT OF TRANSPORTATION OR THE DIRECTOR'S DESIGNEE.

§ 20-9. OTHER CHARGES.

(A) *PROPERTY SUBJECT TO SUPPLEMENTAL TAX.*

- (1) PROPERTIES THAT ARE SUBJECT TO THE SUPPLEMENTAL TAX ARE NOT REQUIRED TO PAY ANY OTHER CHARGES OR FEES FOR SERVICES GENERALLY PROVIDED WITHIN THE DISTRICT BY THE AUTHORITY.
- (2) HOWEVER, THE AUTHORITY MAY IMPOSE CHARGES AND FEES FOR ANY SPECIAL SERVICES REQUESTED BY AND PERFORMED FOR 1 OR MORE PROPERTY OWNERS.

(B) *OTHERS.*

WITH THE APPROVAL OF THE BOARD OF ESTIMATES, THE BOARD MAY ESTABLISH OTHER FEES AND CHARGES FOR SPECIFIC SERVICES PERFORMED:

- (1) WITHIN THE DISTRICT;
- (2) WITHIN AREAS ADJOINING THE DISTRICT;
- (3) FOR PROPERTIES AND OWNERS NOT SUBJECT TO THE SUPPLEMENTAL TAX; AND
- (4) IN CONJUNCTION WITH PARTNERSHIPS ENCOURAGED BY THIS SUBTITLE.

§ 20-10. BASELINE CITY SERVICES.

(A) *AGREEMENT TO MAINTAIN.*

BEFORE IMPOSING AND COLLECTING THE SUPPLEMENTAL TAX, THE AUTHORITY SHALL ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE MAYOR REGARDING THE LEVEL OF SERVICES TO BE MAINTAINED BY THE CITY AS THE CITY'S PARTNERSHIP OBLIGATION TO THE AUTHORITY AND THE DISTRICT'S TAXPAYERS.

(B) *SCOPE OF AGREEMENT.*

THIS MEMORANDUM OF UNDERSTANDING SHALL:

- (1) DESCRIBE THE EXISTING LEVELS OF SERVICE WITHIN THE DISTRICT;
- (2) COMMIT THE CITY TO THE MAINTENANCE OF THOSE LEVELS OF SERVICE; AND
- (3) OUTLINE THE FURTHER UNDERTAKINGS OF THE CITY IN RESPONSE TO THE INITIATIVE REPRESENTED BY THE CREATION OF THE DISTRICT (THE "BASELINE PLUS").

(C) *GOVERNING PRINCIPLES.*

THE MAINTENANCE OF EXISTING SERVICES SHALL BE GOVERNED BY 2 PRINCIPLES:

(1) THOSE SERVICES MAY NOT BE DECREASED EXCEPT:

- (I) AS PART OF AN OVERALL DECREASE IN SERVICES NECESSITATED BY CHANGES IN FUNDING, POLICY, OR RESOURCES; AND
- (II) ONLY IN PROPORTION TO THE DECREASES IMPLEMENTED ELSEWHERE IN THE CITY.

- (2) ANY INCREASE IN SERVICES GENERALLY THROUGHOUT THE CITY SHALL BE MATCHED WITH INCREASES IN THOSE SERVICES WITHIN THE DISTRICT, IN PROPORTION TO THE INCREASES IMPLEMENTED ELSEWHERE IN THE CITY.

§ 20-11. PARTNERSHIPS.

(A) *AUTHORITY ENCOURAGED TO CREATE.*

THE AUTHORITY IS AUTHORIZED AND ENCOURAGED TO ENTER INTO PARTNERSHIPS WITH THE PROPERTY OWNERS AND USERS WITHIN THE DISTRICT AND ADJOINING AREAS THAT ARE NOT SUBJECT TO THE SUPPLEMENTAL TAX ("EXEMPT PARTNERS") FOR THE PURPOSE OF FURTHERING THE BROAD OBJECTIVES OF IMPROVING AND ENHANCING PUBLIC SERVICES THROUGHOUT THE DISTRICT AND IN ADJOINING AREAS.

(B) *SPECIFIC POWERS.*

IN FURTHERANCE OF THAT OBJECTIVE, THE AUTHORITY MAY:

- (1) CONTRACT TO PROVIDE VARYING LEVELS OF SERVICES TO AREAS ADJOINING THE DISTRICT;
- (2) AGREE TO ACCEPT DONATIONS, CONTRIBUTIONS, AND VOLUNTARY PAYMENTS OF ANY KIND FROM EXEMPT PARTNERS (COLLECTIVELY, "VOLUNTARY PAYMENTS"), WITH OR WITHOUT AGREEMENTS REGARDING SPECIFIC SERVICES AND FUNCTIONS;
- (3) ENTER INTO AGREEMENTS WITH EXEMPT PARTNERS TO INCLUDE PROPERTY OWNED BY THOSE EXEMPT PARTNERS WITHIN THE DISTRICT IN RETURN FOR VOLUNTARY PAYMENTS OR COMMITMENTS REGARDING THE PROVISION OF SIMILAR SERVICES AND FUNCTIONS WITHIN PROPERTIES OWNED BY EXEMPT PARTNERS; AND
- (4) ESTABLISH RATES AND CHARGES FOR THE PROVISION OF SERVICES TO EXEMPT PARTNERS.

§ 20-12. COLLECTION AND DISBURSEMENT.

(A) *IN GENERAL.*

THE AUTHORITY SHALL ESTABLISH WITH THE APPROPRIATE CITY AGENCIES THE METHODS BY WHICH THE SUPPLEMENTAL TAX IS TO BE ASSESSED, COLLECTED, AND DISBURSED TO THE AUTHORITY.

(B) *FUNDS NOT PART OF CITY REVENUE.*

AMOUNTS COLLECTED BY THE CITY ON BEHALF OF THE AUTHORITY:

- (1) MAY NOT BE INCLUDED IN THE REVENUES OF THE CITY;
- (2) ARE NOT AND MAY NOT BE DEEMED TO BE SUBJECT TO THE BUDGETARY AND APPROPRIATION PROCESS; AND
- (3) SHALL BE DISBURSED PROMPTLY ON COLLECTION.

(C) *CITY TO BEAR EXPENSE OF COLLECTION, ETC.*

AS PART OF THE CITY'S CONTRIBUTION TO THE DISTRICT, THE COLLECTION, ASSESSMENT, DISBURSEMENT, RECORD-KEEPING, AND ENFORCEMENT INVOLVED IN THE PROCESS MAY NOT BE A CHARGE TO OR AGAINST THE AUTHORITY OR THE DISTRICT, BUT SHALL BE AN ELEMENT OF THE BASELINE PLUS.

(D) *DEPARTMENT OF FINANCE AUTHORIZED TO COLLECT.*

- (1) THE DEPARTMENT OF FINANCE MAY COLLECT THE SUPPLEMENTAL TAX AND OTHER CHARGES AS ARE APPROVED BY THE BOARD OF ESTIMATES.
- (2) THE ASSESSMENT FOR THE SUPPLEMENTAL TAX MAY BE INCLUDED WITH THE ANNUAL REAL PROPERTY TAX BILL SUBMITTED TO THE OWNERS OF PROPERTIES WITHIN THE DISTRICT.
- (3) THE DEPARTMENT OF FINANCE SHALL MAKE REGULAR REMITTANCES OF THE AMOUNTS COLLECTED TO THE BOARD OF THE AUTHORITY.

(E) *PENALTIES AND INTEREST.*

THE PENALTIES AND INTEREST APPLICABLE TO DELINQUENT TAXES SHALL BE APPLIED TO DELINQUENCIES IN PAYMENT OF THE SUPPLEMENTAL TAX.

(F) *LIEN ON PROPERTY.*

- (1) THE AMOUNT OF ANY OUTSTANDING ASSESSMENT ON ANY PROPERTY AND OF ACCRUED INTEREST AND OTHER CHARGES CONSTITUTES A LIEN ON THE PROPERTY.
- (2) THIS LIEN:
 - (I) TAKES PRECEDENCE OVER ALL OTHER LIENS, WHETHER CREATED BEFORE OR AFTER THE ASSESSMENT, COMMENSURATE WITH A LIEN FOR STATE AND COUNTY TAXES, GENERAL MUNICIPAL TAXES, AND PRIOR IMPROVEMENT ASSESSMENTS; AND
 - (II) MAY NOT BE DEFEATED OR POSTPONED BY ANY PRIVATE OR JUDICIAL SALE, BY ANY MORTGAGE, OR BY ANY ERROR OR MISTAKE IN THE DESCRIPTION OF THE PROPERTY OR IN THE NAMES OF THE OWNERS.
- (3) NO ERROR IN THE PROCEEDINGS OF THE CITY OR THE BOARD EXEMPTS ANY PROPERTY FROM THE LIEN, FROM ITS PAYMENT, OR FROM THE PENALTIES OR INTEREST ON IT.

§ 20-13. ADMINISTRATOR.

(A) IN GENERAL.

THE ADMINISTRATOR IS RESPONSIBLE FOR THE DAY-TO-DAY OPERATIONS OF THE BOARD AND ITS EMPLOYEES AND CONTRACTORS.

(B) POWERS.

THE ADMINISTRATOR MAY:

- (1) PREPARE THE FINANCIAL PLAN FOR REVIEW AND APPROVAL BY THE BOARD;
- (2) IMPLEMENT THE APPROVED FINANCIAL PLAN AND ARRANGE FOR THE COLLECTION AND DISBURSEMENT OF THE SUPPLEMENTAL TAX AND ALL OTHER CHARGES, FEES, AND REVENUES OF THE AUTHORITY;
- (3) ESTABLISH PROCEDURES AND PROCESSES NECESSARY TO PERFORM THE FUNCTIONS CALLED FOR UNDER THE FINANCIAL PLAN AND THE BUDGET;
- (4) HIRE AND RETAIN EMPLOYEES, AGENTS, AND CONTRACTORS AS NEEDED TO PERFORM THE ADMINISTRATOR'S FUNCTIONS FOR THE AUTHORITY, SUBJECT TO § 20-4(B)(9) OF THIS SUBTITLE;
- (5) EXERCISE THE POWERS GRANTED TO THE AUTHORITY BY THIS SUBTITLE, EXCEPT THAT THE BOARD RETAINS FINAL DISCRETION AND POWER WITH REGARD TO ALL SUBSTANTIVE AGREEMENTS, CONTRACTS, AND OTHER ARRANGEMENTS BINDING ON THE AUTHORITY; AND
- (6) EXERCISE THE ADDITIONAL RIGHTS, POWERS, AND AUTHORITY GRANTED TO THE ADMINISTRATOR BY THE BOARD.

(C) IMMUNITY.

THE ADMINISTRATOR IS THE DIRECT AGENT OF THE AUTHORITY, SO THAT ANY IMMUNITY AFFORDED TO THE AUTHORITY AND ITS OFFICERS, EMPLOYEES, AND AGENTS, IS AFFORDED AS WELL TO THE ADMINISTRATOR.

§ 20-14. OVERSIGHT BY BOARD OF ESTIMATES.

(A) IN GENERAL.

THE BOARD OF ESTIMATES HAS THE FOLLOWING POWERS WITH REGARD TO THE DISTRICT AND THE AUTHORITY.

(B) FINANCIAL PLAN; RATES AND CHARGES.

- (1) THE FINANCIAL PLAN AND THE SCHEDULE OF RATES AND CHARGES ARE SUBJECT TO THE APPROVAL OF THE BOARD OF ESTIMATES.
- (2) THE BOARD OF THE AUTHORITY SHALL SUBMIT ALL MATERIALS AT LEAST 2 MONTHS BEFORE THE PROPOSED EFFECTIVE DATE OF A BUDGET OR SUPPLEMENTAL TAX.

(3) IN CONSIDERING A PROPOSED BUDGET AND SCHEDULE OF TAXES AND CHARGES, THE BOARD OF ESTIMATES MAY NOT EXCEED OR INCREASE EITHER THE BUDGET OR THE SCHEDULE OF TAXES, RATES, AND CHARGES BEYOND THOSE PROPOSED BY THE AUTHORITY.

(C) *BYLAWS.*

THE BOARD OF ESTIMATES MUST APPROVE THE BYLAWS OF THE AUTHORITY AND ANY PROPOSED AMENDMENTS TO IT.

(D) *APPROVAL AND RENEWAL PROCESS.*

THE BOARD OF ESTIMATES IS THE FINAL ARBITER AND DECISION MAKER REGARDING THE APPROVAL AND RENEWAL PROCESS FOR THE DISTRICT.

§ 20-15. ELECTION APPROVAL PROCESS.

(A) *LIST OF ELIGIBLE VOTERS.*

THE BOARD OF ESTIMATES, WITH THE ASSISTANCE OF THE BOARD AND THE DEPARTMENT OF FINANCE, SHALL COMPILE A LIST OF THOSE PERSONS ELIGIBLE TO VOTE ON THE ESTABLISHMENT OF THE DISTRICT AND ON ANY QUESTION RELATING TO ITS RENEWAL.

(B) *ELIGIBILITY CRITERIA.*

- (1) PERSONS ELIGIBLE TO VOTE ARE THE OWNERS OF PROPERTY SUBJECT TO TAX UNDER § 20-8 OF THIS SUBTITLE.
- (2) NO MORE THAN 1 VOTE MAY BE CAST FOR EACH TAX PARCEL.

(C) *ELECTION.*

- (1) A BALLOT SHALL BE PROVIDED TO EACH ELIGIBLE VOTER FOR THE APPROVAL OF THE ESTABLISHMENT OF THE DISTRICT.
- (2) EACH BALLOT, WITH A CERTIFIED SIGNATURE OF THE ELIGIBLE VOTER OR DULY AUTHORIZED REPRESENTATIVE, MUST BE RETURNED TO THE BOARD OF ESTIMATES, C/O THE COMPTROLLER'S OFFICE, WITHIN 30 DAYS OF THE DATE SPECIFIED ON THE BALLOT.

(D) *PERCENTAGE APPROVAL.*

- (1) WITHIN 20 DAYS OF THE END OF THE ELECTION PERIOD, THE BOARD OF ESTIMATES SHALL DETERMINE THE AGGREGATE VOTES CAST BY THE ELIGIBLE VOTERS.
- (2) IF THE BOARD OF ESTIMATES DETERMINES THAT AT LEAST 58% OF THE AGGREGATE VOTES CAST APPROVED THE ESTABLISHMENT OF THE DISTRICT, THE BOARD OF ESTIMATES SHALL CERTIFY THE DISTRICT AND AUTHORITY AS APPROVED FOR OPERATION.

§ 20-16. 4-YEAR REVIEWS.

(A) PUBLIC HEARINGS.

NO LATER THAN 4 YEARS AFTER THE ESTABLISHMENT OF THE DISTRICT, AND EVERY 4 YEARS FOLLOWING, THE MAYOR AND CITY COUNCIL SHALL HOLD 1 OR MORE PUBLIC HEARINGS TO EVALUATE THE ACTIVITIES AND UNDERTAKINGS OF THE AUTHORITY AND THE DISTRICT.

(B) MAYOR AND COUNCIL TO DECIDE.

AT THE CONCLUSION OF THE HEARINGS, THE MAYOR AND CITY COUNCIL SHALL DETERMINE WHETHER THE DISTRICT IS TO CONTINUE FOR ANOTHER 4 YEARS.

(C) PROCESS TO BE REPEATED.

THIS PROCESS SHALL BE REPEATED PERIODICALLY TO SATISFY THE REQUIREMENTS OF CITY CHARTER ARTICLE II, § (63) .

§ 20-17. DISSOLUTION OF DISTRICT.

(A) DISSOLUTION ON CERTAIN EVENTS.

IF THE DISTRICT IS NOT APPROVED AS PROVIDED IN § 20-15 OF THIS SUBTITLE, OR IS NOT RENEWED AS PROVIDED IN § 20-16 OF THIS SUBTITLE, THE AUTHORITY SHALL CEASE ITS OPERATIONS, AND THE DISTRICT SHALL CEASE TO EXIST, AT THE END OF THE CITY'S FISCAL YEAR IN WHICH THE TERMINATING EVENT OCCURS.

(B) LIMITED CONTINUATION.

THE AUTHORITY SHALL CONTINUE ITS EXISTENCE ONLY AS LONG AS NECESSARY TO:

- (1) TERMINATE OPERATIONS IN A REASONABLE FASHION; AND
- (2) ARRANGE FOR THE REFUNDING OF ALL FUNDS NOT NEEDED TO SATISFY OUTSTANDING OBLIGATIONS AND RESERVES FOR UNCERTAIN OBLIGATIONS AND LIABILITIES.

(C) UNSPENT FUNDS.

ANY UNSPENT FUNDS REVERT TO THE CITY'S GENERAL FUND.

SECTION 2. AND BE IT FURTHER ORDAINED, That:

(a) The Interim Board of the Authority consists of the following individuals:

Jill Witty
Po Chang
Louis Denrich
Ray Davis
Janet Miller
Trudy McNair
Robert Kelly

Donna Blackwell
Bill Henry

- (b) The Interim Board is responsible for:
 - (1) drafting the bylaws of the Authority;
 - (2) recommending a full Board to the Board of Estimates; and
 - (3) preparing a proposed operations plan and budget.
- (c) (1) The Interim Board members serve for a period not to exceed 6 months, unless extended by the Board of Estimates, and only until a full Board is approved by the Board of Estimates.
- (2) On a member's resignation, expiration of term, or removal in accordance with the Authority's bylaws, successors shall be elected by the remaining members of the Board.
- (d) (1) The Interim Board shall propose to the Board of Estimates the initial full membership of the Board and the proposed terms for each director. The terms of the proposed members shall be staggered.
- (2) Interim Board members may be included in the recommended full Board list.
- (3) The recommendation shall occur no later than 10 days after approval of the District, and shall be subject to the consent and concurrence of the Board of Estimates.
- (4) The full Board proposed by the Interim Board is subject to the approval of the Board of Estimates.
- (e) (1) The first Financial Plan submitted may be for less than a full fiscal year.
- (2) The initial budget for the Authority shall include all of the fiscal year ending on June 30, 2019, and may include the costs of preparing the Financial Plan and implementing the Authority and the District, whether or not those costs were incurred during that fiscal year.
- (3) If the Authority is not implemented as a result of the election approval process, neither the Authority nor the District, nor the City, has any liability for costs incurred before the initiation of operations, whether or not incurred by the Administrator or on behalf of the District or the Authority.
- (f) For the initial budget year, the rate of the Supplemental Tax shall be set to raise revenues equal to the costs of the Financial Plan.
- (g) The Interim Board may determine the initial Administrator of the Authority.

SECTION 3. AND BE IT FURTHER ORDAINED, That all provisions of this Ordinance are severable. If a court determines that a word, phrase, clause, sentence, paragraph, subsection, section, or other provision is invalid or that the application of any part of the provision to any

person or circumstances is invalid, the remaining provisions and the application of those provisions to other persons or circumstances are not affected by that decision.

SECTION 4. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

SECTION 5. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

Bellona-Gittings

Lake Evesham

Evesham Park

PROPOSED York Road BID

Glen Oaks

Rosebank

Chinquapin Park

Homeland

Belvedere

Mid-Govans

Cameron Village

Woodbourne-McCabe

Villages Of Homeland

York-Homeland

Blythewood

Loyola/Notre Dame

Radnor-Winston

Winston-Govans

Kenilworth Park

New Northwood

Kernewood

Richnor Springs

Wrenlane

Wilson Park

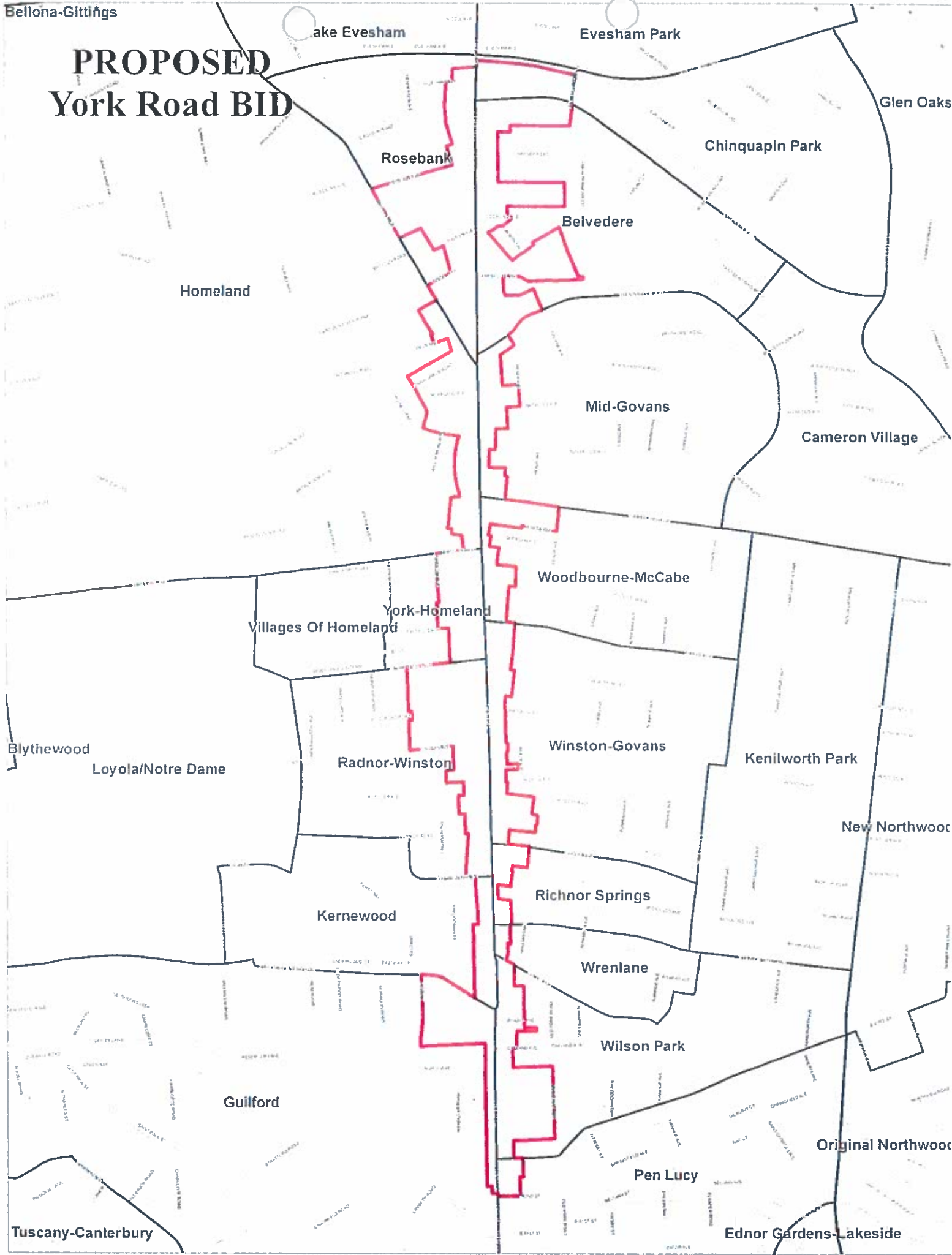
Guilford

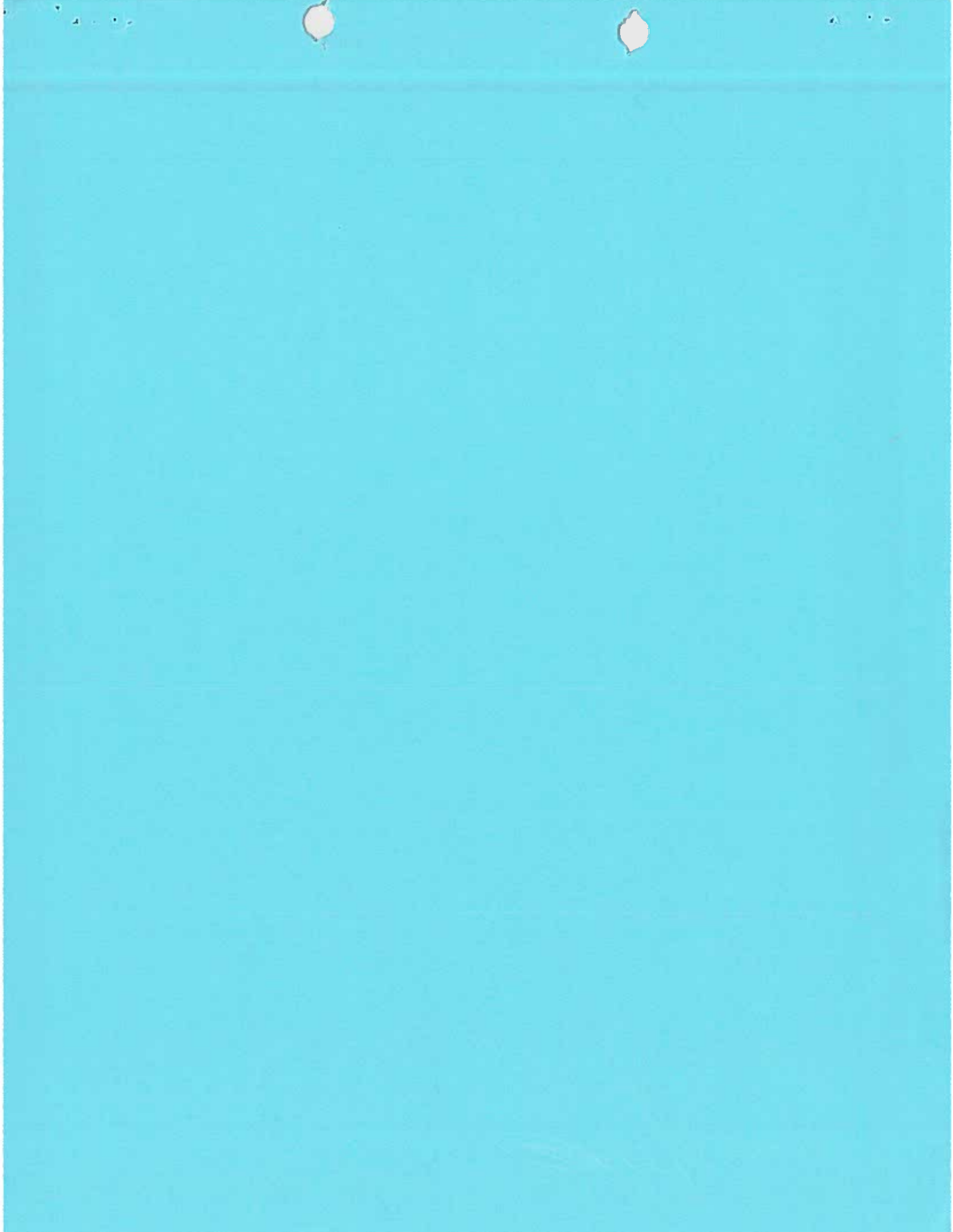
Original Northwood

Pen Lucy

Tuscany-Canterbury

Ednor Gardens-Lakeside





ACTION BY THE CITY COUNCIL

SEP 17 2018

FIRST READING (INTRODUCTION) _____ 20 _____

PUBLIC HEARING HELD ON April 23 _____ 20 19

COMMITTEE REPORT AS OF April 29 _____ 20 19

_____ FAVORABLE _____ UNFAVORABLE X FAVORABLE AS AMENDED _____ WITHOUT RECOMMENDATION

Chair

COMMITTEE MEMBERS:

COMMITTEE MEMBERS:

SECOND READING: The Council's action being favorable (unfavorable), this City Council bill was (was not) ordered printed for Third Reading on:

APR 29 2019

Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING _____ 20 _____

_____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

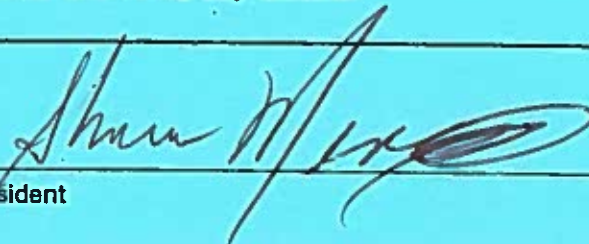
THIRD READING (ENROLLED) _____ 20 _____

_____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (RE-ENROLLED) _____ 20 _____

WITHDRAWAL _____ 20 _____

There being no objections to the request for withdrawal, it was so ordered that this City Council Ordinance be withdrawn from the files of the City Council.


President


Chief Clerk