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CITY OF BALTIMORE

BRANDON M. SCOTT  
Mayor



DEPARTMENT OF LAW  
EBONY THOMPSON  
ACTING CITY SOLICITOR  
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BALTIMORE, MD 21202

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November 2, 2023

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

Re: City Council Bill 23-0429 – South Baltimore Gateway Community Impact  
District Management Authority – Board of Directors

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 23-0429 for form and legal sufficiency. The bill is for the purpose of altering certain membership requirements for the Board of Directors of the South Baltimore Gateway Community Impact District Management Authority; amending certain term limits for certain members of the Board of Directors; and providing for a special effective date.

In 2016, the General Assembly enacted an amendment to the City's express Charter powers that, among other things, authorized the City to establish, by ordinance, the South Baltimore Gateway Community Impact District ("District") and the South Baltimore Gateway Community Impact District Management Authority ("Authority"). 2016 Laws of Maryland Ch. 314; Charter, Art. II, § (69). Pursuant to this enabling legislation, the City established the District and the Authority in City Code, Art. 14, Subtitle 19.

In addition to the State appointees required by the enabling legislation, the current law provides that two members of the Authority are appointed by the City Council President. Code, Art. 14, § 19-6(d)(2). This bill would amend Section 19-6(d)(2) to require the Council President to appoint the City Council members who represent the Councilmanic districts that overlap with the boundaries of the District. This requirement does not appear to be inconsistent with the enabling legislation.

Additionally, the bill would prohibit the Authority's bylaws from establishing term limits for appointed members who are also elected officials as defined in City Code, Art. 8, Section 2-8. This definition of "elected official" is contained in the City's Ethics Law and includes the Mayor, Comptroller, City Council President, and any members of the City Council. If the intent of this part of the bill is to clarify that the Authority's ability to establish term limits for appointed members does not apply to the Council members appointed by the Council President under amended Section 19-6(d)(2), then it would be clearest to simply refer to that Section instead of

referencing an overbroad definition of “elected official” in the Ethics Law. Indeed, aside from these Council members, it does not appear any other City elected official encompassed by the definition of “elected official” in Art. 8, Section 2-8—the Mayor, Comptroller, or City Council President—would ever be appointed members of the Authority. A suggested amendment is attached.

The Law Department approves this bill for form and legal sufficiency with the suggested amendment.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Jeffrey Hochstetler', with a long horizontal flourish extending to the right.

Jeffrey Hochstetler  
Chief Solicitor

cc: Ebony Thompson, Acting City Solicitor  
Nina Themelis, Mayor’s Office of Government Relations  
Elena DiPietro, Chief Solicitor, General Counsel Division  
Hilary Ruley, Chief Solicitor  
Ashlea Brown, Chief Solicitor  
Michelle Toth, Assistant Solicitor  
Teresa Cummings, Assistant Solicitor

Law Department Amendments to Council Bill 23-0429

(1<sup>st</sup> Reader Copy)

1. On page 2, in line 12, add “Subject to subparagraph (ii) of this paragraph,” before the word “The”; and in that same line, strike “The” and substitute “the”.
2. And on that same page, in line 15, strike beginning with the word “appointed” through line 17 in its entirety, and substitute “members appointed under Section 19-6(d)(2) of this Subtitle.”.