

CITY OF BALTIMORE

STEPHANIE RAWLINGS-BLAKE, Mayor

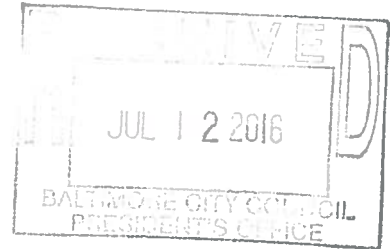


DEPARTMENT OF LAW

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

July 12, 2016

The Honorable President and
Members of the Baltimore
City Council
Attn: Natawna Austin, Executive Secretary
409 City Hall
Baltimore, MD 21202



RE: City Council Bill 16-0694 – South Baltimore Gateway Community Impact
District - Establishment

Dear President and Members

You have requested the advice of the Law Department regarding City Council Bill 16-0694. City Council Bill 694 provides for the creation of the South Baltimore Gateway Community Impact District pursuant to Article II, Section 69 the Baltimore City Charter. Section 69 was added to Art. II, Baltimore City's express powers, in the 2016 of the Maryland General Assembly. The district is designed to serve the needs of the neighborhoods impacted by the Horseshoe Casino and would be funded by local impact grants distributed in accordance with Md. Ann. Code State Gov., Art. §9-1A-31(a)(1)(I).

City Council Bill 16-0694 conforms generally with the requirements of the Charter with regard to creation of the District. The Law Department does have several concerns/amendments.

1. On page 3, after line 20, insert
"Considerations.

In adopting an ordinance, the City Council has:

- (1) given 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 South Baltimore Gateway Community Impact District; and
- (2) made a determination that the South Baltimore Gateway Community Impact District will reflect:

- (i) a diverse mix of business and residential properties; and
- (ii) a diverse economic, social, and racial mix."

This language is required by Art. II, §69(f) of the Charter.

Fav w/ Amend

2. On page 6, line 13, the bill grants power to the Authority to create criteria and procedures for determining which community grants it intends to distribute. This is not entirely consistent with State Gov. Art. §9-1A-31. The Law Department suggests amending this provision on page 6, line 10 to insert "Subject to the requirements of Md. Ann. Code, State Gov. Art. §9-1A-31."
3. On page 7, line 1 after "goods" insert "and services".
4. On page 8, line 24, strike "or, if more restrictive," Inclusion of this phrase does not make sense. If a power is specifically withheld by the Charter provision, it is not a power exercisable by the Authority whether more restrictive or not.
5. On page 8 after line 25, insert "(10) may not employ individuals who reside outside the City" This is required by the Charter §69(e)(1)(ix).
6. In Section 19-6(c), the phrase "or otherwise inhabited" is vague making it impossible to determine if the law is being complied with. On page 9, line 5 strike beginning with "irrespective" through the end of line 6.
7. On page 10, strike beginning with "these" on line 14 through line 16. This language is inconsistent with §69(c)(v) and (vi).
8. On page 12, line 24, after "plan" insert "and making recommendations to the City." This is the language from §69(d)(2) for consistency.
9. It is not clear what funds this section is referring to. §9-1A-31(A)(1)(I) refers to the entire pot of local impact grant funds for all local jurisdictions and §9-1A-31(b)(3) gives 50% of that pot of money to the Authority. This allocation is repeated in §19-3(c)(2) of this bill. The State law however does not say 50% of the funds "distributed to the City." It says "50% of the local impact grants provided under subsection (a)(1)(i)," which the entire pot of money available to all local jurisdictions. This may not have been the intent but that is what it says. This bill assumes that the State law intends to give 50% of the amount allocated to the City under (a)(1)(i) to the Authority. The State law should be amended in the next General Assembly session to reflect the intent. This section of the bill mandates that the City agree in its MOU with the Authority to report to the Authority how it intends to expend the rest of the City's allocation of local impact grant funds. If the City would rather negotiate this matter when the MOU is drafted, §19-10 (B) should be stricken from the bill.
10. On page 13, line 15 after "subtitle" insert "and State Gov. Art. §9-1A-31(b)(3)."
11. On page 14, strike lines 9-10 and substitute "Local impact grant funds shall be distributed to the City pursuant to State Gov. Art., §9-1A-31(A)(1)(i). Funds will be distributed to the Authority as provided in §9-1A-31(b)(3) through the City's budget and appropriation process."
12. On page 14, strike lines 11-17, State law provides for funds to be distributed to the City and appropriated to the appropriate entity for projects in the impact area.
13. On page 15, line 5, after "functions", insert ", subject to §19-5(B)(10) of this subtitle".
14. On page 16, after line 6 insert "(3) arrange for the disposition of all real and personal

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property owned by the Authority and remit all proceeds to the City.”

Provided the bill is amended as proposed above, Law Department can approve City Council Bill 16-0694 for form and legal sufficiency.

Sincerely yours,



Elena R. DiPietro
Chief Solicitor

cc: Angela Gibson, City Council Liaison
George A. Nilson, City Solicitor
Hilary Ruley, Chief Solicitor
Victor Tervalva, Chief Solicitor
Jennifer Landis, Assistant Solicitor