

**CITY OF BALTIMORE
COUNCIL BILL 07-0581
(First Reader)**

Introduced by: The Council President
At the request of: The Administration (Baltimore Development Corporation)
Introduced and read first time: February 12, 2007
Assigned to: Urban Affairs and Aging Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Planning Commission, Baltimore Development Corporation, Department of Public Works, Department of Housing and Community Development, Department of Transportation, Department of Recreation and Parks, Department of Finance

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Waterfront Management District – Establishment**

3 FOR the purpose of creating a community benefits district, to be known as the Waterfront
4 Management District; specifying the boundaries of the District; creating an Authority and
5 providing for its rights, duties, and powers; designating the initial interim board of the
6 Authority and providing for the selection and approval of a full board; providing for an
7 Administrator for the Authority; mandating the financial responsibilities of the Authority and
8 the City in conjunction with the operation of the District; providing for the assessment,
9 collection, and enforcement of a supplemental tax to be collected by and for the Authority;
10 specifying the City’s role in maintaining and enhancing existing services; encouraging the
11 creation of partnerships among the Authority, the City, the State, the Federal Government,
12 and property owners not subject to the supplemental tax; designating the Board of Estimates
13 as the agency charged with reviewing and approving various matters relating to the District
14 and the Authority; providing for the renewal, expiration, termination, and approval of the
15 District and the Authority; providing for a special effective date; and generally relating to the
16 existence, operation, and control of the Waterfront Management 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) 8-1 to 8-17, to be under the new subtitle designation,
25 “Subtitle 8. Waterfront Community Benefits 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.

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Baltimore City Code

Article 14. Special Benefits Districts

SUBTITLE 8. WATERFRONT MANAGEMENT DISTRICT

§ 8-1. FINDINGS.

(A) *IMPORTANCE OF INNER HARBOR AND WATERFRONT.*

- (1) THE INNER HARBOR OF THE PATAPSCO RIVER IS THE CIVIC, FINANCIAL, AND SYMBOLIC HEART OF BALTIMORE CITY.
- (2) THE AREA FRONTING ON THE INNER HARBOR (THE “WATERFRONT”) IS HOME TO MANY OF BALTIMORE’S LARGEST EMPLOYERS.
- (3) THE INNER HARBOR IS THE CENTER OF TOURISM FOR THE CITY AND STATE, ATTRACTING OVER 12 MILLION VISITORS A YEAR. IT WAS THE DEVELOPMENT OF THE INNER HARBOR THAT FIRST SPAWNED THE CREATION OF A TOURISM INDUSTRY IN BALTIMORE, NOW CONSIDERED TO BE THE BALTIMORE AREA’S SEVENTH LARGEST EMPLOYER.
- (4) THE WATERFRONT IS AN IMPORTANT PART OF THE CITY’S TAX BASE; THE INNER HARBOR ALONE CONTRIBUTED OVER \$60 MILLION IN TAX REVENUES TO THE CITY IN 2005.
- (5) THE WATERFRONT IS THE SITE OF SOME OF THE REGION’S LARGEST REAL ESTATE INVESTMENTS AND, AS A RESULT OF THE LOCATION AND QUALITY OF DEVELOPMENT, MANY OFFICE TENANTS AND RESIDENTS ARE RELOCATING HERE FROM OUTSIDE THE CITY.
- (6) THE WATERFRONT IS A CRITICAL LINK TO THE LONG TERM HEALTH OF THE CITY AND REGION.

(B) *OPPORTUNITIES FACING CITY.*

- (1) THE WATERFRONT IS UNDENIABLY A TREMENDOUS ASSET TO THE REGION. STILL, TO REMAIN COMPETITIVE AS A DESTINATION, THE WATERFRONT MUST BE ON A PAR WITH FIRST-CLASS DESTINATIONS AROUND THE WORLD.
- (2) A STUDY CONDUCTED BY THE GREATER BALTIMORE COMMITTEE IN 2005 CONCLUDED THAT “THE INNER HARBOR SUFFERED FROM A COMPLETE LACK OF FOCUS AND ATTENTION TO THE QUALITY OF ITS FACILITIES, SUPERVISION OF RESPONSIBILITIES, AND MAINTENANCE OF THE INTEGRITY OF THE HARBOR AND ITS ACTIVITIES”.
- (3) MORE SPECIFICALLY, THE STUDY FOCUSED ON TWO KEY DEFICIENCIES: (I) THE LACK OF A SINGLE PERSON, GOVERNMENT, OR QUASI-GOVERNMENTAL ENTITY THAT IS CHARGED WITH THE SPECIFIC OVERSIGHT OF THE MANAGEMENT AND OPERATION OF THE HARBOR; AND (II) THE LACK OF MONEY OR THE INFLUENCE TO SECURE THE

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1 NEEDED MANPOWER AND EQUIPMENT RESOURCES NECESSARY TO MAINTAIN THE CARE
2 AND UPKEEP OF THE INNER HARBOR PROPERLY.

3 (4) IN 2006, A TASK FORCE RECOMMENDED THAT A BUSINESS IMPROVEMENT OR SPECIAL
4 BENEFITS DISTRICT BE CREATED THAT WOULD ADVOCATE FOR, PARTICIPATE IN, AND
5 FINANCIALLY SUPPORT CITY AND PRIVATE SECTOR EFFORTS TO CREATE AND
6 MAINTAIN A WORLD-CLASS SYSTEM OF PUBLIC AND PRIVATE PARKS, PROMENADES,
7 AND OPEN SPACES IN THE INNER HARBOR.

8 (5) IN ORDER TO ESTABLISH THE WATERFRONT AS A WORLD-CLASS DESTINATION,
9 ADDITIONAL STEPS MUST BE TAKEN TO CREATE A CONSISTENTLY CLEAN, ATTRACTIVE,
10 EASY TO NAVIGATE, AND APPEALING EXPERIENCE FOR RESIDENTS, WORKERS, AND
11 VISITORS ALONG BALTIMORE'S WATERFRONT AREA.

12 (C) *SPECIAL BENEFIT DISTRICTS.*

13 (1) A SPECIAL BENEFIT DISTRICT IS A MECHANISM BY WHICH PROPERTY OWNERS WITHIN A
14 DEFINED AREA CAN AGREE TO IMPOSE ADDITIONAL TAXES AND CHARGES ON
15 THEMSELVES IN ORDER TO PROVIDE ENHANCED AND SUPPLEMENTAL PUBLIC SERVICES.

16 (2) CRITICAL TO THE SUCCESS OF A BENEFIT DISTRICT IS THE CREATION OF A PARTNERSHIP
17 BETWEEN THE PUBLIC AND PRIVATE SECTOR, WITH THE PUBLIC SECTOR COMMITTING
18 TO MAINTAIN SERVICES AT SPECIFIED LEVELS AND THE PRIVATE SECTOR AGREEING TO
19 ACCEPT NEW TAXES AND CHARGES FOR THE PURPOSE OF SUPPLEMENTING PUBLIC
20 SERVICES.

21 (3) THIS KIND OF A DISTRICT IN BALTIMORE CANNOT BE SUCCESSFUL WITHOUT THE FULL
22 COOPERATION OF THE CITY, THE STATE OF MARYLAND, AND THE VARIOUS PRIVATE
23 PROPERTY OWNERS WITHIN THE DISTRICT.

24 (D) *COUNCIL CONSIDERATIONS.*

25 (1) THE CITY COUNCIL HAS CONSIDERED THE MATERIALS PRESENTED THAT REFLECT THE
26 COMPELLING REASONS FOR CREATION OF A SPECIAL BENEFITS DISTRICT.

27 (2) THE COUNCIL HAS CONSIDERED THE COMMENTS AND SUGGESTIONS OF PROPERTY
28 OWNERS, RETAIL MERCHANTS, HOTEL OPERATORS AND OWNERS, OFFICE PROPERTY
29 TENANTS, SERVICE PROVIDERS, AND NEIGHBORHOOD ORGANIZATIONS THAT
30 REPRESENT INTERESTS ALONG THE WATERFRONT AREA.

31 (3) THE COUNCIL HAS CONSIDERED THE FACT THAT, WHILE THE WATERFRONT
32 PARTNERSHIP OF BALTIMORE, INC., HAS OPERATED SUCCESSFULLY ALONG THE
33 WATERFRONT FOR APPROXIMATELY 18 MONTHS AND HAS PROVIDED NOTICEABLE
34 IMPROVEMENTS TO THE ATTRACTIVENESS OF THE WATERFRONT AND THE OVERALL
35 EXPERIENCE FOR VISITORS TO THE WATERFRONT, THE ABILITY TO PROVIDE A
36 CONSISTENT SET OF SERVICES AND TO MAINTAIN A HIGH QUALITY STANDARD
37 REQUIRES A CONSISTENT AND RELIABLE FUNDING STREAM. THE ASSESSMENT SYSTEM
38 FOR A BENEFIT DISTRICT PROVIDES AN UNCOMPLICATED, DIRECT AND FAIR FUNDING
39 PROCESS.

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(4) THE COUNCIL HAS GIVEN CONSIDERATION TO AND MADE THE FINDINGS REQUIRED BY CITY CHARTER ARTICLE II, § 63.

§ 8-2. DISTRICT CREATED; BOUNDARIES.

(A) *IN GENERAL.*

THERE IS A COMMUNITY BENEFITS DISTRICT, TO BE KNOWN AS THE WATERFRONT MANAGEMENT DISTRICT (THE “DISTRICT”), WITHIN THE FOLLOWING BOUNDARIES:

BEGINNING FOR THE SAME AT THE POINT FORMED BY THE INTERSECTION OF THE EAST SIDE OF LIGHT STREET, VARYING IN WIDTH, AND THE SOUTH SIDE OF PRATT STREET, 65 FEET WIDE, AND RUNNING THENCE BINDING ON THE SOUTH SIDE OF SAID PRATT STREET, EASTERLY 329.1 FEET, MORE OR LESS, TO INTERSECT THE WEST SIDE OF CALVERT STREET, VARYING IN WIDTH; THENCE BINDING ON THE WEST SIDE OF SAID CALVERT STREET, THE TWO FOLLOWING COURSES AND DISTANCES; NAMELY, SOUTHERLY 11.1 FEET, MORE OR LESS AND SOUTHERLY BY A LINE CURVING TO THE RIGHT WITH A RADIUS OF 300.00 FEET THE DISTANCE OF 10.6 FEET, MORE OR LESS, TO INTERSECT THE LINE OF THE SOUTH SIDE OF PRATT STREET, 86 FEET WIDE, IF PROJECTED WESTERLY; THENCE BINDING REVERSELY IN PART ON THE LINE OF THE SOUTH SIDE OF LAST SAID PRATT STREET, SO PROJECTED, IN PART ON THE SOUTH SIDE OF LAST SAID PRATT STREET, AND IN ALL, EASTERLY 989.5 FEET, MORE OR LESS, TO INTERSECT THE WEST SIDE OF PRATT STREET, 101 FEET WIDE; THENCE BINDING ON THE WEST SIDE OF LAST SAID PRATT STREET, SOUTHERLY 15.0 FEET, MORE OR LESS, TO INTERSECT THE SOUTH SIDE OF LAST SAID PRATT STREET; THENCE BINDING ON THE SOUTH SIDE OF LAST SAID PRATT STREET, EASTERLY 1093.5 FEET, MORE OR LESS, TO THE SOUTH SIDE OF PRATT STREET, VARYING IN WIDTH, THERE SITUATE; THENCE BINDING ON THE SOUTH SIDE OF LAST SAID PRATT STREET, THE THREE FOLLOWING COURSES AND DISTANCES; NAMELY, EASTERLY 101.6 FEET, MORE OR LESS, EASTERLY 40.6 FEET, MORE OR LESS, AND EASTERLY 57.4 FEET, MORE OR LESS, TO INTERSECT THE SOUTHWEST SIDE OF PRESIDENT STREET, VARYING IN WIDTH; THENCE BINDING ON THE SOUTHWEST AND WEST SIDES OF SAID PRESIDENT STREET, THE ELEVEN FOLLOWING COURSES AND DISTANCES; NAMELY, SOUTHEASTERLY BY A LINE CURVING TO THE RIGHT WITH A RADIUS OF 10.00 FEET THE DISTANCE OF 15.1 FEET, MORE OR LESS, SOUTHEASTERLY BY A LINE CURVING TO THE LEFT WITH A RADIUS OF 11,478.66 FEET THE DISTANCE OF 36.1 FEET, MORE OR LESS, SOUTHEASTERLY 568.7 FEET, MORE OR LESS, SOUTHEASTERLY 76.2 FEET, MORE OR LESS, SOUTHEASTERLY 63.0 FEET, MORE OR LESS, SOUTHEASTERLY 55.5 FEET, MORE OR LESS, SOUTHEASTERLY 58.5 FEET, MORE OR LESS, SOUTHERLY 57.5 FEET, MORE OR LESS, SOUTHERLY 56.0 FEET, MORE OR LESS, SOUTHERLY 25.2 FEET, MORE OR LESS, AND SOUTHERLY 71.9 FEET, MORE OR LESS, TO INTERSECT THE SOUTH SIDE OF FLEET STREET, 70 FEET WIDE; THENCE BINDING ON THE SOUTH SIDE OF SAID FLEET STREET, EASTERLY 969.5 FEET, MORE OR LESS, TO INTERSECT THE WEST SIDE OF CENTRAL AVENUE, 100 FEET WIDE; THENCE BINDING ON THE WEST SIDE OF SAID CENTRAL AVENUE, SOUTHERLY 372.2 FEET, MORE OR LESS, TO INTERSECT THE SOUTH SIDE OF ALICEANNA STREET, 70 FEET WIDE; THENCE BINDING ON THE SOUTH SIDE OF SAID ALICEANNA STREET, EASTERLY 700.0 FEET, MORE OR LESS, TO INTERSECT THE WEST SIDE OF CAROLINE STREET, 80 FEET WIDE; THENCE BINDING ON THE WEST AND SOUTHWEST SIDES OF SAID CAROLINE STREET, THE TWO FOLLOWING COURSES AND DISTANCES; NAMELY, SOUTHERLY 721.9 FEET, MORE OR LESS, AND SOUTHEASTERLY 545.2 FEET, MORE OR LESS, TO INTERSECT THE SOUTHEAST SIDE OF THAMES STREET, 60 FEET WIDE; THENCE BINDING ON THE SOUTHEAST SIDE OF SAID THAMES STREET, THE SIX FOLLOWING COURSES AND DISTANCES; NAMELY, NORTHEASTERLY 127.8 FEET, MORE OR LESS, NORTHEASTERLY 261.2 FEET, MORE OR LESS, NORTHEASTERLY 89.3 FEET, MORE OR LESS, NORTHEASTERLY 189.9 FEET, MORE OR LESS, NORTHEASTERLY 252.7 FEET, MORE OR LESS, AND NORTHEASTERLY 94.3 FEET, MORE OR LESS, TO INTERSECT THE SOUTHWEST SIDE OF BROADWAY, VARYING IN WIDTH; THENCE BINDING ON THE SOUTHWEST SIDE OF LAST SAID BROADWAY AND THE WEST SIDE OF BROADWAY, VARYING IN WIDTH, THE THREE FOLLOWING COURSES AND DISTANCES; NAMELY, SOUTHEASTERLY 47.0 FEET, MORE OR LESS, SOUTHERLY 21.1 FEET, MORE OR LESS, AND SOUTHERLY 689.4 FEET, MORE OR LESS, TO INTERSECT THE PIERHEAD AND BULKHEAD LINE OF THE NORTHWEST BRANCH OF THE PATAPSCO RIVER, THERE SITUATE; THENCE BINDING ON THE SAID PIERHEAD AND BULKHEAD LINE OF THE NORTHWEST BRANCH OF THE PATAPSCO RIVER, THE TEN FOLLOWING COURSES AND DISTANCES; NAMELY, SOUTHWESTERLY 678.5 FEET, MORE OR LESS, SOUTHWESTERLY 487.3 FEET, MORE OR LESS, NORTHWESTERLY 532.9 FEET, MORE OR LESS, NORTHWESTERLY 402.5 FEET, MORE OR LESS, NORTHWESTERLY 1018.7 FEET, MORE OR LESS, NORTHERLY 424.3 FEET, MORE OR LESS, NORTHWESTERLY 1119.4 FEET, MORE OR LESS, NORTHWESTERLY 851.6 FEET, MORE OR LESS, SOUTHERLY 731.5 FEET, MORE OR LESS, AND SOUTHEASTERLY 643.8 FEET, MORE OR LESS, TO INTERSECT THE LINE OF THE EAST OUTLINE OF RASH FIELD, IF PROJECTED NORTHERLY; THENCE BINDING REVERSELY IN PART ON THE LINE OF THE EAST OUTLINE OF SAID RASH FIELD, SO PROJECTED IN PART ON THE EAST OUTLINE OF SAID RASH FIELD, AND IN ALL, SOUTHERLY 382.3 FEET, MORE OR LESS, TO INTERSECT THE

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1 NORTH SIDE OF KEY HIGHWAY, 66 FEET WIDE; THENCE BINDING ON THE NORTH AND NORTHEAST SIDES OF
2 SAID KEY HIGHWAY, THE SIX FOLLOWING COURSES AND DISTANCES; NAMELY, WESTERLY 597.8 FEET, MORE
3 OR LESS, WESTERLY BY A LINE CURVING TO THE RIGHT WITH A RADIUS OF 1,138.51 FEET THE DISTANCE OF
4 145.6 FEET, MORE OR LESS, WESTERLY 131.8 FEET, MORE OR LESS, WESTERLY BY A LINE CURVING TO THE
5 LEFT WITH A RADIUS OF 1,153.330 FEET THE DISTANCE OF 7.4 FEET, MORE OR LESS, WESTERLY 482.8 FEET,
6 MORE OR LESS, AND NORTHWESTERLY BY A LINE CURVING TO THE RIGHT WITH A RADIUS OF 84.00 FEET THE
7 DISTANCE OF 132.0 FEET, MORE OR LESS, TO INTERSECT THE EAST SIDE OF LIGHT STREET, 159 FEET WIDE;
8 THENCE BINDING ON THE EAST SIDE OF LAST SAID LIGHT STREET, THE THREE FOLLOWING COURSES AND
9 DISTANCES; NAMELY, NORTHERLY 898.4 FEET, MORE OR LESS, NORTHERLY 357.5 FEET, MORE OR LESS, AND
10 NORTHERLY 211.4 FEET, MORE OR LESS; THENCE BY A STRAIGHT LINE, NORTHWESTERLY 172.3 FEET, MORE
11 OR LESS, TO INTERSECT THE EAST SIDE OF LIGHT STREET, MENTIONED FIRSTLY HEREIN, AND THENCE BINDING
12 ON THE EAST SIDE OF SAID LIGHT STREET, MENTIONED FIRSTLY HEREIN, NORTHERLY 394.2 FEET, MORE OR
13 LESS, TO THE PLACE OF BEGINNING. CONTAINING 8,001,976 SQUARE FEET, MORE OR LESS, OR 183.7 ACRES
14 OF LAND, MORE OR LESS.

15 (B) *PROPERTIES IN 2 OR MORE DISTRICTS.*

16 IF BOUNDARY DESCRIPTIONS RESULT IN A PROPERTY’S BEING LOCATED IN 2 OR MORE
17 COMMUNITY BENEFIT DISTRICTS, THEN THE PROPERTY IS CONSIDERED TO BE CONTAINED
18 IN THE FIRST COMMUNITY BENEFIT DISTRICT CREATED.

19 **§ 8-3. AUTHORITY CREATED.**

20 (A) *AUTHORITY CREATED.*

21 THERE IS A WATERFRONT MANAGEMENT AUTHORITY, REFERRED TO IN THIS SUBTITLE AS
22 THE “AUTHORITY”.

23 (B) *PURPOSE.*

24 THE PURPOSE OF THE AUTHORITY IS TO:

- 25 (1) PROMOTE AND MARKET THE DISTRICT;
- 26 (2) PROVIDE SUPPLEMENTAL SECURITY AND MAINTENANCE SERVICES;
- 27 (3) PROVIDE AMENITIES IN PUBLIC AREAS;
- 28 (4) PROVIDE PARK AND RECREATIONAL PROGRAMS AND FUNCTIONS; AND
- 29 (5) PROVIDE OTHER SERVICES AND FUNCTIONS AS MAY BE REQUESTED BY THE
30 AUTHORITY AND APPROVED BY AN ORDINANCE OF THE MAYOR AND CITY
31 COUNCIL.

32 **§ 8-4. POWERS AND FUNCTIONS OF AUTHORITY.**

33 (A) *GOVERNMENTAL BODY.*

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

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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 § 8-16 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
38 ITS EMPLOYEES OR THROUGH 1 OR MORE CONTRACTS. THESE CONTRACTS MAY BE
39 WITH INDEPENDENT CONTRACTORS OR CONTRACTUAL EMPLOYEES.

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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 **§ 8-5. 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 (4) THE AUTHORITY MAY NOT IMPOSE ANY TAXES OR CHARGES IN EXCESS OF THOSE
24 APPROVED BY THE BOARD OF ESTIMATES.

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

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

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

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

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

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

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

6 (C) *INTERPRETATION OF POWERS.*

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

12 **§ 8-6. 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 13,
18 EXCLUDING VACANCIES, AND NO MORE THAN 25.

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 APPOINTED BY THE MAYOR.

24 (ii) 1 SHALL BE A COUNCILMEMBER APPOINTED BY THE PRESIDENT OF THE CITY
25 COUNCIL.

26 (iii) AT LEAST 2 SHALL BE SELECTED FROM AMONG THE FOLLOWING CONSTITUENT
27 ORGANIZATIONS WITHIN THE DISTRICT:

28 (A) BALTIMORE HARBOR WATERSHED ASSOCIATION, INC.

29 (B) BALTIMORE WATERFRONT PROMENADE PARTNERSHIP,
30 INCORPORATED.

31 (C) GREATER BALTIMORE COMMITTEE, INC.

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1 (D) FELLO POINT HOMEOWNERS ASSOCIATION.

2 (E) FELLO POINT DEVELOPMENT CORPORATION.

3 (2) THE BOARD SHALL ALSO CONTAIN AT LEAST 3 REPRESENTATIVES FROM AMONG
4 VARIOUS BUSINESS CATEGORIES AND RESIDENTS IN THE DISTRICT, INCLUDING:

5 (I) PROFESSIONAL OFFICES.

6 (II) RETAIL AND RESTAURANTS.

7 (III) HOTELS.

8 (IV) SERVICE PROVIDERS.

9 (3) AT ALL TIMES, AT LEAST $\frac{2}{3}$ OF THE BOARD MUST BE REPRESENTATIVES OF PROPERTY
10 OWNERS SUBJECT TO THE TAX IMPOSED BY THIS SUBTITLE. THESE MUST BE SO
11 DESIGNATED BY THE BOARD AND ENTERED INTO THE MINUTES OF THE AUTHORITY.

12 (4) CONSISTENT WITH THE ENCOURAGEMENT OF PARTNERSHIPS BETWEEN THE
13 AUTHORITY AND PROPERTY OWNERS EXEMPT FROM THE TAX IMPOSED BY THIS
14 SUBTITLE, THE BOARD IS ENCOURAGED TO CONSIDER REPRESENTATION OF THOSE
15 PARTNERS ON THE BOARD.

16 (D) *TERMS TO BE STAGGERED.*

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

19 (E) *EXERCISE OF AUTHORITY POWERS.*

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

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

24 (1) THE BOARD MAY ADOPT BYLAWS, RULES, AND REGULATIONS AS IT CONSIDERS
25 NECESSARY TO CARRY OUT THE POWERS OF THE AUTHORITY. HOWEVER, THESE
26 BYLAWS, RULES, AND REGULATIONS MAY NOT BE INCONSISTENT WITH THE TERMS OF
27 THIS 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
30 ADMINISTRATION OF THE AUTHORITY, EXCEPT AS MAY BE RESTRICTED BY CITY
31 CHARTER ARTICLE II, § (63) OR THIS SUBTITLE.

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1 (G) *OFFICERS.*

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

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

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

7 **§ 8-7. ANNUAL FINANCIAL PLAN.**

8 (A) *BOARD TO ADOPT.*

9 THE BOARD SHALL ADOPT AN ANNUAL FINANCIAL PLAN (THE “FINANCIAL PLAN”), BASED
10 ON THE CITY’S FISCAL YEAR, CONSISTING OF AT LEAST A PROPOSED SCHEDULE OF TAXES
11 OR CHARGES TO BE IMPOSED THROUGHOUT THE DISTRICT.

12 (B) *PUBLIC HEARING.*

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

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

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

20 **§ 8-8. SUPPLEMENTAL TAX.**

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

22 (1) THE BOARD OF ESTIMATES SHALL OBTAIN FROM THE DIRECTOR OF FINANCE THE
23 “ASSESSABLE BASE” OF THE DISTRICT, WHICH SHALL CONSTITUTE A LISTING BY
24 PROPERTY AND A CALCULATION OF THE SUM OF ASSESSMENTS ON PROPERTIES SUBJECT
25 TO THE SUPPLEMENTAL TAX.

26 (2) PROPERTIES SUBJECT TO THE TAX SHALL INCLUDE ALL PROPERTIES WITHIN THE
27 DISTRICT EXCEPT:

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

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

32 (III) PROPERTIES EXEMPT UNDER:

33 (A) THIS SUBTITLE;

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

2 (C) ANY OTHER APPLICABLE LAW.

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

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

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

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

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

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

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

18 (C) *DETERMINATION OF TAX.*

19 THE SUPPLEMENTAL TAX RATE SHALL BE DETERMINED AS FOLLOWS:

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

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

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

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

30 EXEMPT FROM THE SUPPLEMENTAL TAX ARE THE POLES, CONDUITS, TUNNELS, PIPE LINES,
31 MANHOLES, AND OTHER SIMILAR SURFACE OR SUBSURFACE STRUCTURES, INCLUDING
32 THEIR EQUIPMENT, OWNED AND CONTROLLED BY A PUBLIC SERVICE CORPORATION,
33 LOCATED ON, OVER, OR UNDER STREETS, ALLEYS, OR OTHER PUBLIC WAYS OR LANDS, THE
34 CONSTRUCTION OF WHICH IS AUTHORIZED BY THE CITY, AND THE INSTALLATION OF
35 WHICH IS REGULATED AND SUPERVISED BY THE DIRECTOR OF PUBLIC WORKS OR THE
36 DIRECTOR'S DESIGNEE.

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§ 8-9. 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.

§ 8-10. 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:

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

3 (II) ONLY IN PROPORTION TO THE DECREASES IMPLEMENTED ELSEWHERE IN
4 THE CITY.

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

8 **§ 8-11. PARTNERSHIPS.**

9 (A) *AUTHORITY ENCOURAGED TO CREATE.*

10 THE AUTHORITY IS AUTHORIZED AND ENCOURAGED TO ENTER INTO PARTNERSHIPS WITH
11 THE PROPERTY OWNERS AND USERS WITHIN THE DISTRICT AND ADJOINING AREAS THAT
12 ARE NOT SUBJECT TO THE SUPPLEMENTAL TAX (“EXEMPT PARTNERS”) (INCLUDING THE
13 FRIENDS OF FEDERAL HILL INC.) FOR THE PURPOSE OF FURTHERING THE BROAD
14 OBJECTIVES OF IMPROVING AND ENHANCING PUBLIC SERVICES THROUGHOUT THE
15 DISTRICT AND IN ADJOINING AREAS.

16 (B) *SPECIFIC POWERS.*

17 IN FURTHERANCE OF THAT OBJECTIVE, THE AUTHORITY MAY:

18 (1) CONTRACT TO PROVIDE VARYING LEVELS OF SERVICES TO AREAS ADJOINING THE
19 DISTRICT;

20 (2) AGREE TO ACCEPT DONATIONS, CONTRIBUTIONS, AND VOLUNTARY PAYMENTS OF
21 ANY KIND FROM EXEMPT PARTNERS (COLLECTIVELY, “VOLUNTARY PAYMENTS”),
22 WITH OR WITHOUT AGREEMENTS REGARDING SPECIFIC SERVICES AND FUNCTIONS;

23 (3) ENTER INTO AGREEMENTS WITH EXEMPT PARTNERS TO INCLUDE PROPERTY OWNED
24 BY THOSE EXEMPT PARTNERS WITHIN THE DISTRICT IN RETURN FOR VOLUNTARY
25 PAYMENTS OR COMMITMENTS REGARDING THE PROVISION OF SIMILAR SERVICES
26 AND FUNCTIONS WITHIN PROPERTIES OWNED BY EXEMPT PARTNERS; AND

27 (4) ESTABLISH RATES AND CHARGES FOR THE PROVISION OF SERVICES TO EXEMPT
28 PARTNERS.

29 **§ 8-12. COLLECTION AND DISBURSEMENT.**

30 (A) *IN GENERAL.*

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

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

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

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1 (1) MAY NOT BE INCLUDED IN THE REVENUES OF THE CITY;

2 (2) ARE NOT AND MAY NOT BE DEEMED TO BE SUBJECT TO THE BUDGETARY AND
3 APPROPRIATION PROCESS; AND

4 (3) SHALL BE DISBURSED PROMPTLY ON COLLECTION.

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

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

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

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

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

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

18 (E) *PENALTIES AND INTEREST.*

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

21 (F) *LIEN ON PROPERTY.*

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

24 (2) THIS LIEN:

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

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

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

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§ 8-13. 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 § 8-4(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.

§ 8-14. 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.

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

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

7 (C) *BYLAWS.*

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

10 (D) *APPROVAL AND RENEWAL PROCESS.*

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

13 **§ 8-15. ELECTION APPROVAL PROCESS.**

14 (A) *LIST OF ELIGIBLE VOTERS.*

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

18 (B) *ELIGIBILITY CRITERIA.*

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

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

22 (C) *ELECTION.*

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

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

29 (D) *PERCENTAGE APPROVAL.*

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

32 (2) IF THE BOARD OF ESTIMATES DETERMINES THAT AT LEAST 58% OF THE AGGREGATE
33 VOTES CAST APPROVED THE ESTABLISHMENT OF THE DISTRICT, THE BOARD OF

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1 ESTIMATES SHALL CERTIFY THE DISTRICT AND AUTHORITY AS APPROVED FOR
2 OPERATION.

3 **§ 8-16. 4-YEAR REVIEWS.**

4 (A) *PUBLIC HEARINGS.*

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

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

10 AT THE CONCLUSION OF THE HEARINGS, THE MAYOR AND CITY COUNCIL SHALL
11 DETERMINE WHETHER 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
14 CITY CHARTER ARTICLE II, § (63) .

15 **§ 8-17. DISSOLUTION OF DISTRICT.**

16 (A) *DISSOLUTION ON CERTAIN EVENTS.*

17 IF THE DISTRICT IS NOT APPROVED AS PROVIDED IN § 8-15 OF THIS SUBTITLE, OR IS NOT
18 RENEWED AS PROVIDED IN § 8-16 OF THIS SUBTITLE, THE AUTHORITY SHALL CEASE ITS
19 OPERATIONS, AND THE DISTRICT SHALL CEASE TO EXIST, AT THE END OF THE CITY'S
20 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
25 OUTSTANDING OBLIGATIONS AND RESERVES FOR UNCERTAIN OBLIGATIONS AND
26 LIABILITIES.

27 (C) *UNSPENT FUNDS.*

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

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

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

31 Michael Hankin
32 Michael Beatty

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Christopher Schardt
Zed Smith
Van Reiner
David Pittenger
Carolyn Boitnott
Andrew Frank.

(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, 2008, 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.

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1 (g) The initial Administrator of the Authority is the Waterfront Partnership of Baltimore,
2 Inc., unless otherwise determined by the Interim Board.

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

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

11 **SECTION 5. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on July 1,
12 2007.