

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 22-0246

Introduced by: Councilmember Conway
Introduced and read first time: June 13, 2022
Assigned to: Economic and Community Development Committee

Committee Report: Favorable, with amendments
Council action: Adopted
Read second time: September 19, 2022

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; providing for a special effective date; and generally relating to the existence,
15 operation, and control of the York Corridor Business Improvement District and Authority.

16 BY authority of
17 Article II - General Powers
18 Section(s) 63
19 Baltimore City Code
20 (Edition 2000)

21 BY repealing and reordaining, without amendments,
22 Article 14 - Special Benefits Districts
23 Section(s) 9-1 to ~~9-5~~ 9-3 and 9-7 to 9-17
24 Baltimore City Code
25 (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 22-0246

1 BY repealing and reordaining, with amendments,
2 Article 14 - Special Benefits Districts
3 Section(s) 9-4 to 9-6
4 Baltimore City Code
5 (Edition 2000)

6 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE**, That by
7 authority of City Charter Article II, § (63) Ordinance 19-249, enacted May 6, 2019, sought to
8 create the York Corridor Business Improvement District.

9 **SECTION 2. AND BE IT FURTHER ORDAINED**, That Ordinance 19-249 proposed to codify the
10 new District in “Subtitle 20” of Article 14, however, at the time of codification that designation
11 was already assigned and the new subtitle was ultimately codified in Subtitle 9 to closely
12 accompany the other special districts (codified in Subtitles 6, 7, and 8) that had also been
13 established by authority of Charter Art. II, § (63).

14 **SECTION 3. AND BE IT FURTHER ORDAINED**, That:

15 (a) Following the enactment of Ordinance 19-249, the Board of Estimates, with the
16 assistance of the Interim Board of the York Corridor Business Improvement District
17 Management Authority and the Department of Finance, compiled a list of those
18 persons eligible to vote on the establishment of the District, those property owners
19 subject to tax under § 9-8 of Article 14 of the City Code, as required by § 9-15 of
20 Article 14 of the City Code.

21 (b) Ballots were mailed to impacted property owners on July 5, 2019.

22 (c) On July 31, 2019, the Board of Estimates read and recorded the submitted property
23 owner ballots and received only a 32% approval of the District, instead of the 58%
24 required to certify the District and Authority as approved for operation.

25 (d) With the failure to create the District, the Interim Authority ceased its operations in
26 Fiscal Year 2019.

27 **SECTION 4. AND BE IT FURTHER ORDAINED**, That if enacted, this Ordinance shall reenact the
28 provisions of Subtitle 9 of Article 14 of the City Code and allow the Board of Estimates to hold a
29 new election to certify the District and Authority as approved for operation.

30 **SECTION 5. AND BE IT FURTHER ORDAINED**, That the Laws of Baltimore City read as
31 follows:

Baltimore City Code

Article 14. Special Benefits Districts

Subtitle 9. York Corridor Business Improvement District

Council Bill 22-0246

1 § 9-1. Findings.

2 (a) *Importance of the York Road Corridor.*

3 (1) The York Road Corridor is a 2-mile long strip of commercial development that serves
4 as a linear collection of at least 3 principal nodes focused on major crossroads
5 intersections (Belvedere Avenue, Woodbourne Avenue, Cold Spring Lane), which
6 serve the local commercial/retail needs of their adjoining neighborhoods to the east
7 and west.

8 (2) In many ways the York Road market area is now split by the road itself. To the west
9 are very affluent residential neighborhoods with high residential values. To the east
10 are more modest neighborhoods with lower residential values, homeownership rates,
11 and household incomes.

12 (3) The York Road Corridor can and does serve as a meeting ground for all adjoining
13 neighborhoods and commercial uses that can achieve their highest potential when
14 they appeal to all consumer households.

15 (b) *Needs and opportunities facing the District.*

16 (1) The York Road Corridor and Vision Action Plan of 2015 identified a variety of needs
17 and opportunities facing the York Road Corridor.

18 (2) According to the Plan:

19 (i) Household spending within the York Road Market Area is estimated at \$265.9
20 million annually, and spending on food and drink is estimated at \$29.9 million.
21 These estimates do not include spending by the area's sizeable student population.
22 It is also estimated that the Area presently captures only 29.8% of that total
23 spending, with the remaining spending going to businesses elsewhere. This
24 disposable income in the local corridor marketplace would be captured within
25 York Road with an expanded mix of appropriate businesses and services to meet
26 the on-going needs of the local community.

27 (ii) Given its largely built-out nature, the York Road Corridor operates within
28 multiple constraints as regards to the attraction of new commercial/retail
29 development opportunities. In particular, land parcels along York Road are
30 typically small, shallow, and in multiple ownership; arduous assemblage of
31 parcels is typically required to accommodate the needs of many retailers. There
32 are few larger (2+ acre) parcels along York Road, and none are vacant land. Over
33 time the York Road Corridor will manage its real estate resources in such a way
34 that uses along York Road will better serve the Market Area population, by
35 attracting retailers who will serve unmet demand and by upgrading underutilized
36 properties.

Council Bill 22-0246

1 (3) Recommendation of the Plan:

2 Establishment of a York Road Business Improvement District (BID) is recommended
3 as the management entity for the Corridor. In order to advance and ultimately achieve
4 its full potential, the Corridor will profit from active management – a group
5 specifically tasked to supervise day-to-day operations (e.g., sanitation,
6 safety/security), but also tasked with longer-term, strategic efforts such as working
7 with existing businesses to help them succeed, improving the business mix to grow
8 sales, marketing the corridor to new businesses, and capturing real estate development
9 opportunities as they occur. The BID structure (as codified in State of Maryland and
10 Baltimore City authorizing legislation) is focused on commercial issues, deriving its
11 revenues principally from a mandatory assessment on commercial property owners,
12 thus dedicating its attention to improving the Corridor’s business environment. The
13 BID will also derive operating revenues from fee-for-service arrangements and grants
14 from City government, foundations, etc., to provide various services that are better
15 delivered locally.

16 (c) *Considerations.*

17 In adopting this Ordinance, the City Council has:

18 (1) considered the views of the property owners, the retail merchants, the property
19 tenants, and the other members of the business and residential communities within
20 the York Corridor Business Improvement District.

21 (2) made a determination that the York Corridor Business Improvement District will
22 reflect:

23 (i) a diverse mix of business properties; and

24 (ii) a diverse economic, social, and racial mix

25 **§ 9-2. District established.**

26 (a) *In general.*

27 There is a business improvement district, to be known as the York Road {*Corridor*}
28 Business Improvement District (the “District”).

29 (b) *Boundaries.*

30 The boundaries of the District are as shown on {*the Map appended to Ordinance 19-249,*
31 *titled “Proposed York Road BID”*}.

32 **§ 9-3. Authority created.**

33 (a) *Authority created.*

34 There is a York Corridor Business Improvement District Management Authority, referred
35 to in this subtitle as the “Authority”.

Council Bill 22-0246

1 (b) *Purpose.*

2 The purpose of the Authority is to:

- 3 (1) promote and market the District;
- 4 (2) provide supplemental security and maintenance services;
- 5 (3) provide amenities in public areas; and
- 6 (4) provide other services and functions as may be requested by the Authority and
7 approved by an ordinance of the Mayor and City Council.

8 **§ 9-4. Powers and functions of Authority.**

9 (a) *Powers.*

10 To the greatest extent allowable by law, the Authority is and shall be deemed to be a
11 special tax district, exercising only those powers as are provided for in this subtitle.

12 (b) *Authorized actions.*

- 13 (1) The Authority may acquire, hold, and use property as necessary to achieve its
14 purposes.
- 15 (2) The Authority may engage the services of an administrator (the “Administrator”),
16 who may be an individual or an entity, to administer the programs and undertakings
17 of the Authority.
- 18 (3) The Authority may sue and be sued. However, the District, the Authority, its Board
19 of Directors, and its Administrator shall benefit, to the fullest extent allowable by law,
20 from all provisions of federal, state, and local law limiting the liability of employees,
21 officers, agents, and officials of governmental bodies.
- 22 (4) The Authority may accept grants.
- 23 (5) The Authority may borrow funds for purposes consistent with the public purposes of
24 the Authority. However, no borrowing may be for a term beyond the date for the
25 District's renewal under § 9-16 {“4-year reviews”} of this subtitle;
- 26 (6) The Authority shall adopt an annual budget and [impose] SHALL PROPOSE, charge, and
27 collect the taxes or charges on benefitted properties within the District, as authorized
28 by City Charter Article II, § (63) and this subtitle.
- 29 (7) The Authority may create and enter into partnerships between it and various property
30 owners. These partnerships may provide for the provision of permitted services and
31 benefits by the Authority in exchange for payments arranged by contract, donation,
32 gift, services in kind, or other mechanism by which funds or benefits are provided to
33 the Authority.

Council Bill 22-0246

- 1 (8) The Authority may establish and elect officers not already provided for in this subtitle
2 and provide for their terms and duties.
- 3 (9) The Authority may contract for and purchase goods and services, without having
4 to comply with City requirements governing wage scales, competitive bidding, or
5 other procurement matters. However, the Authority nonetheless shall be subject to
6 applicable ordinances regarding City policy on encouraging and achieving goals for
7 participation of minority and women's business enterprises in the contracting
8 activities.
- 9 (10) Subject to the approval of the Board of Estimates, the Authority may adopt, amend,
10 and modify bylaws, consistent with City Charter Article II, § (63) and this subtitle.
- 11 (11) The Authority may implement its programs and goals directly through its
12 employees or through 1 or more contracts. These contracts may be with
13 independent contractors or contractual employees.
- 14 (12) The Authority may assist in the leasing, marketing, and promotional activities
15 within the District, to the extent those activities are approved by the governing
16 Board of the Authority.
- 17 (13) The Authority may appoint, hire, or engage auditors, accountants, attorneys,
18 assistants, aides, employees, and advisors as it considers necessary for the proper
19 performance of its duties, but consistent with this subtitle.
- 20 (14) The Authority may do all other things necessary or convenient to carry out its
21 goals, objectives, and powers.

22 **§ 9-5. Limitations on Authority.**

23 (a) *Not agency of City or State.*

- 24 (1) The Authority is not and may not be deemed to be an agency of the Mayor and City of
25 Baltimore or of the State of Maryland.
- 26 (2) The officers and employees of the Authority are not and may not act as agents or
27 employees of the Mayor and City of Baltimore or the State of Maryland.

28 (b) *Unauthorized actions.*

- 29 (1) The Authority may not exercise any police or general powers other than those
30 authorized by State law and City ordinance.
- 31 (2) The Authority may not pledge the full faith or credit of the City.
- 32 (3) The Authority may not impose taxes against properties that are exempt under State
33 law from ordinary property taxes.
- 34 (4) The Authority may not impose any taxes or charges in excess of those approved by
35 the Board of Estimates.

Council Bill 22-0246

- 1 (5) The Authority may not exercise the power of eminent domain.
- 2 (6) The Authority may not extend its life without the approval of the City Council.
- 3 (7) Except as otherwise provided by law, the Authority may not engage in competition
- 4 with the private sector.
- 5 (8) Except as otherwise provided in § 9-17 {"Dissolution of District"} of this subtitle, the
- 6 Authority may not revert charges or taxes collected under this subtitle to the General
- 7 Fund of the City.
- 8 (9) The Authority may not employ individuals who reside outside of the City.
- 9 (10) Except as required or appropriate to facilitate its normal operations, the Authority
- 10 may not incur debt.
- 11 (11) The Authority may not exercise any power specifically withheld by the terms of
- 12 either this subtitle or, if more restrictive, City Charter Article II, § (63).

13 (c) *Interpretation of powers.*

14 The powers of the Authority shall be broadly interpreted to allow the Authority to achieve

15 the goals of City Charter Article II, § (63), including the provision of supplementary

16 security and maintenance services, the promotion and marketing of the District, and the

17 provision of amenities in public areas.

18 **§ 9-6. Board of Directors.**

19 (a) *In general.*

20 The Authority shall be governed by and administered through a Board of Directors (the

21 "Board").

22 (b) *Number and appointment.*

23 (1) The number of voting members of the full Board must be not less than 9, excluding

24 vacancies, and no more than 15.

25 (2) The Board has full authority to increase or decrease its membership, within the limits

26 specified in this subsection.

27 (c) *Composition.*

28 (1) Of the voting members of the Board:

29 (i) 1 shall be the Councilmember for the district;

30 (ii) 1 shall represent a not-for-profit institution with significant property holdings

31 along the York Road corridor;

Council Bill 22-0246

1 (iii) 1 shall be a community representative, appointed by the York Road Partnership
2 or its successor organization;

3 (iv) [at least 1 shall be a business operator in the District, who does not own the
4 property in which his or her business is located; and] 2 SHALL BE COMMERCIAL
5 PROPERTY OWNERS OR TENANT MERCHANTS OF THE NORTHERN SEGMENT OF THE
6 YORK ROAD CORRIDOR, DEFINED AS THE AREA OF THE DISTRICT SOUTH OF
7 NORTHERN PARKWAY AND NORTH OF BENNINGHAUS ROAD;

8 (v) [at least 1 shall be a business operator in the District, who owns the property in
9 which his or her business is located.] 2 SHALL BE COMMERCIAL PROPERTY OWNERS
10 OR TENANT MERCHANTS OF THE CENTRAL SEGMENT OF THE YORK ROAD
11 CORRIDOR, DEFINED AS THE AREA OF THE DISTRICT SOUTH OF BENNINGHAUS
12 ROAD AND NORTH OF NOTRE DAME LANE; AND

13 (vi) TWO SHALL BE COMMERCIAL PROPERTY OWNERS OR TENANT MERCHANTS OF THE
14 SOUTHERN SEGMENT OF THE YORK ROAD CORRIDOR, DEFINED AS THE AREA OF
15 THE DISTRICT SOUTH OF NOTRE DAME LANE AND NORTH OF 43RD STREET.

16 (2) At all times, a majority of the Board must be representatives of property owners
17 subject to the tax imposed by this subtitle and must be so designated by the Board.

18 (d) *Terms to be staggered.*

19 The terms of the members are staggered, as required by the terms of the members first
20 appointed.

21 (e) *Exercise of Authority powers.*

22 All powers of the Authority are exercised by and through the Board, unless delegated by
23 the Board to 1 or more officers of the Board or to the Administrator.

24 (f) *Bylaws.*

25 (1) The Board may adopt bylaws as it considers necessary to carry out the powers of the
26 Authority. However, these bylaws may not be inconsistent with the terms of this
27 subtitle or of City Charter Article II, § (63).

28 (2) All bylaws are subject to the approval of the Board of Estimates.

29 (3) The Board may establish its own procedures relating to the internal administration of
30 the Authority, except as may be restricted by City Charter Article II, § (63) or this
31 subtitle.

32 (g) *Officers.*

33 (1) The Board shall select from among its members individuals to serve as the chair,
34 vice-chair, treasurer, and secretary of the Authority.

35 (2) These officers serve at the pleasure of the Board.

Council Bill 22-0246

1 (3) The Board may delegate to these officers those responsibilities that the Board
2 considers appropriate.

3 (H) RENAMING.

4 THE BOARD MAY RENAME THE DISTRICT AND THE AUTHORITY BY A SIMPLE MAJORITY
5 VOTE OF ITS MEMBERS.

6 **§ 9-7. Annual Financial Plan.**

7 (a) *Board to adopt.*

8 The Board shall adopt an annual financial plan (the “Financial Plan”), based on the City’s
9 fiscal year, consisting of at least a budget and a proposed schedule of taxes or charges to
10 be imposed throughout the District.

11 (b) *Public hearing.*

12 Before adopting the Financial Plan, the Board shall arrange for a public hearing on the
13 proposed Plan. Notice of the hearing must be published in a newspaper of general
14 circulation in Baltimore City at least once a week for 3 consecutive weeks.

15 (c) *Board of Estimates approval required.*

16 The Authority may not approve a Financial Plan that includes taxes or charges in excess
17 of those approved by the Board of Estimates.

18 **§ 9-8. Supplemental Tax.**

19 (a) *Board of Estimates to determine assessable base.*

20 (1) The Board of Estimates shall obtain from the Director of Finance the “assessable
21 base” of the District, which shall constitute a listing by property and a calculation of
22 the sum of assessments on properties subject to the Supplemental Tax.

23 (2) Properties subject to the tax shall include all properties within the District except:

24 (i) residential units in a condominium building, whether or not the units are
25 owner-occupied; and

26 (ii) all other buildings used for residential purposes, other than a building that
27 contains 4 or more rental units; and

28 (iii) subject to proration, all other buildings or portions of buildings used
29 exclusively for the consumption and enjoyment of arts and culture; and

Council Bill 22-0246

1 (iv) properties exempt under:

2 (A) this subtitle;

3 (B) City Charter Article II, § (63); or

4 (C) any other applicable law.

5 (3) The Board of Estimates shall determine with finality the assessable base on which the
6 Supplemental Tax will be based.

7 (b) *Assessment; collection; enforcement.*

8 (1) Funding for Authority operations shall be provided by a supplemental property tax
9 (the “Supplemental Tax”) on the assessable base of the District as determined under
10 subsection (a) of this section.

11 (2) The Supplemental Tax shall be assessed and collected in conjunction with the
12 property taxes assessed and collected by the City (the “Regular Tax”), unless
13 otherwise established by the Board of Estimates.

14 (3) Except as otherwise provided in this subtitle:

15 (i) the Supplemental Tax shall be enforced in the same way as the Regular Tax is
16 enforced; and

17 (ii) all provisions that apply to assessments, refunds, credits, collections, and
18 enforcement of the Regular Tax apply to the Supplemental Tax.

19 (c) *Determination of tax.*

20 The Supplemental Tax rate shall be determined as follows:

21 (1) Any increase in the rate of the Supplemental Tax must be approved by a majority
22 of the Board’s voting members.

23 (2) For the first full budget year, the rate of the Supplemental Tax shall be set to raise
24 revenues equal to the costs of the Financial Plan.

25 (3) For any year after the first full budget year, the rate of the Supplemental Tax may
26 be adjusted to yield revenues equal to the costs of the Financial Plan. That rate,
27 however, may not be increased by more than 5% a year unless the increase is
28 approved by 80% or more of the property-owner representatives on the Board.

Council Bill 22-0246

1 (d) *Exemption for public service companies.*

2 Exempt from the Supplemental Tax are the poles, conduits, tunnels, pipe lines, manholes,
3 and other similar surface or subsurface structures, including their equipment, owned and
4 controlled by a public service corporation, located on, over, or under streets, alleys, or
5 other public ways or lands, the construction of which is authorized by the City, and the
6 installation of which is regulated and supervised by the Director of Public Works or the
7 Director's designee or the Director of the Department of Transportation or the Director's
8 designee.

9 **§ 9-9. Other charges.**

10 (a) *Property subject to Supplemental Tax.*

11 (1) Properties that are subject to the Supplemental Tax are not required to pay any other
12 charges or fees for services generally provided within the District by the Authority.

13 (2) However, the Authority may impose charges and fees for any special services
14 requested by and performed for 1 or more property owners.

15 (b) *Others.*

16 With the approval of the Board of Estimates, the Board may establish other fees and
17 charges for specific services performed:

18 (1) within the District;

19 (2) within areas adjoining the District;

20 (3) for properties and owners not subject to the Supplemental Tax; and

21 (4) in conjunction with partnerships encouraged by this subtitle.

22 **§ 9-10. Baseline City services.**

23 (a) *Agreement to maintain.*

24 Before imposing and collecting the Supplemental Tax, the Authority shall enter into a
25 memorandum of understanding with the Mayor regarding the level of services to be
26 maintained by the City as the City's partnership obligation to the Authority and the
27 District's taxpayers.

28 (b) *Scope of agreement.*

29 This memorandum of understanding shall:

30 (1) describe the existing levels of service within the District;

31 (2) commit the City to the maintenance of those levels of service; and

Council Bill 22-0246

1 (3) outline the further undertakings of the City in response to the initiative
2 represented by the creation of the District (the “Baseline Plus”).

3 (c) *Governing principles.*

4 The maintenance of existing services shall be governed by 2 principles:

5 (1) Those services may not be decreased except:

6 (i) as part of an overall decrease in services necessitated by changes in
7 funding, policy, or resources; and

8 (ii) only in proportion to the decreases implemented elsewhere in the City.

9 (2) Any increase in services generally throughout the City shall be matched with
10 increases in those services within the District, in proportion to the increases
11 implemented elsewhere in the City.

12 **§ 9-11. Partnerships.**

13 (a) *Authority encouraged to create.*

14 The Authority is authorized and encouraged to enter into partnerships with the property
15 owners and users within the District and adjoining areas that are not subject to the
16 Supplemental Tax (“Exempt Partners”) for the purpose of furthering the broad objectives
17 of improving and enhancing public services throughout the District and in adjoining
18 areas.

19 (b) *Specific powers.*

20 In furtherance of that objective, the Authority may:

21 (1) contract to provide varying levels of services to areas adjoining the District;

22 (2) agree to accept donations, contributions, and voluntary payments of any kind from
23 Exempt Partners (collectively, “Voluntary Payments”), with or without
24 agreements regarding specific services and functions;

25 (3) enter into agreements with Exempt Partners to include property owned by those
26 Exempt Partners within the District in return for Voluntary Payments or
27 commitments regarding the provision of similar services and functions within
28 properties owned by Exempt Partners; and

29 (4) establish rates and charges for the provision of services to Exempt Partners.

Council Bill 22-0246

§ 9-12. 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

Council Bill 22-0246

1 (ii) may not be defeated or postponed by any private or judicial sale, by any
2 mortgage, or by any error or mistake in the description of the property or in the
3 names of the owners.

4 (3) No error in the proceedings of the City or the Board exempts any property from the
5 lien, from its payment, or from the penalties or interest on it.

6 **§ 9-13. Administrator.**

7 (a) *In general.*

8 The Administrator is responsible for the day-to-day operations of the Board and its
9 employees and contractors.

10 (b) *Powers.*

11 The Administrator may:

12 (1) prepare the Financial Plan for review and approval by the Board;

13 (2) implement the approved Financial Plan and arrange for the collection and
14 disbursement of the Supplemental Tax and all other charges, fees, and revenues of
15 the Authority;

16 (3) establish procedures and processes necessary to perform the functions called for
17 under the Financial Plan and the budget;

18 (4) hire and retain employees, agents, and contractors as needed to perform the
19 Administrator's functions for the Authority, subject to § 9-4(b)(9) of this subtitle;

20 (5) exercise the powers granted to the Authority by this subtitle, except that the Board
21 retains final discretion and power with regard to all substantive agreements,
22 contracts, and other arrangements binding on the Authority; and

23 (6) exercise the additional rights, powers, and authority granted to the Administrator
24 by the Board.

25 (c) *Immunity.*

26 The Administrator is the direct agent of the Authority, so that any immunity afforded to
27 the Authority and its officers, employees, and agents, is afforded as well to the
28 Administrator.

29 **§ 9-14. Oversight by Board of Estimates.**

30 (a) *In general.*

31 The Board of Estimates has the following powers with regard to the District and the
32 Authority.

Council Bill 22-0246

1 (b) *Financial Plan; rates and charges.*

2 (1) The Financial Plan and the schedule of rates and charges are subject to the approval of
3 the Board of Estimates.

4 (2) The Board of the Authority shall submit all materials at least 2 months before the
5 proposed effective date of a budget or Supplemental Tax.

6 (3) In considering a proposed budget and schedule of taxes and charges, the Board of
7 Estimates may not exceed or increase either the budget or the schedule of taxes, rates,
8 and charges beyond those proposed by the Authority.

9 (c) *Bylaws.*

10 The Board of Estimates must approve the bylaws of the Authority and any proposed
11 amendments to it.

12 (d) *Approval and renewal process.*

13 The Board of Estimates is the final arbiter and decision maker regarding the approval and
14 renewal process for the District.

15 **§ 9-15. Election approval process.**

16 (a) *List of eligible voters.*

17 The Board of Estimates, with the assistance of the Board and the Department of Finance,
18 shall compile a list of those persons eligible to vote on the establishment of the District
19 and on any question relating to its renewal.

20 (b) *Eligibility criteria.*

21 (1) Persons eligible to vote are the owners of property subject to tax under § 9-8
22 {"Supplemental Tax"} of this subtitle.

23 (2) No more than 1 vote may be cast for each tax parcel.

24 (c) *Election.*

25 (1) A ballot shall be provided to each eligible voter for the approval of the establishment
26 of the District.

27 (2) Each ballot, with a certified signature of the eligible voter or duly authorized
28 representative, must be returned to the Board of Estimates, c/o the Comptroller's
29 Office, within 30 days of the date specified on the ballot.

30 (d) *Percentage approval.*

31 (1) Within 20 days of the end of the election period, the Board of Estimates shall
32 determine the aggregate votes cast by the eligible voters.

Council Bill 22-0246

1 (2) If the Board of Estimates determines that at least 58% of the aggregate votes cast
2 approved the establishment of the District, the Board of Estimates shall certify the
3 District and Authority as approved for operation.

4 **§ 9-16. 4-year reviews.**

5 (a) *Public hearings.*

6 No later than 4 years after the establishment of the District, and every 4 years following,
7 the Mayor and City Council shall hold 1 or more public hearings to evaluate the activities
8 and undertakings of the Authority and the District.

9 (b) *Mayor and Council to decide.*

10 At the conclusion of the hearings, the Mayor and City Council shall determine whether
11 the District is to continue for another 4 years.

12 (c) *Process to be repeated.*

13 This process shall be repeated periodically to satisfy the requirements of City Charter
14 Article II, § (63).

15 **§ 9-17. Dissolution of District.**

16 (a) *Dissolution on certain events.*

17 If the District is not approved as provided in § 9-15 {"Election approval process"} of this
18 subtitle, or is not renewed as provided in § 9-16 {"4-year reviews"} of this subtitle, the
19 Authority shall cease its operations, and the District shall cease to exist, at the end of the
20 City's fiscal year in which the terminating event occurs.

21 (b) *Limited continuation.*

22 The Authority shall continue its existence only as long as necessary to:

23 (1) terminate operations in a reasonable fashion; and

24 (2) arrange for the refunding of all funds not needed to satisfy outstanding obligations
25 and reserves for uncertain obligations and liabilities.

26 (c) *Unspent funds.*

27 Any unspent funds revert to the City's general fund.

Council Bill 22-0246

SECTION 6. AND BE IT FURTHER ORDAINED, That:

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

Jo Chang
Mark S. Conway, Jr.
Raymond Davis
Jonathan Fishman
Christopher Forrest
Carrie McCubbin
Trudy McNair
Janet Miller
Terrence Sawyer

(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, 2023, 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.

Council Bill 22-0246

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

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

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

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

13 **SECTION 8. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it is
14 enacted.

Council Bill 22-0246

Certified as duly passed this 03 day of October, 2022



President, Baltimore City Council

Certified as duly delivered to His Honor, the Mayor,

this 03 day of October, 2022



Chief Clerk

Approved this 18th day of November, 2022



Mayor, Baltimore City

Approved for Form and Legal Sufficiency
This 4th Day of October, 2022.

Elena R DiPietro

Chief Solicitor