

CITY OF BALTIMORE

STEPHANIE RAWLINGS-BLAKE, Mayor

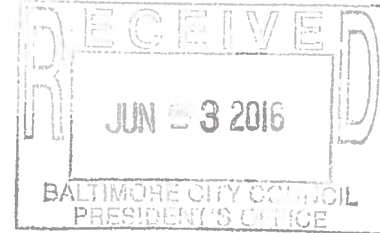


DEPARTMENT OF LAW

GEORGE A. NILSON, City Solicitor
101 City Hall
Baltimore, Maryland 21202

June 2, 2016

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 16-0671 – Port Covington Special Taxing District

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 16-0671 for form and legal sufficiency. The bill proposes to create a Port Covington Special Taxing District in accordance with Section (62A) of Article II of the City Charter. Such a taxing district must be created by ordinance. City Charter, Art. II, §(62A)(e)(1)(i). An ordinance is also required to levy the special tax at a designated rate or amount and to create a special fund into which those tax revenues are held prior to their disbursement to pay for specified improvement expenses. City Charter, Art. II, §§(62A)(e)(1)(ii), (iii). There must be a public hearing on this bill and the date and time of the hearing must be advertised in a newspaper of general circulation in the City for at least 10 days prior to the hearing. Baltimore City Charter, Art. II, §(62A)(g)(3)(i).

Concerning the special fund, the ordinance must pledge and pay the revenue of the tax into that fund, provide that assessments and taxes levied in the district not be accelerated by reason of bond default and protect property owners from increased taxes due to default of other property owners in the district. City Charter, Art. II, §§(62A)(e)(2), (3).

If there is to be a special tax instead of an ad valorem tax, the ordinance can address the maximum assessment of any property, a date after which no further special taxes are to be collected and any circumstances under which a special tax could be increased, if at all, due to default of any property owner. City Charter, Art. II, §(62A)(k)(3). The rate and method of apportionment of the Special Taxes is set forth in Exhibit 3 to the Ordinance. It appears to conform generally to the requirements in the Charter. City Charter, Art. II, §§ (62A)(e)(iii), (k).

The recitals indicate that this special taxing district has been requested by both the owners of at least two-thirds of the assessed valuation of the real property located in the proposed special taxing district and at least two-thirds of the owners of the real property located in the proposed special taxing district as required by the Charter. City Charter, Art. II, §(62A)(c)(1).

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The Law Department notes that City Council Bill 16-0669 and 16-0671 must also pass for this bill to be legally sufficient, as those other bills contain provisions necessary under the City Charter to effectuate this bill.

Finally, the Law Department notes that the bill references a Schedule I containing the project description, which was to be attached to the bill and made a part of it. That Schedule appears to be inadvertently missing from the First Reader Copy. The Law Department assumes the bill will be amended to reflect the addition of that necessary Schedule, identical to Schedule I in companion bill 16-0670, which comports with the requirements of the Charter. As amended, Council Bill 16-0671 will be authorized by and consistent with the Baltimore City Charter.

Assuming City Council Bill 16-0671 is amended, it passes along with City Council Bills 16-0669 and 16-0670 and the advertising requirement has been met, the Law Department can approve the bill for form and legal sufficiency.

Very truly yours, *ecm*

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Chief Solicitor

cc: George Nilson, City Solicitor
Angela C. Gibson, Mayor's Legislative Liaison
Elena DiPietro, Chief Solicitor, General Counsel Division
Victor Tervalá, Chief Solicitor
Jennifer Landis, Assistant Solicitor