

Introduced by: Councilmember Costello

Prepared by: Department of Legislative Reference

Date: October 29, 2019

Referred to: \_\_\_\_\_

**HOUSING AND URBAN AFFAIRS**

Committee

Also referred for recommendation and report to municipal agencies listed on reverse.

CITY COUNCIL 19-0465

A BILL ENTITLED

*ET. LW*

AN ORDINANCE concerning

**Port Covington District and  
Port Covington Community Benefits District Management Authority**

FOR the purpose of creating a community benefits district for Port Covington; specifying the boundaries of the district; creating a community benefits district management authority and providing for its rights, duties, and powers; providing for the selection and composition of the Authority's Board of Directors; designating the initial interim board of the authority and providing for the selection and approval of a full board, including authority to establish up to three classes of board memberships with certain approval rights granted to each class; creating the administrator for the authority and approving a potential administrator; mandating the financial responsibilities of the Authority and the City in conjunction with the operation of the district; providing for a supplemental tax to be collected for the Authority; authorizing the creation of separate classes and subclasses of property for the purpose of establishing different rates of supplemental tax; authorizing the creation of credits to facilitate a diverse residential mix; incorporating the assessment, collection and enforcement process for the supplemental tax within the procedures and processes already existing; specifying the role of the City in maintaining and enhancing existing services; encouraging the creation of partnerships between and among the Authority, the City, the state, the federal government and other property owners not subject to the supplemental tax; establishing the Board of Estimates as the agency charged with reviewing and approving various matters relating to the district and the Authority; providing for the renewal, expiration, termination and approval of the District and the Authority; otherwise providing for the existence, operation and control of the District and the Authority; and providing for a special effective date.

**\*\*The introduction of an Ordinance or Resolution by Councilmembers at the request of any person, firm or organization is a courtesy extended by the Councilmembers and not an indication of their position.**

**Agencies**

<input checked="" type="checkbox"/> Department of Public Works	<input type="checkbox"/> Baltimore City Public School System
<input type="checkbox"/> Department of Real Estate	<input type="checkbox"/> Baltimore Development Corporation
<input type="checkbox"/> Department of Recreation and Parks	<input checked="" type="checkbox"/> City Solicitor
<input checked="" type="checkbox"/> Department of Transportation	<input type="checkbox"/> Comptroller's Office
<input type="checkbox"/> Fire Department	<input type="checkbox"/> Department of Audits
<input type="checkbox"/> Health Department	<input checked="" type="checkbox"/> Department of Finance
<input type="checkbox"/> Mayor's Office of Employment Development	<input type="checkbox"/> Department of General Services
<input type="checkbox"/> Mayor's Office of Human Services	<input checked="" type="checkbox"/> Department of Housing and Community Development
<input type="checkbox"/> Mayor's Office of Information Technology	<input type="checkbox"/> Department of Human Resources
<input type="checkbox"/> Office of the Mayor	<input type="checkbox"/> Department of Planning
<input type="checkbox"/> Police Department	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Environmental Control Board	<input checked="" type="checkbox"/> Board of Estimates
<input type="checkbox"/> Fire & Police Employees' Retirement System	<input type="checkbox"/> Board of Ethics
<input type="checkbox"/> Labor Commissioner	<input type="checkbox"/> Board of Municipal and Zoning Appeals
<input type="checkbox"/> Parking Authority Board	<input type="checkbox"/> Comm. for Historical and Architectural Preservation
<input checked="" type="checkbox"/> Planning Commission	<input type="checkbox"/> Commission on Sustainability
<input type="checkbox"/> Wage Commission	<input type="checkbox"/> Employees' Retirement System
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____

**Boards and Commissions**

<input type="checkbox"/> Board of Estimates	<input type="checkbox"/> Board of Ethics
<input type="checkbox"/> Board of Municipal and Zoning Appeals	<input type="checkbox"/> Comm. for Historical and Architectural Preservation
<input type="checkbox"/> Commission on Sustainability	<input type="checkbox"/> Employees' Retirement System
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____

**BY authority of**

**Article II - General Powers  
Section (63)  
Baltimore City Charter  
(1996 Edition)**

**BY adding**

**Article 14 - Special Benefits Districts  
Sections 10-1 to 10-17, to be under the new subtitle designation,  
"Subtitle 10. Port Covington Community Benefits District"  
Baltimore City Code  
(Edition 2000)**





CITY OF BALTIMORE  
ORDINANCE **20.358**  
Council Bill 19-0465

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Introduced by: Councilmember Costello  
Introduced and read first time: November 4, 2019  
Assigned to: Housing and Urban Affairs Committee  
Committee Report: Favorable with amendments  
Council action: Adopted  
Read second time: April 27, 2020

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**AN ORDINANCE CONCERNING**

**Port Covington District and  
Port Covington Community Benefits District Management Authority**

FOR the purpose of creating a community benefits district for Port Covington; specifying the boundaries of the district; creating a community benefits district management authority and providing for its rights, duties, and powers; providing for the selection and composition of the Authority's Board of Directors; designating the initial interim board of the authority and providing for the selection and approval of a full board, including authority to establish up to three classes of board memberships with certain approval rights granted to each class; creating the administrator for the authority and approving a potential administrator; mandating the financial responsibilities of the Authority and the City in conjunction with the operation of the district; providing for a supplemental tax to be collected for the Authority; authorizing the creation of separate classes and subclasses of property for the purpose of establishing different rates of supplemental tax; authorizing the creation of credits to facilitate a diverse residential mix; incorporating the assessment, collection and enforcement process for the supplemental tax within the procedures and processes already existing; specifying the role of the City in maintaining and enhancing existing services; encouraging the creation of partnerships between and among the Authority, the City, the state, the federal government and other property owners not subject to the supplemental tax; establishing the Board of Estimates as the agency charged with reviewing and approving various matters relating to the district and the Authority; providing for the renewal, expiration, termination and approval of the District and the Authority; otherwise providing for the existence, operation and control of the District and the Authority; and providing for a special effective date.

BY authority of  
Article II - General Powers  
Section (63)  
Baltimore City Charter  
(1996 Edition)

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 19-0465**

1 BY adding  
2 Article 14 - Special Benefits Districts  
3 Sections 10-1 to 10-17, to be under the new subtitle designation,  
4 "Subtitle 10. Port Covington Community Benefits District"  
5 Baltimore City Code  
6 (Edition 2000)

7 SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the  
8 Laws of Baltimore City read as follows:

9 **Baltimore City Code**

10 **Article 14. Special Benefits Districts**

11 **SUBTITLE 10. PORT COVINGTON COMMUNITY BENEFITS DISTRICT**

12 **§ 10-1. FINDINGS.**

13 (A) *IMPORTANCE OF PORT COVINGTON.*

14 (1) PORT COVINGTON IS UNDERGOING SIGNIFICANT REDEVELOPMENT THAT WILL BENEFIT  
15 THE CITY BY CREATING A NEW CLEAN, GREEN, AND SAFE NEIGHBORHOOD, WHICH WILL  
16 REFLECT A DIVERSE MIX OF BUSINESS AND RESIDENTIAL PROPERTIES AND A DIVERSE  
17 ECONOMIC, SOCIAL, AND RACIAL MIX OF RESIDENTS AND WORKERS.

18 (2) IN ORDER TO MAINTAIN PORT COVINGTON AS AN ATTRACTIVE LOCATION OF CHOICE  
19 BY OFFICE AND RETAIL OWNERS AND TENANTS AND BY RESIDENTS, THE AREA MUST BE  
20 KEPT ATTRACTIVE, CLEAN, AND SAFE AT ALL TIMES.

21 (B) *CONSIDERATIONS.*

22 IN ADOPTING THIS ORDINANCE, THE CITY COUNCIL:

23 (1) CONSIDERED THE VIEWS OF THE PROPERTY OWNERS, RESIDENTS, PROPERTY  
24 TENANTS, COMMUNITY GROUPS AND WORKERS IN SOUTH BALTIMORE. THE  
25 COUNCIL IS PARTICULARLY SENSITIVE TO THE INPUT OF COMMUNITY GROUPS THAT  
26 HAVE PARTNERED WITH THE DEVELOPMENT TEAM OF PORT COVINGTON TO  
27 FACILITATE THE INVESTMENT OF FUNDS NOT ONLY IN PORT COVINGTON, BUT  
28 THROUGHOUT SOUTH BALTIMORE AND THE REST OF THE CITY.

29 (2) FINDS THAT A COMMUNITY BENEFITS DISTRICT WOULD BE AN IMPORTANT AND  
30 VITAL ELEMENT OF THE LONG-TERM HEALTH AND GROWTH OF PORT COVINGTON,  
31 SOUTH BALTIMORE, THE REST OF BALTIMORE CITY, AND THE REGION.

32 (3) FINDS THAT THE DISTRICT WILL ENCOURAGE THE INVOLVEMENT OF MINORITY AND  
33 WOMEN-OWNED BUSINESSES IN THE OPERATION OF THE DISTRICT AND IN THE  
34 BUSINESS COMMUNITY ITSELF.

35 (4) FINDS THAT THE DISTRICT AND PORT COVINGTON WILL REFLECT:

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1 (I) A DIVERSE MIX OF BUSINESS AND RESIDENTIAL PROPERTIES; AND

2 (II) A DIVERSE ECONOMIC, SOCIAL, AND RACIAL MIX OF RESIDENTS AND  
3 WORKERS.

4 (C) *RECOMMENDATION.*

5 THE MAYOR AND CITY COUNCIL RECOMMENDS THAT RESIDENTS OF THE DISTRICT  
6 CONSULT A TAX ADVISOR BEFORE TREATING THE SUPPLEMENTAL TAX PAID TO THE  
7 DISTRICT AS A DEDUCTIBLE TAX.

8 **§ 10-2. DISTRICT ESTABLISHED.**

9 (A) *IN GENERAL.*

10 THERE IS A COMMUNITY BENEFITS DISTRICT, TO BE KNOWN AS THE PORT COVINGTON  
11 COMMUNITY BENEFITS DISTRICT.

12 (B) *BOUNDARIES.*

13 THE BOUNDARIES OF THE DISTRICT ARE AS SHOWN ON THE FOLLOWING MAP, APPENDED  
14 TO THIS BILL, TITLED "EXHIBIT A – DISTRICT BOUNDARIES".

15 **§ 10-3. AUTHORITY CREATED.**

16 (A) *AUTHORITY CREATED.*

17 THERE IS A PORT COVINGTON COMMUNITY BENEFITS DISTRICT MANAGEMENT  
18 AUTHORITY, REFERRED TO IN THIS SUBTITLE AS THE "AUTHORITY".

19 (B) *PURPOSE.*

20 THE PURPOSE OF THE AUTHORITY IS TO:

21 (1) PROMOTE AND MARKET THE DISTRICT;

22 (2) PROVIDE SUPPLEMENTAL SECURITY AND MAINTENANCE SERVICES;

23 (3) PROVIDE AMENITIES IN PUBLIC AREAS; AND

24 (4) PROVIDE OTHER SERVICES AND FUNCTIONS AS MAY BE REQUESTED BY THE  
25 AUTHORITY AND APPROVED BY AN ORDINANCE OF THE MAYOR AND CITY  
26 COUNCIL.



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1 § 10-4. POWERS AND FUNCTIONS OF AUTHORITY.

2 (A) POWERS.

3 TO THE GREATEST EXTENT ALLOWABLE BY LAW, THE AUTHORITY IS AND SHALL BE  
4 DEEMED TO BE A SPECIAL TAX DISTRICT, EXERCISING ONLY THOSE POWERS AS ARE  
5 PROVIDED FOR IN THIS SUBTITLE.

6 (B) AUTHORIZED ACTIONS.

7 (1) THE AUTHORITY MAY ACQUIRE, HOLD, AND USE PROPERTY AS NECESSARY TO ACHIEVE  
8 ITS PURPOSES, INCLUDING:

9 (I) THE ACQUISITION BY PURCHASE, LEASE, USE OR OTHER RIGHTS; AND

10 (II) THE CONSTRUCTION AND INSTALLATION OF BUILDINGS AND STRUCTURES TO  
11 FURTHER THE MISSION OF THE AUTHORITY; ~~AND.~~

12 ~~(III) THE LEASING OF SPACE AND STRUCTURES FOR FEES AND THE PARTICIPATION IN~~  
13 ~~REVENUES FROM SUCH LEASING.~~

14 (2) THE AUTHORITY MAY MAKE A CONTRACT:

15 (I) TO PROVIDE SERVICES FOR AREAS ADJOINING THE DISTRICT;

16 (II) WITH AN ADMINISTRATOR WHO MAY OR MAY NOT BE AN ADM INISTRATOR FOR  
17 ANOTHER BENEFITS DISTRICT IN BALTIMORE CITY; AND

18 (III) WITH AGENCIES OF BALTIMORE CITY TO PROVIDE PERMITTED SERVICES  
19 WITHIN THE DISTRICT.

20 (3) THE AUTHORITY MAY ENGAGE THE SERVICES OF AN ADMINISTRATOR (THE  
21 "ADMINISTRATOR"), WHO MAY BE AN INDIVIDUAL OR AN ENTITY, INCLUDING THE  
22 WATERFRONT PARTNERSHIP OF BALTIMORE, INC., BUT NOT LIMITED TO NON-PROFIT  
23 ENTITIES, TO ADMINISTER THE PROGRAMS AND UNDERTAKINGS OF THE AUTHORITY.

24 (4) THE AUTHORITY MAY SUE AND BE SUED. HOWEVER, THE DISTRICT, THE AUTHORITY,  
25 ITS BOARD OF DIRECTORS, AND ITS ADMINISTRATOR SHALL BENEFIT, TO THE FULLEST  
26 EXTENT ALLOWABLE BY LAW, FROM ALL PROVISIONS OF FEDERAL, STATE, AND LOCAL  
27 LAW LIMITING THE LIABILITY OF DIRECTORS, EMPLOYEES, OFFICERS, AGENTS, AND  
28 OFFICIALS OF GOVERNMENTAL BODIES.

29 (5) THE AUTHORITY MAY APPLY FOR AND ACCEPT GRANTS, DONATIONS, AND VOLUNTARY  
30 CONTRIBUTIONS, WHETHER IN FUNDS OR PROPERTY.

31 (6) THE AUTHORITY MAY BORROW FUNDS FOR PURPOSES CONSISTENT WITH THE PUBLIC  
32 PURPOSES OF THE AUTHORITY AND PLEDGE SOME OR ALL OF ITS REVENUES IN SUPPORT  
33 OF SUCH BORROWINGS. HOWEVER, NO BORROWING MAY BE FOR A TERM BEYOND THE  
34 DATE FOR THE DISTRICT'S RENEWAL UNDER § 10-16 OF THIS SUBTITLE, ~~UNLESS~~



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1           ~~ASSURANCES ARE PROVIDED TO THE LENDER REGARDING THE PAYMENT OF ANY~~  
2           ~~AMOUNTS COMING DUE AFTER SUCH DATE.~~

3           ~~(7) THE AUTHORITY MAY ESTABLISH AND ENFORCE RULES AND REGULATIONS FOR THE~~  
4           ~~USE OF PUBLIC AREAS OR AREAS UNDER ADMINISTRATION BY THE AUTHORITY;~~  
5           ~~CONSISTENT WITH THE MISSION AND PURPOSES OF THE AUTHORITY AND THE DISTRICT.~~

6           ~~(7) (8) THE AUTHORITY SHALL ADOPT AN ANNUAL BUDGET AND IMPOSE, CHARGE, AND~~  
7           ~~COLLECT THE TAXES OR CHARGES ON BENEFITTED PROPERTIES WITHIN THE~~  
8           ~~DISTRICT, AS AUTHORIZED BY CITY CHARTER ARTICLE II, § (63) AND THIS~~  
9           ~~SUBTITLE; HOWEVER, NO TAXES MAY BE LEVIED AGAINST PROPERTIES THAT ARE~~  
10           ~~EXEMPT UNDER STATE LAW FROM ORDINARY PROPERTY TAXES, BUT THE~~  
11           ~~AUTHORITY MAY IMPOSE CHARGES FOR SERVICES PROVIDED TO PROPERTY~~  
12           ~~OWNERS, WHETHER OR NOT THE PROPERTY IS EXEMPT PURSUANT TO STATE LAW;~~  
13           ~~THIS SUBTITLE, OR ANY OTHER APPLICABLE ORDINANCE.~~

14           ~~(8) (9) THE AUTHORITY MAY CREATE AND ENTER INTO PARTNERSHIPS BETWEEN IT AND~~  
15           ~~VARIOUS PROPERTY OWNERS. THESE PARTNERSHIPS MAY PROVIDE FOR THE PROVISION~~  
16           ~~OF PERMITTED SERVICES AND BENEFITS BY THE AUTHORITY IN EXCHANGE FOR~~  
17           ~~PAYMENTS ARRANGED BY CONTRACT, DONATION, GIFT, SERVICES IN KIND, OR OTHER~~  
18           ~~MECHANISM BY WHICH FUNDS OR BENEFITS ARE PROVIDED TO THE AUTHORITY.~~

19           ~~(9) (10) THE AUTHORITY MAY ESTABLISH AND ELECT OFFICERS NOT ALREADY PROVIDED~~  
20           ~~FOR IN THIS SUBTITLE AND PROVIDE FOR THEIR TERMS AND DUTIES.~~

21           ~~(10) (11) THE AUTHORITY MAY CONTRACT FOR AND PURCHASE GOODS AND SERVICES,~~  
22           ~~WITHOUT HAVING TO COMPLY WITH CITY REQUIREMENTS GOVERNING WAGE SCALES,~~  
23           ~~COMPETITIVE BIDDING, OR OTHER PROCUREMENT MATTERS. HOWEVER, THE~~  
24           ~~AUTHORITY NONETHELESS SHALL BE SUBJECT TO APPLICABLE ORDINANCES~~  
25           ~~REGARDING CITY POLICY ON ENCOURAGING AND ACHIEVING GOALS FOR~~  
26           ~~PARTICIPATION OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES IN THE~~  
27           ~~CONTRACTING ACTIVITIES SHALL BE SUBJECT TO CITY ORDINANCES AND CITY POLICY~~  
28           ~~REQUIRING ACHIEVEMENT OF GOALS REGARDING MINORITY AND WOMEN'S BUSINESS~~  
29           ~~ENTERPRISES.~~

30           ~~(11) (12) SUBJECT TO THE APPROVAL OF THE BOARD OF ESTIMATES, THE AUTHORITY MAY~~  
31           ~~ADOPT, AMEND, AND MODIFY BYLAWS, CONSISTENT WITH CITY CHARTER ARTICLE II,~~  
32           ~~§ (63) AND THIS SUBTITLE.~~

33           ~~(12) (13) THE AUTHORITY MAY IMPLEMENT ITS PROGRAMS AND GOALS DIRECTLY~~  
34           ~~THROUGH ITS EMPLOYEES OR THROUGH 1 OR MORE CONTRACTS. THESE CONTRACTS~~  
35           ~~MAY BE WITH INDEPENDENT CONTRACTORS OR CONTRACTUAL EMPLOYEES.~~

36           ~~(13) (14) THE AUTHORITY MAY PROVIDE ADDITIONAL SERVICES BEYOND THOSE~~  
37           ~~GENERALLY PROVIDED WITHIN THE DISTRICT, TO INDIVIDUAL PROPERTIES WITHIN OR~~  
38           ~~CLOSE TO THE DISTRICT FOR A FEE THAT FAIRLY RECOVERS FOR THE AUTHORITY THE~~  
39           ~~COST OF PROVIDING THE SERVICES.~~

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1 ~~(14)~~ (15) 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 ~~(15)~~ (16) 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 ~~(16)~~ (17) THE AUTHORITY MAY DO ALL OTHER THINGS NECESSARY OR CONVENIENT TO  
9 CARRY OUT ITS GOALS, OBJECTIVES, AND POWERS.

10 **§ 10-5. 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 IMPOSE 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 § 10-17 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 ANY NEW EMPLOYEE WHO DOES NOT~~  
34 ~~VOLUNTARILY DELIVER TO THE AUTHORITY AN AFFIDAVIT CERTIFYING THAT THE~~



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1           EMPLOYEE'S RESIDENCE IS WITHIN THE POLITICAL BOUNDARIES OF THE CITY OF  
2           BALTIMORE AND THAT SUCH EMPLOYEE INTENDS TO REMAIN AS A RESIDENT FOR THE  
3           FORESEEABLE FUTURE.

4           (9) (10) EXCEPT AS REQUIRED OR APPROPRIATE TO FACILITATE ITS NORMAL OPERATIONS,  
5           THE AUTHORITY MAY NOT INCUR DEBT.

6           (10) (11) THE AUTHORITY MAY NOT EXERCISE ANY POWER SPECIFICALLY WITHHELD BY  
7           THE TERMS OF EITHER THIS SUBTITLE OR, IF MORE RESTRICTIVE, CITY CHARTER  
8           ARTICLE II, § (63).

9           (C) *INTERPRETATION OF POWERS.*

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

14       **§ 10-6. BOARD OF DIRECTORS.**

15           (A) *IN GENERAL.*

16           THE AUTHORITY SHALL BE GOVERNED BY AND ADMINISTERED THROUGH A BOARD OF  
17           DIRECTORS (THE "BOARD").

18           (B) *NUMBER AND APPOINTMENT.*

19           (1) THE NUMBER OF VOTING MEMBERS OF THE FULL BOARD MUST BE NOT LESS THAN 10,  
20           EXCLUDING VACANCIES, AND NO MORE THAN 25.

21           (2) THE BOARD HAS FULL AUTHORITY TO INCREASE OR DECREASE ITS MEMBERSHIP,  
22           WITHIN THE LIMITS SPECIFIED IN THIS SUBSECTION.

23           (C) *COMPOSITION.*

24           OF THE VOTING MEMBERS OF THE BOARD:

25           (1) 1 SHALL BE APPOINTED BY THE MAYOR;

26           (2) ~~ANY EACH~~ COUNCILMEMBER REPRESENTING AREAS WITHIN THE BOUNDARIES FOR  
27           THE DISTRICT;

28           (3) 1 SHALL BE A BUSINESS OPERATOR IN THE DISTRICT, WHO MAY OR MAY NOT OWN  
29           THE PROPERTY ON WHICH HIS OR HER BUSINESS IS LOCATED;

30           (4) 1 SHALL BE A REPRESENTATIVE OF THE RESIDENTS RESIDENT, ~~WHEN A RESIDENTIAL~~  
31           ~~PROJECT IS DEVELOPED IN THE DISTRICT;~~

32           (5) 3 SHALL BE DESIGNATED BY THE ADMINISTRATOR;

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1 (6) AT LEAST TWO-THIRDS OF THE BOARD SHALL BE COMPRISED OF OWNERS OR  
2 REPRESENTATIVES OF OWNERS OF PROPERTY SUBJECT TO THE TAX IMPOSED BY  
3 THIS SUBTITLE, PROVIDED THAT MEMBERS OF THE BOARD SELECTED UNDER ITEMS  
4 (1) THROUGH (3) OF THIS SUBSECTION MAY BE INCLUDED IN SUCH GROUP AS THEY  
5 OTHERWISE QUALIFY; ~~AND.~~

6 ~~(7) CONSISTENT WITH THE ENCOURAGEMENT OF PARTNERSHIPS BETWEEN THE~~  
7 ~~AUTHORITY AND PROPERTY OWNERS EXEMPT FROM THE TAX IMPOSED BY THIS~~  
8 ~~SUBTITLE, THE BOARD SHOULD CONSIDER REPRESENTATION OF THOSE PARTNERS.~~

9 (D) *EXERCISE OF AUTHORITY POWERS.*

10 ALL POWERS OF THE AUTHORITY ARE EXERCISED BY AND THROUGH THE BOARD, UNLESS  
11 DELEGATED BY THE BOARD TO 1 OR MORE OFFICERS OF THE BOARD OR TO THE  
12 ADMINISTRATOR.

13 (E) *BYLAWS.*

14 (1) THE BOARD MAY ADOPT BYLAWS AS IT CONSIDERS NECESSARY TO CARRY OUT THE  
15 POWERS OF THE AUTHORITY. HOWEVER, THESE BYLAWS MAY NOT BE INCONSISTENT  
16 WITH THE TERMS OF THIS SUBTITLE OR OF CITY CHARTER ARTICLE II, § (63).

17 (2) ALL BYLAWS ARE SUBJECT TO THE APPROVAL OF THE BOARD OF ESTIMATES.

18 (3) THE BOARD MAY ESTABLISH ITS OWN PROCEDURES RELATING TO THE INTERNAL  
19 ADMINISTRATION OF THE AUTHORITY, EXCEPT AS MAY BE RESTRICTED BY CITY  
20 CHARTER ARTICLE II, § (63) OR THIS SUBTITLE.

21 (F) *OFFICERS.*

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

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

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

27 **§ 10-7. ANNUAL FINANCIAL PLAN.**

28 (A) *BOARD TO ADOPT.*

29 THE BOARD SHALL ADOPT AN ANNUAL FINANCIAL PLAN (THE "FINANCIAL PLAN"), BASED  
30 ON THE CITY'S FISCAL YEAR, CONSISTING OF AT LEAST A BUDGET AND A PROPOSED  
31 SCHEDULE OF TAXES OR CHARGES TO BE IMPOSED THROUGHOUT THE DISTRICT.

32 (B) *FIRST ANNUAL FINANCIAL PLAN.*

33 THE INITIAL FINANCIAL PLAN FOR THE AUTHORITY SHALL INCLUDE ALL OF THE FISCAL  
34 YEAR ENDING ON JUNE 30, 2020, AND MAY INCLUDE THE COSTS OF PREPARING THE



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1 FINANCIAL PLAN AND IMPLEMENTING THE AUTHORITY AND THE DISTRICT, SO LONG AS  
2 THE COSTS WERE INCURRED PRIOR TO OR DURING THE FISCAL YEAR. ~~IF THE AUTHORITY IS~~  
3 ~~NOT IMPLEMENTED, NEITHER THE AUTHORITY, THE DISTRICT, NOR THE CITY SHALL BE~~  
4 ~~LIABLE FOR COSTS INCURRED PRIOR TO THE INITIATION OF OPERATIONS, WHETHER OR NOT~~  
5 ~~INCURRED BY THE ADMINISTRATOR OR ON BEHALF OF THE DISTRICT OR THE AUTHORITY.~~

6 (C) *PUBLIC HEARING.*

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

11 (D) *BOARD OF ESTIMATES APPROVAL REQUIRED.*

12 THE AUTHORITY MAY NOT ~~APPROVE~~ IMPLEMENT A FINANCIAL PLAN THAT INCLUDES  
13 TAXES OR CHARGES IN EXCESS OF THOSE APPROVED BY THE BOARD OF ESTIMATES.

14 **§ 10-8. SUPPLEMENTAL TAX.**

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

16 (1) THE BOARD OF ESTIMATES SHALL OBTAIN FROM THE DIRECTOR OF FINANCE THE  
17 "ASSESSABLE BASE" OF THE DISTRICT, WHICH SHALL CONSTITUTE A LISTING BY  
18 PROPERTY AND A CALCULATION OF THE SUM OF ASSESSMENTS ON PROPERTIES SUBJECT  
19 TO THE SUPPLEMENTAL TAX.

20 (2) PROPERTIES SUBJECT TO THE TAX SHALL INCLUDE ALL PROPERTIES WITHIN THE  
21 DISTRICT EXCEPT:

22 (i) PROPERTIES EXEMPT UNDER CITY CHARTER ARTICLE II, § (63); ~~OR,~~

23 (ii) ~~ANY OTHER APPLICABLE LAW.~~

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

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

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

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

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

**Council Bill 19-0465**

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

3 (II) ALL PROVISIONS THAT APPLY TO ASSESSMENTS, REFUNDS, CREDITS,  
4 COLLECTIONS, AND ENFORCEMENT OF THE REGULAR TAX APPLY TO THE  
5 SUPPLEMENTAL TAX.

6 (C) *DETERMINATION OF TAX.*

7 THE SUPPLEMENTAL TAX RATE SHALL BE DETERMINED AS FOLLOWS:

8 (1) ANY INCREASE IN THE RATE OF THE SUPPLEMENTAL TAX MUST BE APPROVED BY A  
9 MAJORITY OF THE BOARD'S VOTING MEMBERS THAT ARE PROPERTY OWNER  
10 REPRESENTATIVES.

11 ~~(2) THE BOARD MAY ESTABLISH SEPARATE CLASSES AND SUBCLASSES OF PROPERTY~~  
12 ~~AND SPECIFY DIFFERENT RATES OF SUPPLEMENTAL TAX ON EACH CLASS OR~~  
13 ~~SUBCLASS, PROVIDED THAT:~~

14 ~~(i) ALL MEMBERS OF A CLASS OR SUBCLASS SHALL BE TREATED FAIRLY AND~~  
15 ~~EQUALLY; AND~~

16 ~~(ii) ANY PERCENTAGE INCREASE IN THE SUPPLEMENTAL TAX MUST BE~~  
17 ~~CONSISTENTLY APPLIED, AT SUBSTANTIALLY THE SAME PERCENTAGE, TO~~  
18 ~~ALL CLASSES OF PROPERTY.~~

19 ~~(3) THE BOARD MAY PROVIDE A CREDIT AGAINST THE SUPPLEMENTAL TAX IN~~  
20 ~~INSTANCES WHERE CREDITS WILL FURTHER THE OBJECTIVE OF ACCOMMODATING~~  
21 ~~LOW-INCOME FAMILIES WITHIN THE DISTRICT.~~

22 (2) (4) EACH OF THE ACTIONS TAKEN UNDER THIS SUBSECTION MUST BE SET FORTH IN  
23 DETAIL IN THE FINANCIAL PLAN AND APPROVED BY THE BOARD OF ESTIMATES.

24 (D) *PUBLIC SERVICE COMPANIES.*

25 POLES, CONDUITS, CABLES, TUNNELS, PIPE LINES, MANHOLES, AND OTHER SIMILAR  
26 SURFACE OR SUBSURFACE STRUCTURES, INCLUDING THEIR EQUIPMENT ("ANCILLARY  
27 ASSETS"), OWNED AND CONTROLLED BY "PUBLIC SERVICE COMPANIES", AS DEFINED IN  
28 THE PUBLIC UTILITIES ARTICLE OF THE MARYLAND CODE, LOCATED ON, OVER, OR UNDER  
29 STREET, ALLEYS, OR OTHER PUBLIC WAYS OR LANDS OR PARK PROPERTIES, THE  
30 CONSTRUCTION OF WHICH IS AUTHORIZED BY THE CITY, AND THE INSTALLATION OF WHICH  
31 IS REGULATED AND SUPERVISED BY THE DIRECTOR OF PUBLIC WORKS OR THE DIRECTOR'S  
32 DESIGNEE OR THE DIRECTOR OF THE DEPARTMENT OF TRANSPORTATION OR THE  
33 DIRECTOR'S DESIGNEE OR THE DIRECTOR OF THE DEPARTMENT OF RECREATION AND  
34 PARKS OR THE DIRECTOR'S DESIGNEE ARE SUBJECT TO THE SUPPLEMENTAL TAX TO THE  
35 SAME EXTENT AS TREATED BY THE MARYLAND DEPARTMENT OF ASSESSMENTS AND  
36 TAXATION.



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1 § 10-9. OTHER CHARGES.

2 (A) *PROPERTY SUBJECT TO SUPPLEMENTAL TAX.*

3 (1) PROPERTIES THAT ARE SUBJECT TO THE SUPPLEMENTAL TAX ARE NOT REQUIRED TO  
4 PAY ANY OTHER CHARGES OR FEES FOR SERVICES GENERALLY PROVIDED WITHIN THE  
5 DISTRICT BY THE AUTHORITY.

6 (2) HOWEVER, THE AUTHORITY MAY IMPOSE CHARGES AND FEES FOR ANY SPECIAL  
7 SERVICES REQUESTED BY AND PERFORMED FOR 1 OR MORE PROPERTY OWNERS.

8 (B) *OTHERS.*

9 WITH THE APPROVAL OF THE BOARD OF ESTIMATES, THE BOARD MAY ESTABLISH OTHER  
10 FEES AND CHARGES FOR SPECIFIC SERVICES PERFORMED:

11 (1) WITHIN THE DISTRICT;

12 (2) WITHIN AREAS ADJOINING THE DISTRICT;

13 (3) FOR PROPERTIES AND OWNERS NOT SUBJECT TO THE SUPPLEMENTAL TAX; AND

14 (4) IN CONJUNCTION WITH PARTNERSHIPS ENCOURAGED BY THIS SUBTITLE.

15 (C) *ALLOCATION OF RESOURCES.*

16 THE FINANCIAL PLAN MAY PROVIDE FOR THE ALLOCATION OF RESOURCES AND SERVICES  
17 TO PARTICULAR SECTIONS OF THE DISTRICT, INCLUDING ALLOCATIONS THAT REFLECT, IN  
18 PART, THE CONTRIBUTIONS MADE BY THOSE SECTIONS OF THE DISTRICT TO THE FINANCIAL  
19 RESOURCES AVAILABLE TO THE AUTHORITY, AND, IN PART, THE NEEDS OF THOSE  
20 SECTIONS.

21 § 10-10. BASELINE CITY SERVICES.

22 (A) *AGREEMENT TO MAINTAIN.*

23 BEFORE IMPOSING AND COLLECTING THE SUPPLEMENTAL TAX, THE AUTHORITY SHALL  
24 ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE MAYOR REGARDING THE  
25 LEVEL OF SERVICES TO BE MAINTAINED BY THE CITY AS THE CITY'S PARTNERSHIP  
26 OBLIGATION TO THE AUTHORITY AND THE DISTRICT'S TAXPAYERS.

27 (B) *SCOPE OF AGREEMENT.*

28 THIS MEMORANDUM OF UNDERSTANDING SHALL:

29 (1) DESCRIBE THE EXISTING LEVELS OF SERVICE WITHIN THE DISTRICT;

30 (2) COMMIT THE CITY TO THE MAINTENANCE OF THOSE LEVELS OF SERVICE; AND

**Council Bill 19-0465**

1 (3) OUTLINE THE FURTHER UNDERTAKINGS OF THE CITY IN RESPONSE TO THE  
2 INITIATIVE REPRESENTED BY THE CREATION OF THE DISTRICT (THE "BASELINE  
3 PLUS").

4 (C) *GOVERNING PRINCIPLES.*

5 THE MAINTENANCE OF EXISTING SERVICES SHALL BE GOVERNED BY 2 PRINCIPLES:

6 (1) THOSE SERVICES MAY NOT BE DECREASED EXCEPT:

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

9 (II) ONLY IN PROPORTION TO THE DECREASES IMPLEMENTED ELSEWHERE IN THE  
10 CITY.

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

14 **§ 10-11. PARTNERSHIPS.**

15 (A) *AUTHORITY ENCOURAGED TO CREATE.*

16 THE AUTHORITY IS AUTHORIZED AND ENCOURAGED TO ENTER INTO PARTNERSHIPS WITH  
17 THE PROPERTY OWNERS AND USERS WITHIN THE DISTRICT AND ADJOINING AREAS THAT  
18 ARE NOT SUBJECT TO THE SUPPLEMENTAL TAX ("EXEMPT PARTNERS") FOR THE PURPOSE  
19 OF FURTHERING THE BROAD OBJECTIVES OF IMPROVING AND ENHANCING PUBLIC SERVICES  
20 THROUGHOUT THE DISTRICT AND IN ADJOINING AREAS.

21 (B) *SPECIFIC POWERS.*

22 IN FURTHERANCE OF THAT OBJECTIVE, THE AUTHORITY MAY:

23 (1) CONTRACT TO PROVIDE VARYING LEVELS OF SERVICES TO AREAS ADJOINING THE  
24 DISTRICT;

25 (2) AGREE TO ACCEPT DONATIONS, CONTRIBUTIONS, AND VOLUNTARY PAYMENTS OF  
26 ANY KIND FROM EXEMPT PARTNERS (COLLECTIVELY, "VOLUNTARY PAYMENTS"),  
27 WITH OR WITHOUT AGREEMENTS REGARDING SPECIFIC SERVICES AND FUNCTIONS;

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

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



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1 § 10-12. COLLECTION AND DISBURSEMENT.

2 (A) *IN GENERAL.*

3 THE AUTHORITY SHALL ESTABLISH WITH THE APPROPRIATE CITY AGENCIES THE METHODS  
4 BY WHICH THE SUPPLEMENTAL TAX IS TO BE ASSESSED, COLLECTED, AND DISBURSED TO  
5 THE AUTHORITY.

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

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

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

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

11 (3) SHALL BE DISBURSED PROMPTLY ON COLLECTION.

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

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

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

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

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

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

25 (E) *PENALTIES AND INTEREST.*

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

28 (F) *LIEN ON PROPERTY.*

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

31 (2) THIS LIEN:

**Council Bill 19-0465**

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

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

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

10 **§ 10-13. ADMINISTRATOR.**

11 (A) *IN GENERAL.*

12 THE ADMINISTRATOR IS RESPONSIBLE FOR THE DAY-TO-DAY OPERATIONS OF THE BOARD  
13 AND ITS EMPLOYEES AND CONTRACTORS.

14 (B) *POWERS.*

15 THE ADMINISTRATOR MAY:

16 (1) PREPARE THE FINANCIAL PLAN FOR REVIEW AND APPROVAL BY THE BOARD;

17 (2) IMPLEMENT THE APPROVED FINANCIAL PLAN AND ARRANGE FOR THE COLLECTION  
18 AND DISBURSEMENT OF THE SUPPLEMENTAL TAX AND ALL OTHER CHARGES, FEES,  
19 AND REVENUES OF THE AUTHORITY;

20 (3) ESTABLISH PROCEDURES AND PROCESSES NECESSARY TO PERFORM THE FUNCTIONS  
21 CALLED FOR UNDER THE FINANCIAL PLAN AND THE BUDGET;

22 (4) HIRE AND RETAIN EMPLOYEES, AGENTS, AND CONTRACTORS AS NEEDED TO  
23 PERFORM THE ADMINISTRATOR'S FUNCTIONS FOR THE AUTHORITY, SUBJECT TO  
24 § 10-4(B) OF THIS SUBTITLE;

25 (5) EXERCISE THE POWERS GRANTED TO THE AUTHORITY BY THIS SUBTITLE, EXCEPT  
26 THAT THE BOARD RETAINS FINAL DISCRETION AND POWER WITH REGARD TO ALL  
27 SUBSTANTIVE AGREEMENTS, CONTRACTS, AND OTHER ARRANGEMENTS BINDING  
28 ON THE AUTHORITY; AND

29 (6) EXERCISE THE ADDITIONAL RIGHTS, POWERS, AND AUTHORITY GRANTED TO THE  
30 ADMINISTRATOR BY THE BOARD.

31 (C) *IMMUNITY.*

32 THE ADMINISTRATOR IS THE DIRECT AGENT OF THE AUTHORITY, SO THAT ANY IMMUNITY  
33 AFFORDED TO THE AUTHORITY AND ITS OFFICERS, EMPLOYEES, AND AGENTS, IS AFFORDED  
34 AS WELL TO THE ADMINISTRATOR.



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1 § 10-14. OVERSIGHT BY BOARD OF ESTIMATES.

2 (A) *IN GENERAL.*

3 THE BOARD OF ESTIMATES HAS THE FOLLOWING POWERS WITH REGARD TO THE DISTRICT  
4 AND THE AUTHORITY.

5 (B) *FINANCIAL PLAN; RATES AND CHARGES.*

6 (1) THE FINANCIAL PLAN AND THE SCHEDULE OF RATES AND CHARGES ARE SUBJECT TO  
7 THE APPROVAL OF THE BOARD OF ESTIMATES.

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

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

14 (C) *BYLAWS.*

15 THE BOARD OF ESTIMATES MUST APPROVE THE BYLAWS OF THE AUTHORITY AND ANY  
16 PROPOSED AMENDMENTS TO IT.

17 (D) *APPROVAL AND RENEWAL PROCESS.*

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

20 § 10-15. ELECTION APPROVAL PROCESS.

21 (A) *LIST OF ELIGIBLE VOTERS.*

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

25 (B) *ELIGIBILITY CRITERIA.*

26 ~~(1) PERSONS ELIGIBLE TO VOTE ARE:~~

27 ~~(i) THE OWNERS OF PROPERTY SUBJECT TO TAX UNDER § 10-8 OF THIS SUBTITLE;~~

28 ~~(ii) THE OWNERS OF EACH TAX PARCEL WITHIN THE DISTRICT; AND~~

29 ~~(iii) EACH PUBLIC SERVICE COMPANY OWNING ANCILLARY ASSETS ON THE~~  
30 ~~DISTRICT.~~

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

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1 ~~(3) EACH PUBLIC SERVICE COMPANY OWNING PROPERTY IN THE DISTRICT IS ENTITLED TO~~  
2 ~~1 VOTE AND 1 OR MORE ADDITIONAL VOTES FOR ANY TAX PARCELS WITHIN THE~~  
3 ~~DISTRICT OWNED BY THE PUBLIC SERVICE COMPANY.~~

4 (1) EACH REAL PROPERTY TAX PARCEL IS ENTITLED TO ONE VOTE TO BE EXERCISED BY  
5 THE OWNER OF THAT REAL PROPERTY TAX PARCEL.

6 (2) ANY PUBLIC SERVICE COMPANY THAT OWNS ONE OR MORE FIXTURES OR ANCILLARY  
7 ASSETS DESCRIBED IN SECTION 10-8(D) IS ENTITLED TO ONE VOTE REGARDLESS OF  
8 HOW MANY FIXTURES OR ASSETS OWNED. THIS IS IN ADDITION TO, AND NOT IN  
9 SUBSTITUTION FOR, ANY VOTES THAT THE COMPANY IS ENTITLED TO BY VIRTUE OF  
10 PARAGRAPH (1), ABOVE.

11 (C) *ELECTION.*

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

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

18 (D) *PERCENTAGE APPROVAL.*

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

21 (2) IF THE BOARD OF ESTIMATES DETERMINES THAT AT LEAST 58% OF THE AGGREGATE  
22 VOTES CAST APPROVED THE ESTABLISHMENT OF THE DISTRICT, THE BOARD OF  
23 ESTIMATES SHALL CERTIFY THE DISTRICT AND AUTHORITY AS APPROVED FOR  
24 OPERATION.

25 **§ 10-16. 4-YEAR REVIEWS.**

26 (A) *PUBLIC HEARINGS.*

27 NO LATER THAN 4 YEARS AFTER THE ESTABLISHMENT OF THE DISTRICT, AND EVERY 4  
28 YEARS FOLLOWING, THE MAYOR AND CITY COUNCIL SHALL HOLD 1 OR MORE PUBLIC  
29 HEARINGS TO EVALUATE THE ACTIVITIES AND UNDERTAKINGS OF THE AUTHORITY AND  
30 THE DISTRICT.

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

32 AT THE CONCLUSION OF THE HEARINGS, THE MAYOR AND CITY COUNCIL SHALL  
33 DETERMINE WHETHER THE DISTRICT IS TO CONTINUE FOR ANOTHER 4 YEARS.



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1 (C) *PROCESS TO BE REPEATED.*

2 THIS PROCESS SHALL BE REPEATED PERIODICALLY TO SATISFY THE REQUIREMENTS OF  
3 CITY CHARTER ARTICLE II, § (63) .

4 **§ 10-17. DISSOLUTION OF DISTRICT.**

5 (A) *DISSOLUTION ON CERTAIN EVENTS.*

6 IF THE DISTRICT IS NOT APPROVED AS PROVIDED IN § 10-15 OF THIS SUBTITLE, OR IS NOT  
7 RENEWED AS PROVIDED IN § 10-16 OF THIS SUBTITLE, THE AUTHORITY SHALL CEASE ITS  
8 OPERATIONS, AND THE DISTRICT SHALL CEASE TO EXIST, AT THE END OF THE CITY'S  
9 FISCAL YEAR IN WHICH THE TERMINATING EVENT OCCURS.

10 (B) *LIMITED CONTINUATION.*

11 THE AUTHORITY SHALL CONTINUE ITS EXISTENCE ONLY AS LONG AS NECESSARY TO:

12 (1) TERMINATE OPERATIONS IN A REASONABLE FASHION; AND

13 (2) ARRANGE FOR THE REFUNDING OF ALL FUNDS NOT NEEDED TO SATISFY  
14 OUTSTANDING OBLIGATIONS AND RESERVES FOR UNCERTAIN OBLIGATIONS AND  
15 LIABILITIES.

16 (C) *UNSPENT FUNDS.*

17 ANY UNSPENT FUNDS REVERT TO THE CITY'S GENERAL FUND, EXCEPT AS NECESSARY TO  
18 SECURE A BORROWING PERMITTED UNDER SECTION 10-4(B)(6). IN NO OTHER  
19 CIRCUMSTANCES MAY CHARGES OR TAXES COLLECTED BY THE AUTHORITY BECOME PART  
20 OF THE GENERAL FUND OF THE CITY.

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

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

23 Taurus Barksdale  
24 Alyssa Domzal  
25 Justin George  
26 Jon Laria  
27 Mark Pollak

28 (b) The Interim Board is responsible for:

29 (1) drafting the bylaws of the Authority;

30 (2) recommending a full Board to the Board of Estimates; and

31 (3) preparing a proposed operations plan and budget.

**Council Bill 19-0465**

1 (c) (1) The Interim Board members serve for a period not to exceed 6 months, unless  
2 extended by the Board of Estimates, and only until a full Board is approved by the  
3 Board of Estimates.

4 (2) On a member's resignation, expiration of term, or removal in accordance with the  
5 Authority's bylaws, successors shall be elected by the remaining members of the  
6 Board.

7 (d) (1) The Interim Board shall propose to the Board of Estimates the initial full  
8 membership of the Board and the proposed terms for each director. The terms of  
9 the proposed members shall be staggered.

10 (2) Interim Board members may be included in the recommended full Board list.

11 (3) The recommendation shall occur no later than 10 days after approval of the  
12 District, and shall be subject to the consent and concurrence of the Board of  
13 Estimates.

14 (4) The full Board proposed by the Interim Board is subject to the approval of the  
15 Board of Estimates.

16 (e) (1) The first Financial Plan submitted may be for less than a full fiscal year.

17 (2) The initial budget for the Authority shall include all of the fiscal year ending on  
18 June 30, 2020, and may include the costs of preparing the Financial Plan and  
19 implementing the Authority and the District, whether or not those costs were  
20 incurred during that fiscal year.

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

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

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

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

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

36 **SECTION 5. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it is  
37 enacted.



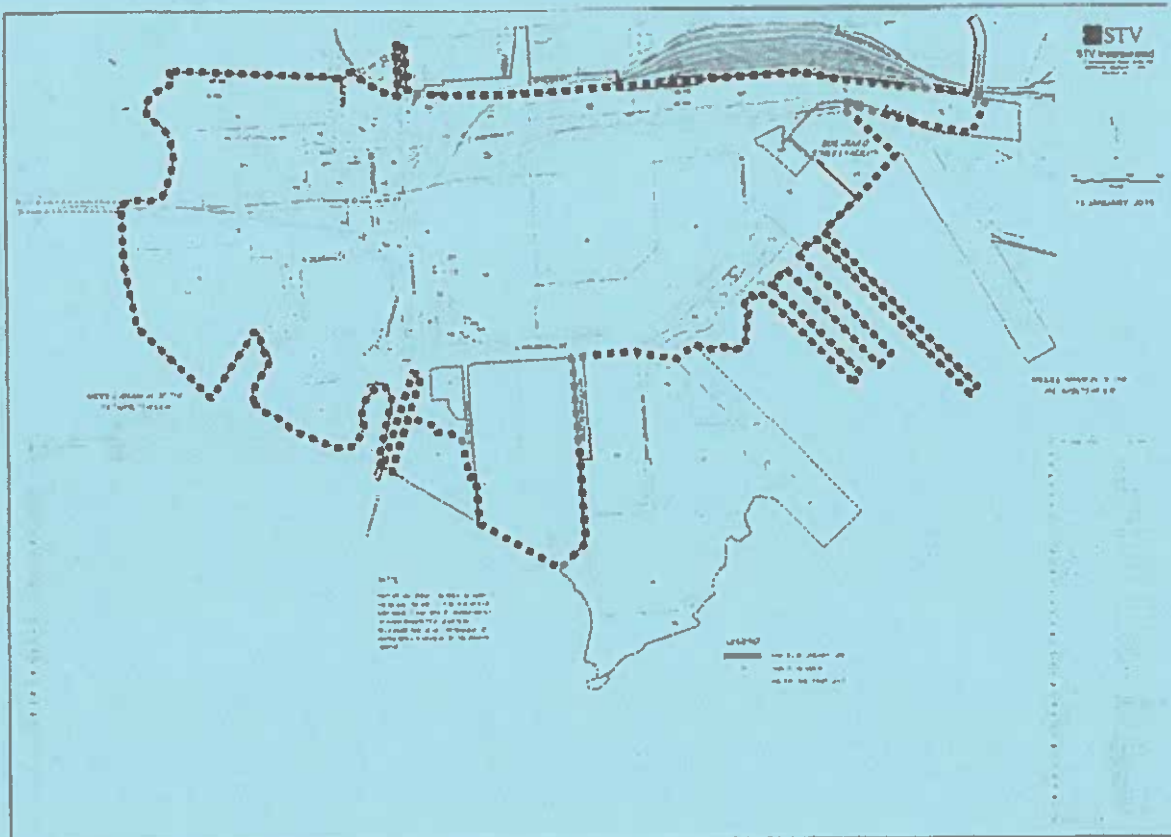
Council Bill 19-0465

Exhibit A

District Boundaries

1

2



**Council Bill 19-0465**

Certified as duly passed this 11 day of May, 2020



\_\_\_\_\_  
President, Baltimore City Council

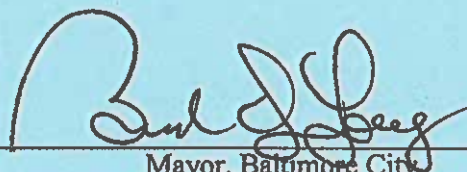
Certified as duly delivered to His Honor, the Mayor,

this 11 day of May, 2020



\_\_\_\_\_  
Chief Clerk

Approved this 18 day of May, 2020

  
\_\_\_\_\_  
Mayor, Baltimore City



# BALTIMORE CITY COUNCIL HOUSING AND URBAN AFFAIRS COMMITTEE VOTING RECORD

DATE: 11-21-20

**BILL#: 19-0465**

**BILL TITLE: Ordinance -Port Covington District and Port Covington  
Community Benefits District Management Authority**

MOTION BY: Schleifer      SECONDED BY: Henry

FAVORABLE

FAVORABLE WITH AMENDMENTS

UNFAVORABLE

WITHOUT RECOMMENDATION


NAME	YEAS	NAYS	ABSENT	ABSTAIN
Bullock, J. Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Schleifer, I. Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Burnett, K.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cohen, Z.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dorsey, R.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Henry, B.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sneed, S.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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<b>TOTALS</b>	6	1		

CHAIRPERSON: [Signature]  
 COMMITTEE STAFF: Richard G. Krummerich, Initials: RK





*Robert Cennamo*

<b>FROM</b>	NAME & TITLE	Robert Cennamo, Chief	CITY of <b>BALTIMORE</b> <b>MEMO</b>	
	AGENCY NAME & ADDRESS	Bureau of the Budget and Management Research Room 432, City Hall (410) 396-4774		
	SUBJECT	City Council Bill 19-0465 – Port Covington and Port Covington Community Benefits District Management Authority		

DATE:

**TO**

The Honorable President and  
Members of the City Council  
City Hall, Room 400

April 20, 2020

**Position: Does Not Oppose**

The Department of Finance is herein reporting on City Council Bill 19-0465, Port Covington and Port Covington Community Benefits District Management Authority, the purpose of which is to establish a Port Covington Community Benefits District and Management Authority.

**Background**

There are several Community Benefits Districts across the city: Waterfront, Midtown, Charles Village, and Downtown. These Community Benefits Districts, and the Management Authorities that preside over them, provide additional services to their residents such as street cleaning, alley maintenance, and safety patrols. These services are funded by a property tax surcharge paid by property owners in the District.

**Fiscal Impact**

Port Covington is still in the early stages of development; therefore, we cannot estimate the number of properties that would be subject to the surcharge. Note that since Port Covington is a TIF district, baseline property taxes will first go to pay the TIF bond debt service.

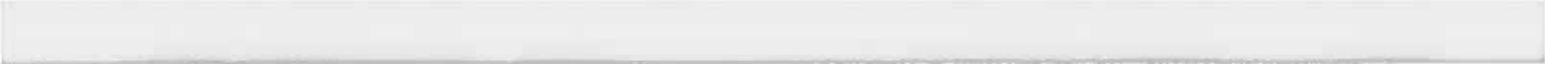
**Conclusion**

If this legislation passes and is approved by property owners to establish the Port Covington Community Benefits District, it will establish an agreement between the area's property owners and the District, in which property owners pay a supplemental tax rate, on top of the of the City's property tax rate, for additional services. There is no direct cost or revenue impact to the City.

In light of recent events and the economic downturn caused by COVID-19, it is important to note that these additional surcharges add to an already high tax burden on property owners and have the potential to discourage investments. This increased tax burden has the potential to limit the City's flexibility to increase General Fund revenues in the future.

**For the reasons stated above, the Department of Finance does not oppose City Council Bill 19-0465.**

cc: Henry Raymond  
Matthew Stegman  
Nina Themelis







BALTIMORE CITY  
DEPARTMENT OF HOUSING &  
COMMUNITY DEVELOPMENT

## MEMORANDUM

To: The Honorable President and Members of the Baltimore City Council  
c/o Natawna Austin, Executive Secretary

From: Michael Braverman, Housing Commissioner 

Date: April 2, 2020

**Re: City Council Bill 19-0465 Port Covington District and Port Covington Community Benefits District Management Authority**

The Department of Housing and Community Development (DHCD) has reviewed City Council Bill 19-0465 for the purpose of creating a community benefits district for Port Covington; specifying the boundaries of the district; creating a community benefits district management authority and providing for its rights, duties, and powers; providing for the selection and composition of the Authority's Board of Directors; designating the initial interim board of the authority and providing for the selection and approval of a full board, including authority to establish up to three classes of board memberships with certain approval rights granted to each class; creating the administrator for the authority and approving a potential administrator; mandating the financial responsibilities of the Authority and the City in conjunction with the operation of the district; providing for a supplemental tax to be collected for the Authority; authorizing the creation of separate classes and subclasses of property for the purpose of establishing different rates of supplemental tax; authorizing the creation of credits to facilitate a diverse residential mix; incorporating the assessment; collection and enforcement process for the supplemental tax within the procedures and processes already existing; specifying the role of the City and maintaining and enhancing existing services; encouraging the creation of partnerships between and among the Authority, the City, the state, the federal government and other property owners not subject to the supplemental tax; establishing the Board of Estimates as the agency charged with reviewing and approving various matters relating to the District and the Authority; providing for the renewal, expiration, termination and approval of the District and the Authority; otherwise providing for the existence, operation and control of the District and the Authority; and providing for a special effective date.





At its regular meeting of January, 30, 2020, the Planning Commission concurred with the recommendations of its departmental staff, and recommended that City Council Bill 19-0465 be passed by the City Council. The Bill creates a Business Improvement District (BID) for the purpose of funding specific additional services. The additional services to be provided within the BID will include; beautification and landscape maintenance, snow removal, sanitation services, additional security, marketing and promotions, events, and fundraising efforts. DHCD does not anticipate that the provision of these additional services within the BID will have an adverse fiscal or operational impact on the Department.


**DHCD has no objection** to the passage of City Council Bill 19-0465.

MB:sm

cc: Mr. Blendy, Nicholas, *Mayor's Office of Government Relations*





F R O M	NAME & TITLE	Steve Sharkey, Director	CITY of BALTIMORE  M E M O	
	AGENCY NAME & ADDRESS	Department of Transportation (DOT) 417 E Fayette Street, Room 527		
	SUBJECT	City Council Bill 19-0465		

TO: Mayor Bernard C. "Jack" Young  
TO: Housing & Urban Affairs Committee  
FROM: Department of Transportation  
POSITION: No Objection  
RE: Council Bill – 19-0465

DATE: 4/17/20

**INTRODUCTION** – Port Covington District and Port Covington Community Benefits District Management Authority

**PURPOSE/PLANS** – Port Covington District and Port Covington Community Benefits District Management Authority For the purpose of creating a community benefits district for Port Covington; specifying the boundaries of the district; creating a community benefits district management authority and providing for its rights, duties, and powers; providing for the selection and composition of the Authority’s Board of Directors; designating the initial interim board of the authority and providing for the selection and approval of a full board, including authority to establish up to three classes of board memberships with certain approval rights granted to each class; creating the administrator for the authority and approving a potential administrator; mandating the financial responsibilities of the Authority and the City in conjunction with the operation of the district; providing for a supplemental tax to be collected for the Authority; authorizing the creation of separate classes and subclasses of property

**COMMENTS** – This bill looks to authorize the creation of a new Port Covington Benefits District, Baltimore City’s latest Community Benefits District (CBD). The Port Covington Benefits District would join Baltimore City’s existing cohort of CBDs: Charles Village Community Benefits District, Downtown Partnership, Waterfront Partnership, and South Baltimore Gateway Partnership. Each CBD is unique, though they are generally funded via a surtax on top of Baltimore City’s existing standard property tax rate. The revenue is then used to supplement existing city services. Existing CBDs in Baltimore City have used the additional revenue to fund anything from increased cleaning and greening services to grants aimed towards promoting various local initiatives – within established CBD boundaries. The Department of Transportation foresees no immediate significant operational impact resulting from the passage of City Council Bill 19-0465.

**AGENCY/DEPARTMENT POSITION** – The Department of Transportation has **no objection** to City Council bill 19-0465

If you have any questions, please do not hesitate to contact Liam Davis at [Liam.Davis@baltimorecity.gov](mailto:Liam.Davis@baltimorecity.gov) or at 410-545-3207.

Sincerely,

Steve Sharkey  
Director





The Honorable President and Members  
of the Baltimore City Council  
November 18, 2019 .  
Page 2

**AGENCY/DEPARTMENT POSITION**

The Department of Public Works has no objection to the passage of City Council Bill 19-0465 provided that the Department of Law finds the legislation legally sufficient.

If you have any questions, please do not hesitate to contact Ms. Marcia Collins at 410-396-1960 ([Marcia.Collins@baltimorecity.gov](mailto:Marcia.Collins@baltimorecity.gov)).

Sincerely,

A handwritten signature in black ink that reads "Rudolph S. Chow for". The signature is written in a cursive, flowing style.

Rudolph S. Chow, P.E.  
Director

RSC:MMC





CITY OF BALTIMORE

BERNARD C. "JACK" YOUNG  
Mayor



DEPARTMENT OF LAW  
DANA P. MOORE, ACTING CITY SOLICITOR  
100 N. HOLLIDAY STREET  
SUITE 101, CITY HALL  
BALTIMORE, MD 21202

April 15, 2020

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 19-0465 – Port Covington Community Benefits District  
Dear President and City Council Members:

The Law Department has reviewed City Council Bill 19-0465 for form and legal sufficiency. The bill would create the Port Covington Community Benefits District and Management Authority.

The City's power to establish community benefits districts comes from the Maryland General Assembly's enactment of Chapter 732 of the 1994 Laws of Maryland, which is codified in Section (63) of Article II of the Baltimore City Charter. *See, e.g., Piscatelli v. Bd. of Liquor License Comm'rs*, 378 Md. 623, 633-34 (2003) (express powers of Baltimore City are found in Article II of the Baltimore City Charter). The City may establish no more than six such districts by ordinance but fifty-eight percent of the people in the district must approve the establishing ordinance in a special election before it becomes law. Charter, Art. II, § (63)(k). If the ordinance is approved and the district and Authority are established, the Mayor and City Council may not diminish services to the district simply because it is a separate community benefits district. Charter, Art. II, § (63)(i).

Currently, there are several such districts, each codified as a separate Subtitle of Article 14 of the Baltimore City Code: Charles Village Community Benefits District (Subtitle 6); Midtown Community Benefits District (Subtitle 7); Waterfront Management District (Subtitle 8). Charter, Art. II, § (63)(a)(1); *but see* Charter, Art. II, § (61) (General Assembly gave separate and different power to enact the Downtown Management District, which is codified in Subtitle 1 of Article 14 of the Baltimore City Code); Charter, Art. II, § (69) (General Assembly gave separate and different power to enact the South Baltimore Gateway Community Impact District, which is codified in Subtitle 19 of Article 14 of the Baltimore City Code); Charter, Art. II, § (70) (General Assembly gave separate and different power to enact the Tourism Improvement District, which is codified in Subtitle 20 of Article 14 of the Baltimore City Code). The districts are managed by management authorities, which must be "proposed by the Board of Estimates of Baltimore City and approved through an ordinance by the Mayor and City Council." Charter, Art. II, § (63)(a)(3).



Assuming the Board of Estimates has proposed the Authority for this district, this bill must “provide procedures for a special election” to approve this ordinance “which may be administered by write-in ballots” and “provide criteria for the eligibility of voters” for that special election. Charter, Art. II, § (63)(k).

This bill must also address all of the following:

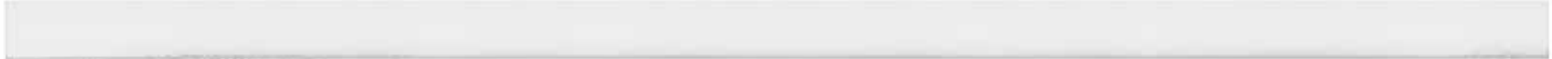
- (1) specify the powers and functions within the limits of this section, which may be exercised and conducted by the Authority and the amount of taxes or charges which may be imposed on properties in the district.
- (2) specify the duration of the Authority and define the boundaries of the district.
- (3) provide for the imposition and collection of the taxes or charges and for disbursement of the revenue therefrom to the Authority. The financial plan of the Authority, including its annual budget and its tax rate and schedule of charges, shall be subject to approval by the Board of Estimates. Taxes and charges imposed under this paragraph may not exceed those proposed by the Authority.
- (4) determine the organization and method of initial appointment of officers and board members of the Authority. The majority of the members of the board shall be owners or representatives of owners of properties in the district that are subject to taxes or charges under this section. A voting member of the board must be eligible to vote in the election under subsection (j) {subsection (k)} of this section.
- (5) determine what classes of property in the district owned by public service companies as defined in Article 78 of the Annotated Code of Maryland {now, Public Utility Companies Article} shall be subject to or exempt from taxes or charges under this section.

Charter, Art. II, § (63)(c). This bill provides for all of these things.

There are certain functions that a Community Benefits District and its management Authority may NOT be allowed to do:

- (1) exercise any police or general powers other than those authorized by State law and City ordinance;
- (2) pledge the full faith or credit of the City;
- (3) impose taxes or charges in excess of those approved by the Board of Estimates;
- (4) exercise the power of eminent domain;
- (5) extend its life without the approval of the City Council;
- (6) except as otherwise provided by law, engage in competition with the private sector;
- (7) except as otherwise provided in subsection (i) {subsection (j)} of this section, revert charges or taxes collected pursuant to this section to the General Fund of the City;





- (8) be an agency of the Mayor and City Council of Baltimore or the State of Maryland and its officers and employees may not act as agents or employees of the Mayor and City Council of Baltimore or the State of Maryland;
- (9) employ individuals who reside outside the City of Baltimore; and
- (10) except as required or appropriate to facilitate its normal operations, incur debt.

Charter, Art. II, § (63)(e).

There are several areas in which the language of the bill exceeds the legislative authority given to the Mayor and City Council by the General Assembly or otherwise is inadequate. Thus, amendments are needed to make the bill legally sufficient.

First, the language in Section 10-4(B)(1)(III) allowing for the Authority to lease property “for fees and the participation in revenues from such leasing” is not permitted under Section (63)(e)(6) of Article II of the City Charter that prohibits competition with the private sector, unless otherwise permitted by law. Clearly, the law that can permit the Authority to lease property cannot be the ordinance enacted by the City Council, as that would render the Charter’s prohibition on private sector competition to be superfluous. *See, e.g., Thomas v. Police Commissioner of Baltimore City*, 211 Md. 357, 361 (1956) (“It is a hornbook rule of statutory construction that, in ascertaining the intention of the Legislature, all parts of a statute are to be read together to find the intention as to any one part and that all parts are to be reconciled and harmonized if possible.”). An amendment to remove lines 10-11 on page 4 is attached to this report.

Next, the language in Section 10-4(B)(6) regarding assurances for payments of debts past the life of the Authority must be removed as it would be unable to offer assurances that extended beyond its own life, over which only the Mayor and City Council has control. Charter, Art. II, § (63)(h). The payment of funds by the Authority past the life of the Authority is inconsistent with the requirement that any funds unspent after the Authority dissolves must be returned to the Mayor and City Council of Baltimore. Charter, Art. II, § (63)(j). This would capture all of the Authority’s funds, not just those raised by the Special Tax revenues. An amendment is attached to this report to remove this language. Alternatively, the language could be amended to clarify that the assurances must be provided by a person or entity other than the Authority.

The Authority would also have no power to “establish and enforce rules and regulations” for the use of public or private property within the district as that would amount to the exercise of police power that has specifically been denied to the Authority. Charter, Art. II, § (63)(e)(1). Even when the Mayor and City Council delegates regulatory authority to its agencies—which this Authority is clearly not under Section (63)(e)(8) of Article II of the City Charter— courts are clear that such authority must have legislative guidance. *See, e.g., Maryland Theatrical Corp. v. Brennan*, 180 Md. 377, 385 (1942) (“uncontrolled discretion of an administrative official . . . is not permitted under the police power.”). An amendment is attached to this report to remove Section 10-4(B)(7).

Additionally, the Charter explicitly forbids the Authority from assessing charges against properties that are tax exempt. Charter, Art. II, § (63)(d)(7). Thus, the language in Section 10-





4(B)(8) that provides the Authority could impose such charges must be removed. An amendment is attached to this report.

The language used in Section 10-4(B)(11) is not an exact phrasing of what the City Charter requires concerning minority and women's business enterprises so the language should be changed to mirror the Charter's language. Charter, Art. II, § (63)(d)(10). An amendment to align the bill's language with the Charter's language is attached to this report.

This City Council bill, which when passed would be a local law, should not require an employee of an Authority to sign an affidavit as a condition of employment as that could be seen as compelled speech under the First Amendment to the United States Constitution. U.S. Constitution, amend. I; *Janus v. AFSCME*, 138 S.Ct. 2448, 2463 (2018) ("The First Amendment, made applicable to the States by the Fourteenth Amendment, forbids abridgment of the freedom of speech. We have held time and again that freedom of speech "includes both the right to speak freely and the right to refrain from speaking at all."); accord *Hurley v. Irish-American Gay, Lesbian and Bisexual Group of Boston, Inc.*, 515 U.S. 557 (1995) ("Since all speech inherently involves choices of what to say and what to leave unsaid, . . . one important manifestation of the principle of free speech is that one who chooses to speak may also decide 'what not to say'") (citation omitted). More importantly, the requirement for the affidavit is not necessary as all other Community Benefits Districts enacted under the powers of Section (63) of Article II are subject to the same employment restraint in Section (63)(e)(9) of Article II of the City's Charter and none of their enabling ordinances require an affidavit. Charter, Art. II, § (63)(e)(9). Rather, the Charter simply requires that a Community Benefits District hire only those employees who live in the City and discharge those employees if and when they move outside of the City. Thus, the Law Department recommends deleting Section 10-5(B)(9) to avoid any First Amendment issues by placing a speech requirement in a City ordinance. An amendment to remove this language from the bill is attached.

Next, Section 10-5(B)(11) should be amended to remove the language " , or if more restrictive," from line 2 on page 7 so as to make clear that the Authority cannot exercise any powers that are withheld under the terms of the Charter or the ordinance, regardless of which one is more restrictive. In other words, even if a Charter provision withheld some power, and the ordinance further defined that restriction, both would be operative as the ordinance could never conflict with the Charter. Charter, Art. III, §11. This confusing language appears in other Community Benefits District ordinances but it remains unhelpful. An amendment to remove this language is attached. The bill could also be amended to remove all of Section 10-5(B)(11) as it is merely a statement of statutory construction that is not required.

In Section 10-6(C)(2) on page 7, line 21 of the bill, the word "each" should be inserted instead of the word "any" to be clear that each councilmember whose district falls within the Benefits District is be a member of the Board of Directors. An amendment is included with this report.

Additionally, changes are required Section 10-6(C)(4 requiring a member of the Board be a representative "of the residents, when a residential project is developed in the District." This is unworkable because it is unclear at what point in the development such a member would be



required on the Board. Similarly, it is unclear what is meant by a “residential project.” Also, Section 10-6(C)(7) should be deleted because it is merely a suggestion and does not restrict or inform qualifications for membership. The language in Subsections (C)(4) and (C)(7) risk being interpreted as void for vagueness. *See, e.g., A.B. Small Co. v. American Sugar Refining Co.*, 267 U.S. 233, 238-239 (1925)(courts have held a civil “provision invalid as contravening the due process of law clause of the Fifth Amendment, among others, because it required that the transactions named should conform to a rule or standard which was so vague and indefinite that no one could know what it was”)(citations omitted); *see also Johnson v. U.S.*, 135 S.Ct. 2551, 2561 (2015)(just because there may be “some conduct that clearly falls within the provision’s grasp” does not cure an otherwise vague law). An amendment to simply require one resident member is attached to this bill. Alternatively, the Mayor and City Council could simply eliminate resident membership in the Board or determine a set number of residents to be on the Board. The amendment also eliminates Section 10-6(C)(7), which although it is present in the Charles Village Community Benefits District language, is confusing as it is the only enumeration in Section 10-6(c) that is not a qualification for board membership.

Next, the language in Section 10-7(B) should be amended to remove the portion of the language that does not apply to every annual financial plan. The provisions for liability contemplated in Section 10-7(B) are already properly located in the uncodified Section 2 of the bill. An amendment is attached to the bill report.

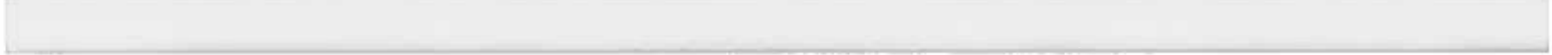
The word “approve” in line 7 on page 9 should be changed to “implement” to align it with the Charter requirement that the Board of Estimates approves the Financial Plan and then the Authority is restricted from implementing any taxes or charges in excess of any approved amounts. Charter, Art II., § (63)(c)(3). Amendment language is attached to this report.

Language is needed to clarify Section 10-8(A)(2)(II). If the intent is to exempt specific types of properties, then those must be enumerated. Charter, Art II., § (63)(c)(5). An amendment to this language is attached to this report but it should be modified as necessary to clarify the intent of this exemption section.

The Charter does not authorize a Community Benefit District to have different rates of Supplemental Tax. Charter, Art. II, §(63)(c)(3). Without such explicit authorization, the City may not pass an ordinance to allow for multiple rates. 91 Md. Op. Atty. Gen. 152, 155 (2006) (“A local government may not impose any type of charge, regardless of whether it is designated a tax or a fee, without the authorization of the General Assembly.”) (citing the Maryland Declaration of Rights, Article 14). Rather, the Charter is clear that the Financial Plan for a District include “its tax **rate** and schedule of charges.” Charter, Art. II, §(63)(c)(3)(emphasis added). While there may be multiple types of charges, there can only be one tax rate. The interpretation of “rate” in the context of taxes to mean only one rate, and not to include the plural “rates,” has been established by Maryland Courts. *See, e.g., Rosecroft Trotting and Pacing Assn., Inc.v. Prince George’s County*, 298 Md. 580, 593 (1984). An amendment to remove these sections is attached to this report.

Finally, an amendment is needed to clarify the voting eligibility in Section 10-15(B). If the owner of each tax parcel within the District is entitled to one vote per tax parcel, the language





in Sections 10-15(B)(1)(I) could be read as superfluous and redundant. Moreover, it is unclear if the Public Service Companies owning ancillary assets are entitled to a vote because of the ownership of that asset regardless of whether that asset is located on a tax parcel it owns. An amendment is attached to this report that attempts to clarify the likely intended meaning of this Section.

In addition to these required amendments, it is worth noting that Section 10-4(B)(3) proposes the Waterfront Partnership of Baltimore, Inc. as a possible administrator of the Authority. This is currently not possible as the Articles of Incorporation of the Waterfront Partnership of Baltimore, Inc. provide that it is geographically limited to the City's Harbor area. Until the Board of Directors of the Waterfront Partnership of Baltimore votes to amend its Articles of Incorporation, the Waterfront Partnership of Baltimore would not be able to administer an area outside of the City's Harbor.

It is also worth noting that while the bill references "all provisions of federal, state and local law limiting the liability of directors, employees, officers, agents and officials of governmental bodies," the Authority will not be such a body. As Maryland's highest Court has explained, it is a public corporation. *Floyd v. Mayor and City Council of Baltimore*, 407 Md. 461, 487-8 (2009). This mischaracterization, however, does not impact the application of the Local Government Tort Claims Act. *Id*; Md. Code, Cts. & Jud. Proc., § 5-301(d)(13).

In considering this bill as a proposed new Community Benefits District, the City Council must do three things:

- (1) give 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 district;
- (2) make a determination that a district created under this section will reflect a diverse mix of business and residential properties; and
- (3) make a determination that a district created under this section will reflect a diverse economic, social, and racial mix.

Although the bill provides in Section 10-1(B) that such things have been considered, it is best if, at the hearing, the committee considers the business and residential community views and makes the two determinations listed above.

Once established by the special election, the Authority is a public corporation with the power to "promote and market districts, provide supplemental security and maintenance services, provide amenities in public areas, provide park and recreational programs and functions." Charter, Art. II, § (63)(a)(2). The Authority may request additional powers from the Mayor and City Council via ordinance. The Authority's continued existence must be reauthorized every four years. 1997 Md. Laws ch. 655; 2000 Md. Laws ch. 89 (codified in City Code, Art. 14, §6-16); *see also* 2003 Md. Laws ch. 475.

As this bill is the required authorization to create the district and Authority, the Law Department approves this bill for form and legal sufficiency so long as the foregoing amendments





are included. Assuming it is enacted by the Mayor and City Council, it does not become law unless and until fifty-eight percent of the district approves it in a special election.

Very truly yours,

A handwritten signature in black ink, appearing to read "Hilary Ruley". The signature is written in a cursive style with a large initial "H".

Hilary Ruley  
Chief Solicitor

cc: Dana P. Moore, Acting City Solicitor  
Matthew Stegman, Mayor's Office of Government Relations  
Elena DiPietro, Chief Solicitor, General Counsel Division  
Victor Tervalá, Chief Solicitor  
Ashlea Brown, Assistant Solicitor



AMENDMENTS TO COUNCIL BILL 19-0465  
(1<sup>st</sup> Reader Copy)

Proposed by: Law Dep't  
{To be offered to the Housing and Urban Affairs Committee}

**Amendment No. 1**

On page 4, in lines 10 and 11, delete "(III) THE LEASING OF SPACE AND STRUCTURES FOR FEES AND THE PARTICIPATION IN REVENUE FROM SUCH LEASING."

**Amendment No. 2**

On page 4, in line 32, delete beginning with the comma through the period in line 34 and substitute a period.

**Amendment No. 3**

On page 5, delete lines 1 through 3.

**Amendment No. 4**

On page 5, delete beginning with the comma in line 8 through the end of line 11.

**Amendment No. 5**

On page 5, in lines 22 through 25, delete "NONETHELESS SHALL BE SUBJECT TO APPLICABLE ORDINANCES REGARDING CITY POLICY ON ENCOURAGING AND ACHIEVING GOALS FOR PARTICIPATION OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES IN THE CONTRACTING ACTIVITIES" and substitute "SHALL BE SUBJECT TO CITY ORDINANCES AND CITY POLICY REQUIRING ACHIEVEMENT OF GOALS REGARDING MINORITY AND WOMEN'S BUSINESS ENTERPRISES"

**Amendment No. 6**

On page 6, delete lines 28 through 32.

**Amendment No. 7**

On page 7, in line 2, delete "EITHER," and delete ", IF MORE RESTRICTIVE,".

**Amendment No. 8**

On page 7, in line 21, delete "ANY" and replace with "EACH"

**Amendment No. 9**





On page 7, in line 25, delete "REPRESENTATIVE OF THE RESIDENTS" and replace with "RESIDENT" and in lines 25 and 26 on page 7, delete ", WHEN A RESIDENTIAL PROJECT IS DEVELOPED IN THE DISTRICT"; and delete lines 1 through 3 on page 8.

**Amendment No. 10**

On page 8, in line 32, delete "IF THE AUTHORITY IS" and delete lines 32 through 34 on the same page.

**Amendment No. 11**

On page 9, in line 7, substitute "IMPLEMENT" for "APPROVE."

**Amendment No. 12**

On page 9, in line 16 delete the colon; and on the same page in line 17 delete "(I)" and ";" and insert a period at the end of line 17; and on the same page delete line 18.

**Amendment No. 13**


On page 10, delete lines 6 through 16.

**Amendment No. 14**

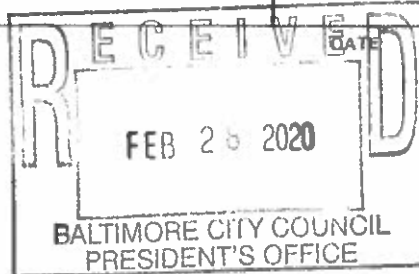
On page 15, delete lines 19 through 27 and substitute:

- (1) Each real property tax parcel is entitled to one vote to be exercised by the owner of that real property tax parcel.
- (2) Any Public Service Company that owns one or more fixtures or Ancillary Assets described in Section 10-8(D) is entitled to one vote regardless of how many fixtures or Assets are owned. This is in addition to, and not in substitution for, any votes that the Company is entitled to by virtue of Subsection (1), above.



<b>FROM</b>	NAME & TITLE	Rudolph S. Chow, P.E., Director	CITY of BALTIMORE <b>MEMO</b>	
	AGENCY NAME & ADDRESS	Department of Public Works 600 Abel Wolman Municipal Building		
	SUBJECT	City Council Bill 19-0465		

TO



November 18, 2019

TO Housing and Urban Affairs Committee

**INTRODUCTION**

I am herein reporting on City Council Bill 19-0465 introduced by Council Member Costello.

**PURPOSE**

The purpose of the Bill, among other things, is to create a community benefits district for Port Covington; specify the boundaries of the District; create a community benefits district management authority and provide for its rights, duties and powers; provide for the selection and composition of the Authority's Board of Directors and for an Administrator for the Authority; mandate the financial responsibilities of the Authority and the City in conjunction with the operation of the District; provide for the assessment, collection and enforcement of a supplemental tax to be collected by and for the Authority, and for the creation of separate classes and subclasses of property for the purpose of establishing different rates of supplemental tax; authorize the creation of credits to facilitate a diverse residential mix; specify the City's role in maintaining and enhancing existing services; encourage the creation of partnerships between and among the Authority, the City, the state, the federal government and other property owners not subject to the supplemental tax; designate the Board of Estimates as the agency charged with reviewing and approving various matters relating to the District and the Authority; provide for the renewal, expiration, termination and approval of the District and Authority; and provide for a special effective date.

**BRIEF HISTORY**

Article II of the Baltimore City Charter authorizes the City to establish up to six community benefit district management authorities by ordinance, provided that 58 percent of the people in the proposed district concur. The purpose of these authorities is to promote and market the district areas, provide supplemental security and maintenance services, and other public amenities. City Council Bill 19-0465 proposes to add a sixth benefit district to be known as the Port Covington District and Port Covington Community Benefits District Management Authority.

**FISCAL IMPACT**

The Department of Public Works is an active partner with the existing four Districts and Authorities and the newly formed York Road Corridor Business Improvement District and Authority. The Department provides baseline services through individual baseline services agreements, and it is anticipated that a similar process would be implemented with the Port Covington District and Port Covington Community Benefits District Management Authority should City Council Bill 19-0465 be approved and enacted. Typically, one baseline service agreement stipulates what each affected agency commits to provide within the defined district. For the Bureau of Solid Waste, these services have included curbside mixed refuse and recycling collection, placement and emptying of corner cans, frequency of street cleaning along corridors and identified portions of side streets, graffiti removal, rat abatement, and any other services routinely provided.

*no obj.*



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BALTIMORE CITY  
DEPARTMENT OF HOUSING &  
COMMUNITY DEVELOPMENT

## MEMORANDUM

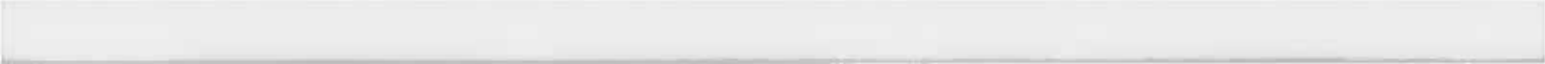
To: The Honorable President and Members of the Baltimore City Council  
c/o Natawna Austin, Executive Secretary

From: Michael Braverman, Housing Commissioner 

Date: April 2, 2020

**Re: City Council Bill 19-0465 Port Covington District and Port Covington Community Benefits District Management Authority**

The Department of Housing and Community Development (DHCD) has reviewed City Council Bill 19-0465 for the purpose of creating a community benefits district for Port Covington; specifying the boundaries of the district; creating a community benefits district management authority and providing for its rights, duties, and powers; providing for the selection and composition of the Authority's Board of Directors; designating the initial interim board of the authority and providing for the selection and approval of a full board, including authority to establish up to three classes of board memberships with certain approval rights granted to each class; creating the administrator for the authority and approving a potential administrator; mandating the financial responsibilities of the Authority and the City in conjunction with the operation of the district; providing for a supplemental tax to be collected for the Authority; authorizing the creation of separate classes and subclasses of property for the purpose of establishing different rates of supplemental tax; authorizing the creation of credits to facilitate a diverse residential mix; incorporating the assessment; collection and enforcement process for the supplemental tax within the procedures and processes already existing; specifying the role of the City and maintaining and enhancing existing services; encouraging the creation of partnerships between and among the Authority, the City, the state, the federal government and other property owners not subject to the supplemental tax; establishing the Board of Estimates as the agency charged with reviewing and approving various matters relating to the District and the Authority; providing for the renewal, expiration, termination and approval of the District and the Authority; otherwise providing for the existence, operation and control of the District and the Authority; and providing for a special effective date.

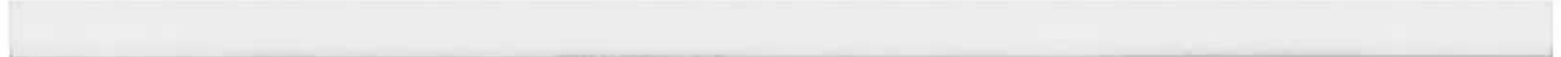


At its regular meeting of January, 30, 2020, the Planning Commission concurred with the recommendations of its departmental staff, and recommended that City Council Bill 19-0465 be passed by the City Council. The Bill creates a Business Improvement District (BID) for the purpose of funding specific additional services. The additional services to be provided within the BID will include; beautification and landscape maintenance, snow removal, sanitation services, additional security, marketing and promotions, events, and fundraising efforts. DHCD does not anticipate that the provision of these additional services within the BID will have an adverse fiscal or operational impact on the Department.

**DHCD has no objection** to the passage of City Council Bill 19-0465.

MB:sm

cc: Mr. Blendy, Nicholas, *Mayor's Office of Government Relations*



The Honorable President and Members  
of the Baltimore City Council

November 18, 2019 .

Page 2

**AGENCY/DEPARTMENT POSITION**

The Department of Public Works has no objection to the passage of City Council Bill 19-0465 provided that the Department of Law finds the legislation legally sufficient.

If you have any questions, please do not hesitate to contact Ms. Marcia Collins at 410-396-1960 ([Marcia.Collins@baltimorecity.gov](mailto:Marcia.Collins@baltimorecity.gov)).

Sincerely,


A handwritten signature in black ink that reads "Rudolph S. Chow for". The signature is written in a cursive, flowing style.

Rudolph S. Chow, P.E.  
Director

RSC:MMC





<b>FROM</b>	NAME & TITLE	CHRIS RYER, DIRECTOR	CITY of <b>BALTIMORE</b> <b>MEMO</b>	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 <sup>TH</sup> FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #19-0465 / PORT COVINGTON DISTRICT AND PORT COVINGTON COMMUNITY BENEFITS DISTRICT MANAGEMENT AUTHORITY		

DATE:

**TO**

The Honorable President and  
Members of the City Council  
City Hall, Room 400  
100 North Holliday Street

January 31, 2020

At its regular meeting of January 30, 2020, the Planning Commission considered City Council Bill #19-0465, for the purpose of creating a community benefits district for Port Covington; specifying the boundaries of the district; creating a community benefits district management authority and providing for its rights, duties, and powers; providing for the selection and composition of the Authority's Board of Directors; designating the initial interim board of the authority and providing for the selection and approval of a full board, including authority to establish up to three classes of board memberships with certain approval rights granted to each class; creating the administrator for the authority and approving a potential administrator; mandating the financial responsibilities of the Authority and the City in conjunction with the operation of the district; providing for a supplemental tax to be collected for the Authority; ...

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended approval of City Council Bill #19-0465 and adopted the following resolution; seven members being present (six in favor):

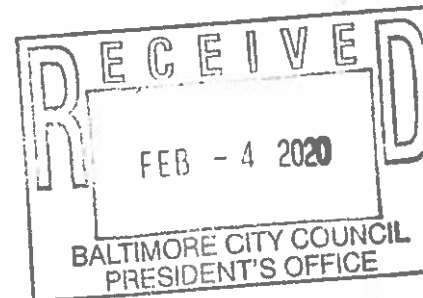
RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, and recommends that City Council Bill #19-0465 be passed by the City Council.

If you have any questions, please contact Mr. Eric Tiso, Division Chief, Land Use and Urban Design Division at 410-396-8358.

CR/ewt

attachment

cc: Mr. Nicholas Blendy, Mayor's Office  
Mr. Matthew Stegman, Mayor's Office  
Ms. Nina Themelis, Mayor's Office  
The Honorable Edward Reisinger, Council Rep. to Planning Commission  
Mr. Colin Tarbert, BDC  
Mr. Derek Baumgardner, BMZA  
Mr. Geoffrey Veale, Zoning Administration  
Ms. Stephanie Murdock, DHCD  
Ms. Elena DiPietro, Law Dept.  
Mr. Francis Burnszynski, PABC  
Mr. Liam Davis, DOT  
Ms. Natawna Austin, Council Services  
Mr. Dominic McAlily, Council Services  
Ms. Aylssa Domzal, Attorney for Applicant







Bernard C. "Jack" Young  
Mayor

## PLANNING COMMISSION

Sean D. Davis, Chairman

### STAFF REPORT



Chris Ryer  
Director

January 30, 2020

**REQUEST:** City Council Bill #19-0465/ Port Covington District and Port Covington Community Benefits District Management Authority:

For the purpose of creating a community benefits district for Port Covington; specifying the boundaries of the district; creating a community benefits district management authority and providing for its rights, duties, and powers; providing for the selection and composition of the Authority's Board of Directors; designating the initial interim board of the authority and providing for the selection and approval of a full board, including authority to establish up to three classes of board memberships with certain approval rights granted to each class; creating the administrator for the authority and approving a potential administrator; mandating the financial responsibilities of the Authority and the City in conjunction with the operation of the district; providing for a supplemental tax to be collected for the Authority; authorizing the creation of separate classes and subclasses of property for the purposes of establishing different rates of supplemental tax; authorizing the creation of credits to facilitate a diverse residential mix; incorporating the assessment, collection and enforcement process for the supplemental tax within the procedures and processes already existing; specifying the role of the City in maintaining and enhancing existing services; encouraging the creation of partnerships between and among the Authority, the City, the state, the federal government and other property owners not subject to the supplemental tax; establishing the Board of Estimates as the agency charged with reviewing and approving various matters relating to the district and the Authority; providing for the renewal expiration, termination and approval of the District and the Authority; otherwise providing for the existence, operation and control of the District and the Authority; and providing for a special effective date.

**RECOMMENDATION:** Approval

**STAFF:** Eric Tiso

**INTRODUCED BY:** Councilmember Costello

#### **SITE/GENERAL AREA**

The boundaries of the proposed benefits district can be generally described as that area located south of I-95, which includes the southern portion of the Spring Garden Industrial Area below I-95, and the Port Covington area but not including the Under Armor campus. This area includes a couple of parks including Swann Park and West Covington Park, several industrial users, over to the newly redeveloped Sagamore distillery and the Gould Street power plant site.

#### **HISTORY**

- The Port Covington Master Plan was adopted by the Planning Commission in their meeting of June 23, 2016.
- The easternmost edge of this site is located within the Port Covington Planned Unit Development (PUD) #71, which was established by Ord. #90-425 on January 17, 1990, that was later amended by Ordinances #00-57, #02-431, #04-884, and most recently by Ord. #16-572, dated December 5, 2016.





**ANALYSIS**

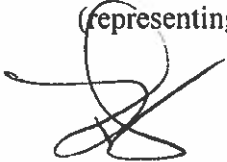
**Background:** This bill will create a business improvement district (BID), formed by the property owners for the purpose of taxing themselves in order to fund specific additional services. This additional tax will be collected as a supplemental property tax along with regular property taxes for the owners in the BID area. The funds will then be transferred to the BID management authority for disbursement. The proposed tax surcharge is estimated to be \$0.45 per \$100 of assessed value.

The Port Covington BID will be empowered to: acquire property, make contracts for services, apply for grants, borrow funds to support its services, adopt an annual budget and set the supplemental tax rate for its benefitted properties, and establish and enforce rules for public areas within the BID area.

The additional services to be provided within the BID will include: beautification and landscape maintenance; snow removal; sanitation services; additional security; marketing and promotions; events; and fundraising efforts.

Upon establishment, the BID will need to be reviewed by the Mayor and City Council every four years in a public hearing to evaluate the activities of the Authority, where the Mayor and City Council will decide whether the BID continues for an additional four years.

Notice of this meeting was sent via GovDelivery to 17,121 unique subscribers (with a 96% delivery rate). For direct stakeholder outreach, the applicant team (representing 62% of the land area) contacted property owners within the project area, and received either support or no objection from most of the property owners (30% of the land area). Two property owners (representing approximately 8% of the land area) did not respond.



**Chris Ryer**  
**Director**



**CALL TO ORDER**

**INTRODUCTIONS**

**ATTENDANCE**

**Present** 7 - Member John T. Bullock, Member Isaac "Yitzy" Schleifer, Member Kristerfer Burnett, Member Zeke Cohen, Member Ryan Dorsey, Member Bill Henry, and Member Shannqn Sneed

**ITEMS SCHEDULED FOR PUBLIC HEARING**

**19-0465**

**Port Covington District and Port Covington Community Benefits District Management Authority**

For the purpose of creating a community benefits district for Port Covington; specifying the boundaries of the district; creating a community benefits district management authority and providing for its rights, duties, and powers; providing for the selection and composition of the Authority's Board of Directors; designating the initial interim board of the authority and providing for the selection and approval of a full board, including authority to establish up to three classes of board memberships with certain approval rights granted to each class; creating the administrator for the authority and approving a potential administrator; mandating the financial responsibilities of the Authority and the City in conjunction with the operation of the district; providing for a supplemental tax to be collected for the Authority; authorizing the creation of separate classes and subclasses of property for the purpose of establishing different rates of supplemental tax; authorizing the creation of credits to facilitate a diverse residential mix; incorporating the assessment, collection and enforcement process for the supplemental tax within the procedures and processes already existing; specifying the role of the City in maintaining and enhancing existing services; encouraging the creation of partnerships between and among the Authority, the City, the state, the federal government and other property owners not subject to the supplemental tax; establishing the Board of Estimates as the agency charged with reviewing and approving various matters relating to the district and the Authority; providing for the renewal, expiration, termination and approval of the District and the Authority; otherwise providing for the existence, operation and control of the District and the Authority; and providing for a special effective date.

**Sponsors:** Eric T. Costello

**A motion was made by Member "Yitzy" Schleifer, seconded by Member Henry, that this Ordinance be Recommended Favorably with Amendment The motion carried by the following vote:**

**Yes:** 6 - Member Bullock, Member "Yitzy" Schleifer, Member Burnett, Member Cohen, Member Henry, and Member Sneed

**No:** 1 - Member Dorsey

**ADJOURNMENT**



**CALL TO ORDER**

**INTRODUCTIONS**

**ATTENDANCE**

**Present** 7 - Member John T. Bullock, Member Isaac "Yitzy" Schleifer, Member Kristerfer Burnett, Member Zeke Cohen, Member Ryan Dorsey, Member Bill Henry, and Member Shannon Sneed

**ITEMS SCHEDULED FOR PUBLIC HEARING**

19-0465

**Port Covington District and Port Covington Community Benefits District Management Authority**

For the purpose of creating a community benefits district for Port Covington; specifying the boundaries of the district; creating a community benefits district management authority and providing for its rights, duties, and powers; providing for the selection and composition of the Authority's Board of Directors; designating the initial interim board of the authority and providing for the selection and approval of a full board, including authority to establish up to three classes of board memberships with certain approval rights granted to each class; creating the administrator for the authority and approving a potential administrator; mandating the financial responsibilities of the Authority and the City in conjunction with the operation of the district; providing for a supplemental tax to be collected for the Authority; authorizing the creation of separate classes and subclasses of property for the purpose of establishing different rates of supplemental tax; authorizing the creation of credits to facilitate a diverse residential mix; incorporating the assessment, collection and enforcement process for the supplemental tax within the procedures and processes already existing; specifying the role of the City in maintaining and enhancing existing services; encouraging the creation of partnerships between and among the Authority, the City, the state, the federal government and other property owners not subject to the supplemental tax; establishing the Board of Estimates as the agency charged with reviewing and approving various matters relating to the district and the Authority; providing for the renewal, expiration, termination and approval of the District and the Authority; otherwise providing for the existence, operation and control of the District and the Authority; and providing for a special effective date.

**Sponsors:** Eric T. Costello

**A motion was made by Member "Yitzy" Schleifer, seconded by Member Henry, that this Ordinance be Recommended Favorably with Amendment. The motion carried by the following vote:**

**Yes:** 6 - Member Bullock, Member "Yitzy" Schleifer, Member Burnett, Member Cohen, Member Henry, and Member Sneed

**No:** 1 - Member Dorsey

**ADJOURNMENT**





CITY OF BALTIMORE  
BERNARD C. "JACK" YOUNG, Mayor



OFFICE OF COUNCIL SERVICES  
LARRY E. GREENE, Director  
415 City Hall, 100 N. Holliday Street  
Baltimore, Maryland 21202  
410-396-7215 / Fax: 410-545-7596  
email: larry.greene@baltimorecity.gov

## HEARING NOTES

Bill: CC 19-0465

### Ordinance – Port Covington District and Port Covington Community Benefits District Management Authority

**Committee:** Housing and Urban Affairs  
**Chaired By:** Councilmember John Bullock

**Hearing Date:** April 21, 2020  
**Time (Beginning):** 3:25 PM  
**Time (Ending):** 4:37 PM  
**Location:** Virtual  
**Total Attendance:** 37  
**Committee Members in Attendance:**  
John Bullock Bill Henry  
Isaac "Yitzy" Schleifer Sharon Sneed  
Kristerfer Burnett  
Zeke Cohen  
Ryan Dorsey

**Bill Synopsis in the file?** .....  yes  no  n/a  
**Attendance sheet in the file?** .....  yes  no  n/a  
**Agency reports read?** .....  yes  no  n/a  
**Hearing televised or audio-digitally recorded?** .....  yes  no  n/a  
**Certification of advertising/posting notices in the file?** .....  yes  no  n/a  
**Evidence of notification to property owners?** .....  yes  no  n/a  
**Final vote taken at this hearing?** .....  yes  no  n/a  
**Motioned by:** ..... Councilmember Schleifer  
**Seconded by:** ..... Councilmember Henry  
**Final Vote:** ..... Fav. with Amendments

### Major Speakers

(This *is not* an attendance record.)  
(D.11<sup>TH</sup>)

- Councilman Eric Costello
- John Laria

- Attorney for developer



• Michael Middleton

Cherry Hill Leader

**Major Issues Discussed**

1. The 3PM Hearing continued.
2. The Presentation showed this Bill will aid the development of Port Covington.
3. Committee Member Dorsey questioned why the Under Armour facility was not included in the project.
4. The Bill was amended to meet technical objections from the Law Department. And passed on a 6-1 Vote.
5. The Hearing was adjourned.

**Further Study**

Was further study requested?

Yes  No

If yes, describe.

**Committee Vote:**

J. Bullock:.....Yea  
 I. Schleifer: .....Yea  
 K. Burnett: .....Yea  
 Z. Cohen: .....Yea  
 R. Dorsey:.....Nay  
 B. Henry: .....Yea  
 S. Sneed: .....Yea  
 : .....Yea  
 : .....

Richard G. Krummerich, Committee Staff

Date: April 22, 2020

cc: Bill File  
OCS Chrono File



# City of Baltimore

City Council  
City Hall, Room 408  
100 North Holliday Street  
Baltimore, Maryland 21202

## Meeting Agenda - Final

### Housing and Urban Affairs Committee

---

Tuesday, April 21, 2020

3:10 PM

Du Burns Council Chamber, 4th floor, City Hall

---

19-0465

#### **CALL TO ORDER**

#### **INTRODUCTIONS**

#### **ATTENDANCE**

#### **ITEMS SCHEDULED FOR PUBLIC HEARING**

##### **19-0465**

##### **Port Covington District and Port Covington Community Benefits District Management Authority**

For the purpose of creating a community benefits district for Port Covington; specifying the boundaries of the district; creating a community benefits district management authority and providing for its rights, duties, and powers; providing for the selection and composition of the Authority's Board of Directors; designating the initial interim board of the authority and providing for the selection and approval of a full board, including authority to establish up to three classes of board memberships with certain approval rights granted to each class; creating the administrator for the authority and approving a potential administrator; mandating the financial responsibilities of the Authority and the City in conjunction with the operation of the district; providing for a supplemental tax to be collected for the Authority; authorizing the creation of separate classes and subclasses of property for the purpose of establishing different rates of supplemental tax; authorizing the creation of credits to facilitate a diverse residential mix; incorporating the assessment, collection and enforcement process for the supplemental tax within the procedures and processes already existing; specifying the role of the City in maintaining and enhancing existing services; encouraging the creation of partnerships between and among the Authority, the City, the state, the federal government and other property owners not subject to the supplemental tax; establishing the Board of Estimates as the agency charged with reviewing and approving various matters relating to the district and the Authority; providing for the renewal, expiration, termination and approval of the District and the Authority; otherwise providing for the existence, operation and control of the District and the Authority; and providing for a special effective date.

#### **ADJOURNMENT**





**THIS MEETING IS OPEN TO THE PUBLIC**



**CITY OF BALTIMORE  
COUNCIL BILL 19-0465  
(First Reader)**

---

Introduced by: Councilmember Costello  
Introduced and read first time: November 4, 2019  
Assigned to: Housing and Urban Affairs Committee

---

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Public Works,  
Department of Housing and Community Development, Planning Commission, Department of  
Transportation, Department of Finance, Board of Estimates

---

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Port Covington District and**  
3 **Port Covington Community Benefits District Management Authority**

4 FOR the purpose of creating a community benefits district for Port Covington; specifying the  
5 boundaries of the district; creating a community benefits district management authority and  
6 providing for its rights, duties, and powers; providing for the selection and composition of the  
7 Authority's Board of Directors; designating the initial interim board of the authority and  
8 providing for the selection and approval of a full board, including authority to establish up to  
9 three classes of board memberships with certain approval rights granted to each class;  
10 creating the administrator for the authority and approving a potential administrator;  
11 mandating the financial responsibilities of the Authority and the City in conjunction with the  
12 operation of the district; providing for a supplemental tax to be collected for the Authority;  
13 authorizing the creation of separate classes and subclasses of property for the purpose of  
14 establishing different rates of supplemental tax; authorizing the creation of credits to facilitate  
15 a diverse residential mix; incorporating the assessment, collection and enforcement process  
16 for the supplemental tax within the procedures and processes already existing; specifying the  
17 role of the City in maintaining and enhancing existing services; encouraging the creation of  
18 partnerships between and among the Authority, the City, the state, the federal government  
19 and other property owners not subject to the supplemental tax; establishing the Board of  
20 Estimates as the agency charged with reviewing and approving various matters relating to the  
21 district and the Authority; providing for the renewal, expiration, termination and approval of  
22 the District and the Authority; otherwise providing for the existence, operation and control of  
23 the District and the Authority; and providing for a special effective date.

24 BY authority of  
25 Article II - General Powers  
26 Section (63)  
27 Baltimore City Charter  
28 (1996 Edition)

EXPLANATION: CAPITALS indicate matter added to existing law.  
[Brackets] indicate matter deleted from existing law.

**Council Bill 19-0465**

1 BY adding

2 Article 14 - Special Benefits Districts  
3 Sections 10-1 to 10-17, to be under the new subtitle designation,  
4 "Subtitle 10. Port Covington Community Benefits District"  
5 Baltimore City Code  
6 (Edition 2000)

7 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the  
8 Laws of Baltimore City read as follows:

9 **Baltimore City Code**

10 **Article 14. Special Benefits Districts**

11 **SUBTITLE 10. PORT COVINGTON COMMUNITY BENEFITS DISTRICT**

12 **§ 10-1. FINDINGS.**

13 (A) *IMPORTANCE OF PORT COVINGTON.*

14 (1) PORT COVINGTON IS UNDERGOING SIGNIFICANT REDEVELOPMENT THAT WILL BENEFIT  
15 THE CITY BY CREATING A NEW CLEAN, GREEN, AND SAFE NEIGHBORHOOD, WHICH WILL  
16 REFLECT A DIVERSE MIX OF BUSINESS AND RESIDENTIAL PROPERTIES AND A DIVERSE  
17 ECONOMIC, SOCIAL, AND RACIAL MIX OF RESIDENTS AND WORKERS.

18 (2) IN ORDER TO MAINTAIN PORT COVINGTON AS AN ATTRACTIVE LOCATION OF CHOICE  
19 BY OFFICE AND RETAIL OWNERS AND TENANTS AND BY RESIDENTS, THE AREA MUST BE  
20 KEPT ATTRACTIVE, CLEAN, AND SAFE AT ALL TIMES.

21 (B) *CONSIDERATIONS.*

22 IN ADOPTING THIS ORDINANCE, THE CITY COUNCIL:

23 (1) CONSIDERED THE VIEWS OF THE PROPERTY OWNERS, RESIDENTS, PROPERTY  
24 TENANTS, COMMUNITY GROUPS AND WORKERS IN SOUTH BALTIMORE. THE  
25 COUNCIL IS PARTICULARLY SENSITIVE TO THE INPUT OF COMMUNITY GROUPS THAT  
26 HAVE PARTNERED WITH THE DEVELOPMENT TEAM OF PORT COVINGTON TO  
27 FACILITATE THE INVESTMENT OF FUNDS NOT ONLY IN PORT COVINGTON, BUT  
28 THROUGHOUT SOUTH BALTIMORE AND THE REST OF THE CITY.

29 (2) FINDS THAT A COMMUNITY BENEFITS DISTRICT WOULD BE AN IMPORTANT AND  
30 VITAL ELEMENT OF THE LONG-TERM HEALTH AND GROWTH OF PORT COVINGTON,  
31 SOUTH BALTIMORE, THE REST OF BALTIMORE CITY, AND THE REGION.

32 (3) FINDS THAT THE DISTRICT WILL ENCOURAGE THE INVOLVEMENT OF MINORITY AND  
33 WOMEN-OWNED BUSINESSES IN THE OPERATION OF THE DISTRICT AND IN THE  
34 BUSINESS COMMUNITY ITSELF.

35 (4) FINDS THAT THE DISTRICT AND PORT COVINGTON WILL REFLECT:

**Council Bill 19-0465**

- 1 (I) A DIVERSE MIX OF BUSINESS AND RESIDENTIAL PROPERTIES; AND
- 2 (II) A DIVERSE ECONOMIC, SOCIAL, AND RACIAL MIX OF RESIDENTS AND
- 3 WORKERS.

4 (C) *RECOMMENDATION.*

5 THE MAYOR AND CITY COUNCIL RECOMMENDS THAT RESIDENTS OF THE DISTRICT  
6 CONSULT A TAX ADVISOR BEFORE TREATING THE SUPPLEMENTAL TAX PAID TO THE  
7 DISTRICT AS A DEDUCTIBLE TAX.

8 **§ 10-2. DISTRICT ESTABLISHED.**

9 (A) *IN GENERAL.*

10 THERE IS A COMMUNITY BENEFITS DISTRICT, TO BE KNOWN AS THE PORT COVINGTON  
11 COMMUNITY BENEFITS DISTRICT.

12 (B) *BOUNDARIES.*

13 THE BOUNDARIES OF THE DISTRICT ARE AS SHOWN ON THE FOLLOWING MAP, APPENDED  
14 TO THIS BILL, TITLED "EXHIBIT A – DISTRICT BOUNDARIES".

15 **§ 10-3. AUTHORITY CREATED.**

16 (A) *AUTHORITY CREATED.*

17 THERE IS A PORT COVINGTON COMMUNITY BENEFITS DISTRICT MANAGEMENT  
18 AUTHORITY, REFERRED TO IN THIS SUBTITLE AS THE "AUTHORITY".

19 (B) *PURPOSE.*

20 THE PURPOSE OF THE AUTHORITY IS TO:

- 21 (1) PROMOTE AND MARKET THE DISTRICT;
- 22 (2) PROVIDE SUPPLEMENTAL SECURITY AND MAINTENANCE SERVICES;
- 23 (3) PROVIDE AMENITIES IN PUBLIC AREAS; AND
- 24 (4) PROVIDE OTHER SERVICES AND FUNCTIONS AS MAY BE REQUESTED BY THE  
25 AUTHORITY AND APPROVED BY AN ORDINANCE OF THE MAYOR AND CITY  
26 COUNCIL.

27 **§ 10-4. POWERS AND FUNCTIONS OF AUTHORITY.**

28 (A) *POWERS.*



**Council Bill 19-0465**

1 TO THE GREATEST EXTENT ALLOWABLE BY LAW, THE AUTHORITY IS AND SHALL BE  
2 DEEMED TO BE A SPECIAL TAX DISTRICT, EXERCISING ONLY THOSE POWERS AS ARE  
3 PROVIDED FOR IN THIS SUBTITLE.

4 (B) *AUTHORIZED ACTIONS.*

5 (1) THE AUTHORITY MAY ACQUIRE, HOLD, AND USE PROPERTY AS NECESSARY TO ACHIEVE  
6 ITS PURPOSES, INCLUDING:

7 (I) THE ACQUISITION BY PURCHASE, LEASE, USE OR OTHER RIGHTS;

8 (II) THE CONSTRUCTION AND INSTALLATION OF BUILDINGS AND STRUCTURES TO  
9 FURTHER THE MISSION OF THE AUTHORITY; AND

10 (III) THE LEASING OF SPACE AND STRUCTURES FOR FEES AND THE PARTICIPATION IN  
11 REVENUES FROM SUCH LEASING.

12 (2) THE AUTHORITY MAY MAKE A CONTRACT:

13 (I) TO PROVIDE SERVICES FOR AREAS ADJOINING THE DISTRICT;

14 (II) WITH AN ADMINISTRATOR WHO MAY OR MAY NOT BE AN ADM INISTRATOR FOR  
15 ANOTHER BENEFITS DISTRICT IN BALTIMORE CITY; AND

16 (III) WITH AGENCIES OF BALTIMORE CITY TO PROVIDE PERMITTED SERVICES  
17 WITHIN THE DISTRICT.

18 (3) THE AUTHORITY MAY ENGAGE THE SERVICES OF AN ADMINISTRATOR (THE  
19 "ADMINISTRATOR"), WHO MAY BE AN INDIVIDUAL OR AN ENTITY, INCLUDING THE  
20 WATERFRONT PARTNERSHIP OF BALTIMORE, INC., BUT NOT LIMITED TO NON-PROFIT  
21 ENTITIES, TO ADMINISTER THE PROGRAMS AND UNDERTAKINGS OF THE AUTHORITY.

22 (4) THE AUTHORITY MAY SUE AND BE SUED. HOWEVER, THE DISTRICT, THE AUTHORITY,  
23 ITS BOARD OF DIRECTORS, AND ITS ADMINISTRATOR SHALL BENEFIT, TO THE FULLEST  
24 EXTENT ALLOWABLE BY LAW, FROM ALL PROVISIONS OF FEDERAL, STATE, AND LOCAL  
25 LAW LIMITING THE LIABILITY OF DIRECTORS, EMPLOYEES, OFFICERS, AGENTS, AND  
26 OFFICIALS OF GOVERNMENTAL BODIES.

27 (5) THE AUTHORITY MAY APPLY FOR AND ACCEPT GRANTS, DONATIONS, AND VOLUNTARY  
28 CONTRIBUTIONS, WHETHER IN FUNDS OR PROPERTY.

29 (6) THE AUTHORITY MAY BORROW FUNDS FOR PURPOSES CONSISTENT WITH THE PUBLIC  
30 PURPOSES OF THE AUTHORITY AND PLEDGE SOME OR ALL OF ITS REVENUES IN SUPPORT  
31 OF SUCH BORROWINGS. HOWEVER, NO BORROWING MAY BE FOR A TERM BEYOND THE  
32 DATE FOR THE DISTRICT'S RENEWAL UNDER § 10-16 OF THIS SUBTITLE, UNLESS  
33 ASSURANCES ARE PROVIDED TO THE LENDER REGARDING THE PAYMENT OF ANY  
34 AMOUNTS COMING DUE AFTER SUCH DATE.

**Council Bill 19-0465**

- 1 (7) THE AUTHORITY MAY ESTABLISH AND ENFORCE RULES AND REGULATIONS FOR THE  
2 USE OF PUBLIC AREAS OR AREAS UNDER ADMINISTRATION BY THE AUTHORITY,  
3 CONSISTENT WITH THE MISSION AND PURPOSES OF THE AUTHORITY AND THE DISTRICT.
- 4 (8) THE AUTHORITY SHALL ADOPT AN ANNUAL BUDGET AND IMPOSE, CHARGE, AND  
5 COLLECT THE TAXES OR CHARGES ON BENEFITTED PROPERTIES WITHIN THE DISTRICT,  
6 AS AUTHORIZED BY CITY CHARTER ARTICLE II, § (63) AND THIS SUBTITLE; HOWEVER,  
7 NO TAXES MAY BE LEVIED AGAINST PROPERTIES THAT ARE EXEMPT UNDER STATE LAW  
8 FROM ORDINARY PROPERTY TAXES, BUT THE AUTHORITY MAY IMPOSE CHARGES FOR  
9 SERVICES PROVIDED TO PROPERTY OWNERS, WHETHER OR NOT THE PROPERTY IS  
10 EXEMPT PURSUANT TO STATE LAW, THIS SUBTITLE, OR ANY OTHER APPLICABLE  
11 ORDINANCE.
- 12 (9) THE AUTHORITY MAY CREATE AND ENTER INTO PARTNERSHIPS BETWEEN IT AND  
13 VARIOUS PROPERTY OWNERS. THESE PARTNERSHIPS MAY PROVIDE FOR THE PROVISION  
14 OF PERMITTED SERVICES AND BENEFITS BY THE AUTHORITY IN EXCHANGE FOR  
15 PAYMENTS ARRANGED BY CONTRACT, DONATION, GIFT, SERVICES IN KIND, OR OTHER  
16 MECHANISM BY WHICH FUNDS OR BENEFITS ARE PROVIDED TO THE AUTHORITY.
- 17 (10) THE AUTHORITY MAY ESTABLISH AND ELECT OFFICERS NOT ALREADY PROVIDED FOR  
18 IN THIS SUBTITLE AND PROVIDE FOR THEIR TERMS AND DUTIES.
- 19 (11) THE AUTHORITY MAY CONTRACT FOR AND PURCHASE GOODS AND SERVICES,  
20 WITHOUT HAVING TO COMPLY WITH CITY REQUIREMENTS GOVERNING WAGE SCALES,  
21 COMPETITIVE BIDDING, OR OTHER PROCUREMENT MATTERS. HOWEVER, THE  
22 AUTHORITY NONETHELESS SHALL BE SUBJECT TO APPLICABLE ORDINANCES  
23 REGARDING CITY POLICY ON ENCOURAGING AND ACHIEVING GOALS FOR  
24 PARTICIPATION OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES IN THE  
25 CONTRACTING ACTIVITIES.
- 26 (12) SUBJECT TO THE APPROVAL OF THE BOARD OF ESTIMATES, THE AUTHORITY MAY  
27 ADOPT, AMEND, AND MODIFY BYLAWS, CONSISTENT WITH CITY CHARTER ARTICLE II,  
28 § (63) AND THIS SUBTITLE.
- 29 (13) THE AUTHORITY MAY IMPLEMENT ITS PROGRAMS AND GOALS DIRECTLY THROUGH ITS  
30 EMPLOYEES OR THROUGH 1 OR MORE CONTRACTS. THESE CONTRACTS MAY BE WITH  
31 INDEPENDENT CONTRACTORS OR CONTRACTUAL EMPLOYEES.
- 32 (14) THE AUTHORITY MAY PROVIDE ADDITIONAL SERVICES BEYOND THOSE GENERALLY  
33 PROVIDED WITHIN THE DISTRICT, TO INDIVIDUAL PROPERTIES WITHIN OR CLOSE TO THE  
34 DISTRICT FOR A FEE THAT FAIRLY RECOVERS FOR THE AUTHORITY THE COST OF  
35 PROVIDING THE SERVICES.
- 36 (15) THE AUTHORITY MAY ASSIST IN THE LEASING, MARKETING, AND PROMOTIONAL  
37 ACTIVITIES WITHIN THE DISTRICT, TO THE EXTENT THOSE ACTIVITIES ARE APPROVED  
38 BY THE GOVERNING BOARD OF THE AUTHORITY.
- 39 (16) THE AUTHORITY MAY APPOINT, HIRE, OR ENGAGE AUDITORS, ACCOUNTANTS,  
40 ATTORNEYS, ASSISTANTS, AIDES, EMPLOYEES, AND ADVISORS AS IT CONSIDERS

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1           NECESSARY FOR THE PROPER PERFORMANCE OF ITS DUTIES, BUT CONSISTENT WITH  
2           THIS SUBTITLE.

3           (17) THE AUTHORITY MAY DO ALL OTHER THINGS NECESSARY OR CONVENIENT TO CARRY  
4           OUT ITS GOALS, OBJECTIVES, AND POWERS.

5           **§ 10-5. LIMITATIONS ON AUTHORITY.**

6           (A) *NOT AGENCY OF CITY OR STATE.*

7           (1) THE AUTHORITY IS NOT AND MAY NOT BE DEEMED TO BE AN AGENCY OF THE MAYOR  
8           AND CITY OF BALTIMORE OR OF THE STATE OF MARYLAND.

9           (2) THE OFFICERS AND EMPLOYEES OF THE AUTHORITY ARE NOT AND MAY NOT ACT AS  
10           AGENTS OR EMPLOYEES OF THE MAYOR AND CITY OF BALTIMORE OR THE STATE OF  
11           MARYLAND.

12          (B) *UNAUTHORIZED ACTIONS.*

13          (1) THE AUTHORITY MAY NOT EXERCISE ANY POLICE OR GENERAL POWERS OTHER THAN  
14          THOSE AUTHORIZED BY STATE LAW AND CITY ORDINANCE.

15          (2) THE AUTHORITY MAY NOT PLEDGE THE FULL FAITH OR CREDIT OF THE CITY.

16          (3) THE AUTHORITY MAY NOT IMPOSE TAXES AGAINST PROPERTIES THAT ARE EXEMPT  
17          UNDER STATE LAW FROM ORDINARY PROPERTY TAXES.

18          (4) THE AUTHORITY MAY NOT IMPOSE ANY TAXES OR CHARGES IN EXCESS OF THOSE  
19          APPROVED BY THE BOARD OF ESTIMATES.

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

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

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

25          (8) EXCEPT AS OTHERWISE PROVIDED IN § 10-17 OF THIS SUBTITLE, THE AUTHORITY MAY  
26          NOT REVERT CHARGES OR TAXES COLLECTED UNDER THIS SUBTITLE TO THE GENERAL  
27          FUND OF THE CITY.

28          (9) THE AUTHORITY MAY NOT EMPLOY ANY NEW EMPLOYEE WHO DOES NOT  
29          VOLUNTARILY DELIVER TO THE AUTHORITY AN AFFIDAVIT CERTIFYING THAT THE  
30          EMPLOYEE'S RESIDENCE IS WITHIN THE POLITICAL BOUNDARIES OF THE CITY OF  
31          BALTIMORE AND THAT SUCH EMPLOYEE INTENDS TO REMAIN AS A RESIDENT FOR THE  
32          FORESEEABLE FUTURE.

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

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

4 (C) *INTERPRETATION OF POWERS.*

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

9 **§ 10-6. BOARD OF DIRECTORS.**

10 (A) *IN GENERAL.*

11 THE AUTHORITY SHALL BE GOVERNED BY AND ADMINISTERED THROUGH A BOARD OF  
12 DIRECTORS (THE "BOARD").

13 (B) *NUMBER AND APPOINTMENT.*

14 (1) THE NUMBER OF VOTING MEMBERS OF THE FULL BOARD MUST BE NOT LESS THAN 10,  
15 EXCLUDING VACANCIES, AND NO MORE THAN 25.

16 (2) THE BOARD HAS FULL AUTHORITY TO INCREASE OR DECREASE ITS MEMBERSHIP,  
17 WITHIN THE LIMITS SPECIFIED IN THIS SUBSECTION.

18 (C) *COMPOSITION.*

19 OF THE VOTING MEMBERS OF THE BOARD:

20 (1) 1 SHALL BE APPOINTED BY THE MAYOR;

21 (2) ANY COUNCILMEMBER REPRESENTING AREAS WITHIN THE BOUNDARIES FOR THE  
22 DISTRICT;

23 (3) 1 SHALL BE A BUSINESS OPERATOR IN THE DISTRICT, WHO MAY OR MAY NOT OWN  
24 THE PROPERTY ON WHICH HIS OR HER BUSINESS IS LOCATED;

25 (4) 1 SHALL BE A REPRESENTATIVE OF THE RESIDENTS, WHEN A RESIDENTIAL PROJECT  
26 IS DEVELOPED IN THE DISTRICT;

27 (5) 3 SHALL BE DESIGNATED BY THE ADMINISTRATOR;

28 (6) AT LEAST TWO-THIRDS OF THE BOARD SHALL BE COMPRISED OF OWNERS OR  
29 REPRESENTATIVES OF OWNERS OF PROPERTY SUBJECT TO THE TAX IMPOSED BY  
30 THIS SUBTITLE, PROVIDED THAT MEMBERS OF THE BOARD SELECTED UNDER ITEMS  
31 (1) THROUGH (3) OF THIS SUBSECTION MAY BE INCLUDED IN SUCH GROUP AS THEY  
32 OTHERWISE QUALIFY; AND

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1 (7) CONSISTENT WITH THE ENCOURAGEMENT OF PARTNERSHIPS BETWEEN THE  
2 AUTHORITY AND PROPERTY OWNERS EXEMPT FROM THE TAX IMPOSED BY THIS  
3 SUBTITLE, THE BOARD SHOULD CONSIDER REPRESENTATION OF THOSE PARTNERS.

4 (D) *EXERCISE OF AUTHORITY POWERS.*

5 ALL POWERS OF THE AUTHORITY ARE EXERCISED BY AND THROUGH THE BOARD, UNLESS  
6 DELEGATED BY THE BOARD TO 1 OR MORE OFFICERS OF THE BOARD OR TO THE  
7 ADMINISTRATOR.

8 (E) *BYLAWS.*

9 (1) THE BOARD MAY ADOPT BYLAWS AS IT CONSIDERS NECESSARY TO CARRY OUT THE  
10 POWERS OF THE AUTHORITY. HOWEVER, THESE BYLAWS MAY NOT BE INCONSISTENT  
11 WITH THE TERMS OF THIS SUBTITLE OR OF CITY CHARTER ARTICLE II, § (63).

12 (2) ALL BYLAWS ARE SUBJECT TO THE APPROVAL OF THE BOARD OF ESTIMATES.

13 (3) THE BOARD MAY ESTABLISH ITS OWN PROCEDURES RELATING TO THE INTERNAL  
14 ADMINISTRATION OF THE AUTHORITY, EXCEPT AS MAY BE RESTRICTED BY CITY  
15 CHARTER ARTICLE II, § (63) OR THIS SUBTITLE.

16 (F) *OFFICERS.*

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

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

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

22 **§ 10-7. ANNUAL FINANCIAL PLAN.**

23 (A) *BOARD TO ADOPT.*

24 THE BOARD SHALL ADOPT AN ANNUAL FINANCIAL PLAN (THE "FINANCIAL PLAN"), BASED  
25 ON THE CITY'S FISCAL YEAR, CONSISTING OF AT LEAST A BUDGET AND A PROPOSED  
26 SCHEDULE OF TAXES OR CHARGES TO BE IMPOSED THROUGHOUT THE DISTRICT.

27 (B) *FIRST ANNUAL FINANCIAL PLAN.*

28 THE INITIAL FINANCIAL PLAN FOR THE AUTHORITY SHALL INCLUDE ALL OF THE FISCAL  
29 YEAR ENDING ON JUNE 30, 2020, AND MAY INCLUDE THE COSTS OF PREPARING THE  
30 FINANCIAL PLAN AND IMPLEMENTING THE AUTHORITY AND THE DISTRICT, SO LONG AS  
31 THE COSTS WERE INCURRED PRIOR TO OR DURING THE FISCAL YEAR. IF THE AUTHORITY IS  
32 NOT IMPLEMENTED, NEITHER THE AUTHORITY, THE DISTRICT, NOR THE CITY SHALL BE  
33 LIABLE FOR COSTS INCURRED PRIOR TO THE INITIATION OF OPERATIONS, WHETHER OR NOT  
34 INCURRED BY THE ADMINISTRATOR OR ON BEHALF OF THE DISTRICT OR THE AUTHORITY.

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1 (C) *PUBLIC HEARING.*

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

6 (D) *BOARD OF ESTIMATES APPROVAL REQUIRED.*

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

9 **§ 10-8. SUPPLEMENTAL TAX.**

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

11 (1) THE BOARD OF ESTIMATES SHALL OBTAIN FROM THE DIRECTOR OF FINANCE THE  
12 "ASSESSABLE BASE" OF THE DISTRICT, WHICH SHALL CONSTITUTE A LISTING BY  
13 PROPERTY AND A CALCULATION OF THE SUM OF ASSESSMENTS ON PROPERTIES SUBJECT  
14 TO THE SUPPLEMENTAL TAX.

15 (2) PROPERTIES SUBJECT TO THE TAX SHALL INCLUDE ALL PROPERTIES WITHIN THE  
16 DISTRICT EXCEPT:

17 (I) PROPERTIES EXEMPT UNDER CITY CHARTER ARTICLE II, § (63); OR

18 (II) ANY OTHER APPLICABLE LAW.

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

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

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

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

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

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

31 (II) ALL PROVISIONS THAT APPLY TO ASSESSMENTS, REFUNDS, CREDITS,  
32 COLLECTIONS, AND ENFORCEMENT OF THE REGULAR TAX APPLY TO THE  
33 SUPPLEMENTAL TAX.



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1 (C) *DETERMINATION OF TAX.*

2 THE SUPPLEMENTAL TAX RATE SHALL BE DETERMINED AS FOLLOWS:

- 3 (1) ANY INCREASE IN THE RATE OF THE SUPPLEMENTAL TAX MUST BE APPROVED BY A  
4 MAJORITY OF THE BOARD'S VOTING MEMBERS THAT ARE PROPERTY OWNER  
5 REPRESENTATIVES.
- 6 (2) THE BOARD MAY ESTABLISH SEPARATE CLASSES AND SUBCLASSES OF PROPERTY  
7 AND SPECIFY DIFFERENT RATES OF SUPPLEMENTAL TAX ON EACH CLASS OR  
8 SUBCLASS, PROVIDED THAT:
- 9 (I) ALL MEMBERS OF A CLASS OR SUBCLASS SHALL BE TREATED FAIRLY AND  
10 EQUALLY; AND
- 11 (II) ANY PERCENTAGE INCREASE IN THE SUPPLEMENTAL TAX MUST BE  
12 CONSISTENTLY APPLIED, AT SUBSTANTIALLY THE SAME PERCENTAGE, TO  
13 ALL CLASSES OF PROPERTY.
- 14 (3) THE BOARD MAY PROVIDE A CREDIT AGAINST THE SUPPLEMENTAL TAX IN  
15 INSTANCES WHERE CREDITS WILL FURTHER THE OBJECTIVE OF ACCOMMODATING  
16 LOW-INCOME FAMILIES WITHIN THE DISTRICT.
- 17 (4) EACH OF THE ACTIONS TAKEN UNDER THIS SUBSECTION MUST BE SET FORTH IN  
18 DETAIL IN THE FINANCIAL PLAN AND APPROVED BY THE BOARD OF ESTIMATES.

19 (D) *PUBLIC SERVICE COMPANIES.*

20 POLES, CONDUITS, CABLES, TUNNELS, PIPE LINES, MANHOLES, AND OTHER SIMILAR  
21 SURFACE OR SUBSURFACE STRUCTURES, INCLUDING THEIR EQUIPMENT ("ANCILLARY  
22 ASSETS"), OWNED AND CONTROLLED BY "PUBLIC SERVICE COMPANIES", AS DEFINED IN  
23 THE PUBLIC UTILITIES ARTICLE OF THE MARYLAND CODE, LOCATED ON, OVER, OR UNDER  
24 STREET, ALLEYS, OR OTHER PUBLIC WAYS OR LANDS OR PARK PROPERTIES, THE  
25 CONSTRUCTION OF WHICH IS AUTHORIZED BY THE CITY, AND THE INSTALLATION OF WHICH  
26 IS REGULATED AND SUPERVISED BY THE DIRECTOR OF PUBLIC WORKS OR THE DIRECTOR'S  
27 DESIGNEE OR THE DIRECTOR OF THE DEPARTMENT OF TRANSPORTATION OR THE  
28 DIRECTOR'S DESIGNEE OR THE DIRECTOR OF THE DEPARTMENT OF RECREATION AND  
29 PARKS OR THE DIRECTOR'S DESIGNEE ARE SUBJECT TO THE SUPPLEMENTAL TAX TO THE  
30 SAME EXTENT AS TREATED BY THE MARYLAND DEPARTMENT OF ASSESSMENTS AND  
31 TAXATION.

32 **§ 10-9. OTHER CHARGES.**

33 (A) *PROPERTY SUBJECT TO SUPPLEMENTAL TAX.*

- 34 (1) PROPERTIES THAT ARE SUBJECT TO THE SUPPLEMENTAL TAX ARE NOT REQUIRED TO  
35 PAY ANY OTHER CHARGES OR FEES FOR SERVICES GENERALLY PROVIDED WITHIN THE  
36 DISTRICT BY THE AUTHORITY.

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1 (2) HOWEVER, THE AUTHORITY MAY IMPOSE CHARGES AND FEES FOR ANY SPECIAL  
2 SERVICES REQUESTED BY AND PERFORMED FOR 1 OR MORE PROPERTY OWNERS.

3 (B) *OTHERS.*

4 WITH THE APPROVAL OF THE BOARD OF ESTIMATES, THE BOARD MAY ESTABLISH OTHER  
5 FEES AND CHARGES FOR SPECIFIC SERVICES PERFORMED:

6 (1) WITHIN THE DISTRICT;

7 (2) WITHIN AREAS ADJOINING THE DISTRICT;

8 (3) FOR PROPERTIES AND OWNERS NOT SUBJECT TO THE SUPPLEMENTAL TAX; AND

9 (4) IN CONJUNCTION WITH PARTNERSHIPS ENCOURAGED BY THIS SUBTITLE.

10 (C) *ALLOCATION OF RESOURCES.*

11 THE FINANCIAL PLAN MAY PROVIDE FOR THE ALLOCATION OF RESOURCES AND SERVICES  
12 TO PARTICULAR SECTIONS OF THE DISTRICT, INCLUDING ALLOCATIONS THAT REFLECT, IN  
13 PART, THE CONTRIBUTIONS MADE BY THOSE SECTIONS OF THE DISTRICT TO THE FINANCIAL  
14 RESOURCES AVAILABLE TO THE AUTHORITY, AND, IN PART, THE NEEDS OF THOSE  
15 SECTIONS.

16 **§ 10-10. BASELINE CITY SERVICES.**

17 (A) *AGREEMENT TO MAINTAIN.*

18 BEFORE IMPOSING AND COLLECTING THE SUPPLEMENTAL TAX, THE AUTHORITY SHALL  
19 ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE MAYOR REGARDING THE  
20 LEVEL OF SERVICES TO BE MAINTAINED BY THE CITY AS THE CITY'S PARTNERSHIP  
21 OBLIGATION TO THE AUTHORITY AND THE DISTRICT'S TAXPAYERS.

22 (B) *SCOPE OF AGREEMENT.*

23 THIS MEMORANDUM OF UNDERSTANDING SHALL:

24 (1) DESCRIBE THE EXISTING LEVELS OF SERVICE WITHIN THE DISTRICT;

25 (2) COMMIT THE CITY TO THE MAINTENANCE OF THOSE LEVELS OF SERVICE; AND

26 (3) OUTLINE THE FURTHER UNDERTAKINGS OF THE CITY IN RESPONSE TO THE  
27 INITIATIVE REPRESENTED BY THE CREATION OF THE DISTRICT (THE "BASELINE  
28 PLUS").

29 (C) *GOVERNING PRINCIPLES.*

30 THE MAINTENANCE OF EXISTING SERVICES SHALL BE GOVERNED BY 2 PRINCIPLES:

31 (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 THE  
4 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 **§ 10-11. 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") FOR THE PURPOSE  
13 OF FURTHERING THE BROAD OBJECTIVES OF IMPROVING AND ENHANCING PUBLIC SERVICES  
14 THROUGHOUT THE DISTRICT AND IN ADJOINING AREAS.

15 (B) *SPECIFIC POWERS.*

16 IN FURTHERANCE OF THAT OBJECTIVE, THE AUTHORITY MAY:

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

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

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

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

28 **§ 10-12. COLLECTION AND DISBURSEMENT.**

29 (A) *IN GENERAL.*

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

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

34 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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**§ 10-13. 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 § 10-4(B) 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.

**§ 10-14. 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 **§ 10-15. 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:

20 (I) THE OWNERS OF PROPERTY SUBJECT TO TAX UNDER § 10-8 OF THIS SUBTITLE;

21 (II) THE OWNERS OF EACH TAX PARCEL WITHIN THE DISTRICT; AND

22 (III) EACH PUBLIC SERVICE COMPANY OWNING ANCILLARY ASSETS ON THE  
23 DISTRICT.

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

25 (3) EACH PUBLIC SERVICE COMPANY OWNING PROPERTY IN THE DISTRICT IS ENTITLED TO  
26 1 VOTE AND 1 OR MORE ADDITIONAL VOTES FOR ANY TAX PARCELS WITHIN THE  
27 DISTRICT OWNED BY THE PUBLIC SERVICE COMPANY.

28 (C) *ELECTION.*

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

31 (2) EACH BALLOT, WITH A CERTIFIED SIGNATURE OF THE ELIGIBLE VOTER OR DULY  
32 AUTHORIZED REPRESENTATIVE, MUST BE RETURNED TO THE BOARD OF ESTIMATES,

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1 C/O THE COMPTROLLER'S OFFICE, WITHIN 30 DAYS OF THE DATE SPECIFIED ON THE  
2 BALLOT.

3 (D) *PERCENTAGE APPROVAL.*

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

6 (2) IF THE BOARD OF ESTIMATES DETERMINES THAT AT LEAST 58% OF THE AGGREGATE  
7 VOTES CAST APPROVED THE ESTABLISHMENT OF THE DISTRICT, THE BOARD OF  
8 ESTIMATES SHALL CERTIFY THE DISTRICT AND AUTHORITY AS APPROVED FOR  
9 OPERATION.

10 **§ 10-16. 4-YEAR REVIEWS.**

11 (A) *PUBLIC HEARINGS.*

12 NO LATER THAN 4 YEARS AFTER THE ESTABLISHMENT OF THE DISTRICT, AND EVERY 4  
13 YEARS FOLLOWING, THE MAYOR AND CITY COUNCIL SHALL HOLD 1 OR MORE PUBLIC  
14 HEARINGS TO EVALUATE THE ACTIVITIES AND UNDERTAKINGS OF THE AUTHORITY AND  
15 THE DISTRICT.

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

17 AT THE CONCLUSION OF THE HEARINGS, THE MAYOR AND CITY COUNCIL SHALL  
18 DETERMINE WHETHER THE DISTRICT IS TO CONTINUE FOR ANOTHER 4 YEARS.

19 (C) *PROCESS TO BE REPEATED.*

20 THIS PROCESS SHALL BE REPEATED PERIODICALLY TO SATISFY THE REQUIREMENTS OF  
21 CITY CHARTER ARTICLE II, § (63) .

22 **§ 10-17. DISSOLUTION OF DISTRICT.**

23 (A) *DISSOLUTION ON CERTAIN EVENTS.*

24 IF THE DISTRICT IS NOT APPROVED AS PROVIDED IN § 10-15 OF THIS SUBTITLE, OR IS NOT  
25 RENEWED AS PROVIDED IN § 10-16 OF THIS SUBTITLE, THE AUTHORITY SHALL CEASE ITS  
26 OPERATIONS, AND THE DISTRICT SHALL CEASE TO EXIST, AT THE END OF THE CITY'S  
27 FISCAL YEAR IN WHICH THE TERMINATING EVENT OCCURS.

28 (B) *LIMITED CONTINUATION.*

29 THE AUTHORITY SHALL CONTINUE ITS EXISTENCE ONLY AS LONG AS NECESSARY TO:

30 (1) TERMINATE OPERATIONS IN A REASONABLE FASHION; AND

31 (2) ARRANGE FOR THE REFUNDING OF ALL FUNDS NOT NEEDED TO SATISFY  
32 OUTSTANDING OBLIGATIONS AND RESERVES FOR UNCERTAIN OBLIGATIONS AND  
33 LIABILITIES.



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1 (C) *UNSPENT FUNDS.*

2 ANY UNSPENT FUNDS REVERT TO THE CITY'S GENERAL FUND, EXCEPT AS NECESSARY TO  
3 SECURE A BORROWING PERMITTED UNDER SECTION 10-4(B)(6). IN NO OTHER  
4 CIRCUMSTANCES MAY CHARGES OR TAXES COLLECTED BY THE AUTHORITY BECOME PART  
5 OF THE GENERAL FUND OF THE CITY.

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

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

8 Taurus Barksdale  
9 Alyssa Domzal  
10 Justin George  
11 Jon Laria  
12 Mark Pollak

13 (b) The Interim Board is responsible for:

- 14 (1) drafting the bylaws of the Authority;  
15 (2) recommending a full Board to the Board of Estimates; and  
16 (3) preparing a proposed operations plan and budget.

17 (c) (1) The Interim Board members serve for a period not to exceed 6 months, unless  
18 extended by the Board of Estimates, and only until a full Board is approved by the  
19 Board of Estimates.

20 (2) On a member's resignation, expiration of term, or removal in accordance with the  
21 Authority's bylaws, successors shall be elected by the remaining members of the  
22 Board.

23 (d) (1) The Interim Board shall propose to the Board of Estimates the initial full  
24 membership of the Board and the proposed terms for each director. The terms of  
25 the proposed members shall be staggered.

26 (2) Interim Board members may be included in the recommended full Board list.

27 (3) The recommendation shall occur no later than 10 days after approval of the  
28 District, and shall be subject to the consent and concurrence of the Board of  
29 Estimates.

30 (4) The full Board proposed by the Interim Board is subject to the approval of the  
31 Board of Estimates.

32 (e) (1) The first Financial Plan submitted may be for less than a full fiscal year.

33 (2) The initial budget for the Authority shall include all of the fiscal year ending on  
34 June 30, 2020, and may include the costs of preparing the Financial Plan and

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1 implementing the Authority and the District, whether or not those costs were  
2 incurred during that fiscal year.

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

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

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

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

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

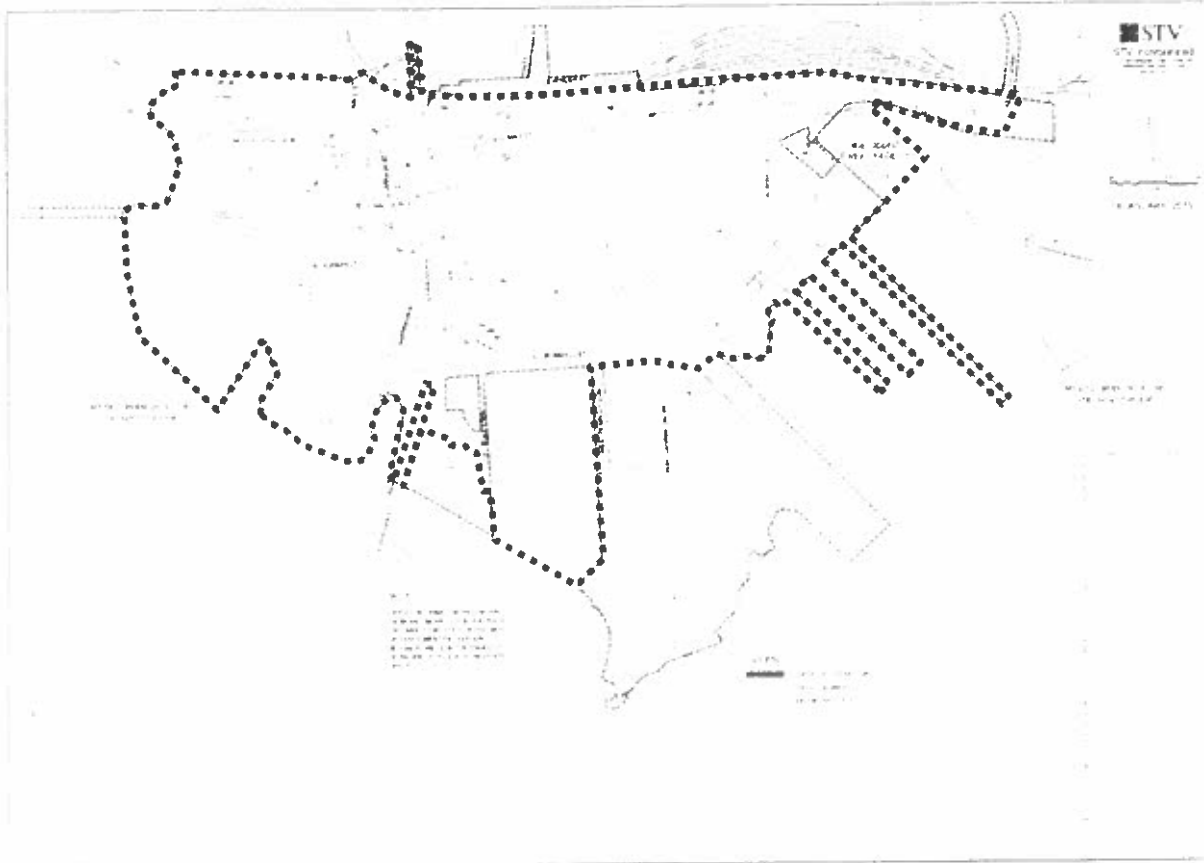
18 **SECTION 5. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it is  
19 enacted.

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1  
2

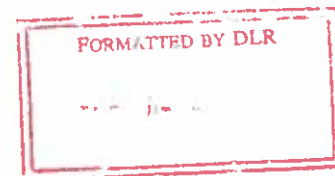
**Exhibit A**

**District Boundaries**





**INTRODUCTORY\***  
**CITY OF BALTIMORE**  
**COUNCIL BILL \_\_\_\_\_**



Introduced by: Councilmember Costello

A BILL ENTITLED

AN ORDINANCE concerning

**Port Covington District and  
Port Covington Community Benefits District Management Authority**

FOR the purpose of creating a community benefits district for Port Covington; specifying the boundaries of the district; creating a community benefits district management authority and providing for its rights, duties, and powers; providing for the selection and composition of the Authority's Board of Directors; designating the initial interim board of the authority and providing for the selection and approval of a full board, including authority to establish up to three classes of board memberships with certain approval rights granted to each class; creating the administrator for the authority and approving a potential administrator; mandating the financial responsibilities of the Authority and the City in conjunction with the operation of the district; providing for a supplemental tax to be collected for the Authority; authorizing the creation of separate classes and subclasses of property for the purpose of establishing different rates of supplemental tax; authorizing the creation of credits to facilitate a diverse residential mix; incorporating the assessment, collection and enforcement process for the supplemental tax within the procedures and processes already existing; specifying the role of the City in maintaining and enhancing existing services; encouraging the creation of partnerships between and among the Authority, the City, the state, the federal government and other property owners not subject to the supplemental tax; establishing the Board of Estimates as the agency charged with reviewing and approving various matters relating to the district and the Authority; providing for the renewal, expiration, termination and approval of the District and the Authority; otherwise providing for the existence, operation and control of the District and the Authority; and providing for a special effective date.

BY authority of

Article II - General Powers  
Section (63)  
Baltimore City Charter  
(1996 Edition)

BY adding

Article 14 - Special Benefits Districts  
Sections 10-1 to 10-17, to be under the new subtitle designation,  
"Subtitle 10. Port Covington Community Benefits District"  
Baltimore City Code  
(Edition 2000)

\* WARNING: THIS IS AN UNOFFICIAL, INTRODUCTORY COPY OF THE BILL.  
THE OFFICIAL COPY CONSIDERED BY THE CITY COUNCIL IS THE FIRST READER COPY.

**SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the Laws of Baltimore City read as follows:

**Baltimore City Code**

**Article 14. Special Benefits Districts**

**SUBTITLE 10. PORT COVINGTON COMMUNITY BENEFITS DISTRICT**

**§ 10-1. FINDINGS.**

*(A) IMPORTANCE OF PORT COVINGTON.*

- (1) PORT COVINGTON IS UNDERGOING SIGNIFICANT REDEVELOPMENT THAT WILL BENEFIT THE CITY BY CREATING A NEW CLEAN, GREEN, AND SAFE NEIGHBORHOOD, WHICH WILL REFLECT A DIVERSE MIX OF BUSINESS AND RESIDENTIAL PROPERTIES AND A DIVERSE ECONOMIC, SOCIAL, AND RACIAL MIX OF RESIDENTS AND WORKERS.
- (2) IN ORDER TO MAINTAIN PORT COVINGTON AS AN ATTRACTIVE LOCATION OF CHOICE BY OFFICE AND RETAIL OWNERS AND TENANTS AND BY RESIDENTS, THE AREA MUST BE KEPT ATTRACTIVE, CLEAN, AND SAFE AT ALL TIMES.

*(B) CONSIDERATIONS.*

IN ADOPTING THIS ORDINANCE, THE CITY COUNCIL:

- (1) CONSIDERED THE VIEWS OF THE PROPERTY OWNERS, RESIDENTS, PROPERTY TENANTS, COMMUNITY GROUPS AND WORKERS IN SOUTH BALTIMORE. THE COUNCIL IS PARTICULARLY SENSITIVE TO THE INPUT OF COMMUNITY GROUPS THAT HAVE PARTNERED WITH THE DEVELOPMENT TEAM OF PORT COVINGTON TO FACILITATE THE INVESTMENT OF FUNDS NOT ONLY IN PORT COVINGTON, BUT THROUGHOUT SOUTH BALTIMORE AND THE REST OF THE CITY.
- (2) FINDS THAT A COMMUNITY BENEFITS DISTRICT WOULD BE AN IMPORTANT AND VITAL ELEMENT OF THE LONG-TERM HEALTH AND GROWTH OF PORT COVINGTON, SOUTH BALTIMORE, THE REST OF BALTIMORE CITY, AND THE REGION.
- (3) FINDS THAT THE DISTRICT WILL ENCOURAGE THE INVOLVEMENT OF MINORITY AND WOMEN-OWNED BUSINESSES IN THE OPERATION OF THE DISTRICT AND IN THE BUSINESS COMMUNITY ITSELF.
- (4) FINDS THAT THE DISTRICT AND PORT COVINGTON WILL REFLECT:
  - (I) A DIVERSE MIX OF BUSINESS AND RESIDENTIAL PROPERTIES; AND
  - (II) A DIVERSE ECONOMIC, SOCIAL, AND RACIAL MIX OF RESIDENTS AND WORKERS.

*(C) RECOMMENDATION.*

THE MAYOR AND CITY COUNCIL RECOMMENDS THAT RESIDENTS OF THE DISTRICT CONSULT A TAX ADVISOR BEFORE TREATING THE SUPPLEMENTAL TAX PAID TO THE DISTRICT AS A DEDUCTIBLE TAX.

**§ 10-2. DISTRICT ESTABLISHED.**

(A) *IN GENERAL.*

THERE IS A COMMUNITY BENEFITS DISTRICT, TO BE KNOWN AS THE PORT COVINGTON COMMUNITY BENEFITS DISTRICT.

(B) *BOUNDARIES.*

THE BOUNDARIES OF THE DISTRICT ARE AS SHOWN ON THE FOLLOWING MAP, APPENDED TO THIS BILL, TITLED "EXHIBIT A – DISTRICT BOUNDARIES".

**§ 10-3. AUTHORITY CREATED.**

(A) *AUTHORITY CREATED.*

THERE IS A PORT COVINGTON COMMUNITY BENEFITS DISTRICT MANAGEMENT AUTHORITY, REFERRED TO IN THIS SUBTITLE AS THE "AUTHORITY".

(B) *PURPOSE.*

THE PURPOSE OF THE AUTHORITY IS TO:

- (1) PROMOTE AND MARKET THE DISTRICT;
- (2) PROVIDE SUPPLEMENTAL SECURITY AND MAINTENANCE SERVICES;
- (3) PROVIDE AMENITIES IN PUBLIC AREAS; AND
- (4) PROVIDE OTHER SERVICES AND FUNCTIONS AS MAY BE REQUESTED BY THE AUTHORITY AND APPROVED BY AN ORDINANCE OF THE MAYOR AND CITY COUNCIL.

**§ 10-4. POWERS AND FUNCTIONS OF AUTHORITY.**

(A) *POWERS.*

TO THE GREATEST EXTENT ALLOWABLE BY LAW, THE AUTHORITY IS AND SHALL BE DEEMED TO BE A SPECIAL TAX DISTRICT, EXERCISING ONLY THOSE POWERS AS ARE PROVIDED FOR IN THIS SUBTITLE.

(B) *AUTHORIZED ACTIONS.*

- (1) THE AUTHORITY MAY ACQUIRE, HOLD, AND USE PROPERTY AS NECESSARY TO ACHIEVE ITS PURPOSES, INCLUDING:
  - (I) THE ACQUISITION BY PURCHASE, LEASE, USE OR OTHER RIGHTS;
  - (II) THE CONSTRUCTION AND INSTALLATION OF BUILDINGS AND STRUCTURES TO FURTHER THE MISSION OF THE AUTHORITY; AND
  - (III) THE LEASING OF SPACE AND STRUCTURES FOR FEES AND THE PARTICIPATION IN REVENUES FROM SUCH LEASING.



(2) THE AUTHORITY MAY MAKE A CONTRACT:

- (I) TO PROVIDE SERVICES FOR AREAS ADJOINING THE DISTRICT;
- (II) WITH AN ADMINISTRATOR WHO MAY OR MAY NOT BE AN ADMINISTRATOR FOR ANOTHER BENEFITS DISTRICT IN BALTIMORE CITY; AND
- (III) WITH AGENCIES OF BALTIMORE CITY TO PROVIDE PERMITTED SERVICES WITHIN THE DISTRICT.

(3) THE AUTHORITY MAY ENGAGE THE SERVICES OF AN ADMINISTRATOR (THE "ADMINISTRATOR"), WHO MAY BE AN INDIVIDUAL OR AN ENTITY, INCLUDING THE WATERFRONT PARTNERSHIP OF BALTIMORE, INC., BUT NOT LIMITED TO NON-PROFIT ENTITIES, TO ADMINISTER THE PROGRAMS AND UNDERTAKINGS OF THE AUTHORITY.

(4) THE AUTHORITY MAY SUE AND BE SUED. HOWEVER, THE DISTRICT, THE AUTHORITY, ITS BOARD OF DIRECTORS, AND ITS ADMINISTRATOR SHALL BENEFIT, TO THE FULLEST EXTENT ALLOWABLE BY LAW, FROM ALL PROVISIONS OF FEDERAL, STATE, AND LOCAL LAW LIMITING THE LIABILITY OF DIRECTORS, EMPLOYEES, OFFICERS, AGENTS, AND OFFICIALS OF GOVERNMENTAL BODIES.

(5) THE AUTHORITY MAY APPLY FOR AND ACCEPT GRANTS, DONATIONS, AND VOLUNTARY CONTRIBUTIONS, WHETHER IN FUNDS OR PROPERTY.

(6) THE AUTHORITY MAY BORROW FUNDS FOR PURPOSES CONSISTENT WITH THE PUBLIC PURPOSES OF THE AUTHORITY AND PLEDGE SOME OR ALL OF ITS REVENUES IN SUPPORT OF SUCH BORROWINGS. HOWEVER, NO BORROWING MAY BE FOR A TERM BEYOND THE DATE FOR THE DISTRICT'S RENEWAL UNDER § 10-16 OF THIS SUBTITLE, UNLESS ASSURANCES ARE PROVIDED TO THE LENDER REGARDING THE PAYMENT OF ANY AMOUNTS COMING DUE AFTER SUCH DATE.

(7) THE AUTHORITY MAY ESTABLISH AND ENFORCE RULES AND REGULATIONS FOR THE USE OF PUBLIC AREAS OR AREAS UNDER ADMINISTRATION BY THE AUTHORITY, CONSISTENT WITH THE MISSION AND PURPOSES OF THE AUTHORITY AND THE DISTRICT.

(8) THE AUTHORITY SHALL ADOPT AN ANNUAL BUDGET AND IMPOSE, CHARGE, AND COLLECT THE TAXES OR CHARGES ON BENEFITTED PROPERTIES WITHIN THE DISTRICT, AS AUTHORIZED BY CITY CHARTER ARTICLE II, § (63) AND THIS SUBTITLE; HOWEVER, NO TAXES MAY BE LEVIED AGAINST PROPERTIES THAT ARE EXEMPT UNDER STATE LAW FROM ORDINARY PROPERTY TAXES, BUT THE AUTHORITY MAY IMPOSE CHARGES FOR SERVICES PROVIDED TO PROPERTY OWNERS, WHETHER OR NOT THE PROPERTY IS EXEMPT PURSUANT TO STATE LAW, THIS SUBTITLE, OR ANY OTHER APPLICABLE ORDINANCE.

(9) THE AUTHORITY MAY CREATE AND ENTER INTO PARTNERSHIPS BETWEEN IT AND VARIOUS PROPERTY OWNERS. THESE PARTNERSHIPS MAY PROVIDE FOR THE PROVISION OF PERMITTED SERVICES AND BENEFITS BY THE AUTHORITY IN EXCHANGE FOR PAYMENTS ARRANGED BY CONTRACT, DONATION, GIFT, SERVICES IN KIND, OR OTHER MECHANISM BY WHICH FUNDS OR BENEFITS ARE PROVIDED TO THE AUTHORITY.

(10) THE AUTHORITY MAY ESTABLISH AND ELECT OFFICERS NOT ALREADY PROVIDED FOR IN THIS SUBTITLE AND PROVIDE FOR THEIR TERMS AND DUTIES.

- (11) THE AUTHORITY MAY CONTRACT FOR AND PURCHASE GOODS AND SERVICES, WITHOUT HAVING TO COMPLY WITH CITY REQUIREMENTS GOVERNING WAGE SCALES, COMPETITIVE BIDDING, OR OTHER PROCUREMENT MATTERS. HOWEVER, THE AUTHORITY NONETHELESS SHALL BE SUBJECT TO APPLICABLE ORDINANCES REGARDING CITY POLICY ON ENCOURAGING AND ACHIEVING GOALS FOR PARTICIPATION OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES IN THE CONTRACTING ACTIVITIES.
- (12) SUBJECT TO THE APPROVAL OF THE BOARD OF ESTIMATES, THE AUTHORITY MAY ADOPT, AMEND, AND MODIFY BYLAWS, CONSISTENT WITH CITY CHARTER ARTICLE II, § (63) AND THIS SUBTITLE.
- (13) THE AUTHORITY MAY IMPLEMENT ITS PROGRAMS AND GOALS DIRECTLY THROUGH ITS EMPLOYEES OR THROUGH 1 OR MORE CONTRACTS. THESE CONTRACTS MAY BE WITH INDEPENDENT CONTRACTORS OR CONTRACTUAL EMPLOYEES.
- (14) THE AUTHORITY MAY PROVIDE ADDITIONAL SERVICES BEYOND THOSE GENERALLY PROVIDED WITHIN THE DISTRICT, TO INDIVIDUAL PROPERTIES WITHIN OR CLOSE TO THE DISTRICT FOR A FEE THAT FAIRLY RECOVERS FOR THE AUTHORITY THE COST OF PROVIDING THE SERVICES.
- (15) THE AUTHORITY MAY ASSIST IN THE LEASING, MARKETING, AND PROMOTIONAL ACTIVITIES WITHIN THE DISTRICT, TO THE EXTENT THOSE ACTIVITIES ARE APPROVED BY THE GOVERNING BOARD OF THE AUTHORITY.
- (16) THE AUTHORITY MAY APPOINT, HIRE, OR ENGAGE AUDITORS, ACCOUNTANTS, ATTORNEYS, ASSISTANTS, AIDES, EMPLOYEES, AND ADVISORS AS IT CONSIDERS NECESSARY FOR THE PROPER PERFORMANCE OF ITS DUTIES, BUT CONSISTENT WITH THIS SUBTITLE.
- (17) THE AUTHORITY MAY DO ALL OTHER THINGS NECESSARY OR CONVENIENT TO CARRY OUT ITS GOALS, OBJECTIVES, AND POWERS.

**§ 10-5. LIMITATIONS ON AUTHORITY.**

*(A) NOT AGENCY OF CITY OR STATE.*

- (1) THE AUTHORITY IS NOT AND MAY NOT BE DEEMED TO BE AN AGENCY OF THE MAYOR AND CITY OF BALTIMORE OR OF THE STATE OF MARYLAND.
- (2) THE OFFICERS AND EMPLOYEES OF THE AUTHORITY ARE NOT AND MAY NOT ACT AS AGENTS OR EMPLOYEES OF THE MAYOR AND CITY OF BALTIMORE OR THE STATE OF MARYLAND.

*(B) UNAUTHORIZED ACTIONS.*

- (1) THE AUTHORITY MAY NOT EXERCISE ANY POLICE OR GENERAL POWERS OTHER THAN THOSE AUTHORIZED BY STATE LAW AND CITY ORDINANCE.
- (2) THE AUTHORITY MAY NOT PLEDGE THE FULL FAITH OR CREDIT OF THE CITY.
- (3) THE AUTHORITY MAY NOT IMPOSE TAXES AGAINST PROPERTIES THAT ARE EXEMPT UNDER STATE LAW FROM ORDINARY PROPERTY TAXES.

- (4) THE AUTHORITY MAY NOT IMPOSE ANY TAXES OR CHARGES IN EXCESS OF THOSE APPROVED BY THE BOARD OF ESTIMATES.
- (5) THE AUTHORITY MAY NOT EXERCISE THE POWER OF EMINENT DOMAIN.
- (6) THE AUTHORITY MAY NOT EXTEND ITS LIFE WITHOUT THE APPROVAL OF THE CITY COUNCIL.
- (7) EXCEPT AS OTHERWISE PROVIDED BY LAW, THE AUTHORITY MAY NOT ENGAGE IN COMPETITION WITH THE PRIVATE SECTOR.
- (8) EXCEPT AS OTHERWISE PROVIDED IN § 10-17 OF THIS SUBTITLE, THE AUTHORITY MAY NOT REVERT CHARGES OR TAXES COLLECTED UNDER THIS SUBTITLE TO THE GENERAL FUND OF THE CITY.
- (9) THE AUTHORITY MAY NOT EMPLOY ANY NEW EMPLOYEE WHO DOES NOT VOLUNTARILY DELIVER TO THE AUTHORITY AN AFFIDAVIT CERTIFYING THAT THE EMPLOYEE'S RESIDENCE IS WITHIN THE POLITICAL BOUNDARIES OF THE CITY OF BALTIMORE AND THAT SUCH EMPLOYEE INTENDS TO REMAIN AS A RESIDENT FOR THE FORESEEABLE FUTURE.
- (10) EXCEPT AS REQUIRED OR APPROPRIATE TO FACILITATE ITS NORMAL OPERATIONS, THE AUTHORITY MAY NOT INCUR DEBT.
- (11) THE AUTHORITY MAY NOT EXERCISE ANY POWER SPECIFICALLY WITHHELD BY THE TERMS OF EITHER THIS SUBTITLE OR, IF MORE RESTRICTIVE, CITY CHARTER ARTICLE II, § (63).

(C) *INTERPRETATION OF POWERS.*

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

**§ 10-6. BOARD OF DIRECTORS.**

(A) *IN GENERAL.*

THE AUTHORITY SHALL BE GOVERNED BY AND ADMINISTERED THROUGH A BOARD OF DIRECTORS (THE "BOARD").

(B) *NUMBER AND APPOINTMENT.*

- (1) THE NUMBER OF VOTING MEMBERS OF THE FULL BOARD MUST BE NOT LESS THAN 10, EXCLUDING VACANCIES, AND NO MORE THAN 25.
- (2) THE BOARD HAS FULL AUTHORITY TO INCREASE OR DECREASE ITS MEMBERSHIP, WITHIN THE LIMITS SPECIFIED IN THIS SUBSECTION.

(C) *COMPOSITION.*

OF THE VOTING MEMBERS OF THE BOARD:

- (1) I SHALL BE APPOINTED BY THE MAYOR;
- (2) ANY COUNCILMEMBER REPRESENTING AREAS WITHIN THE BOUNDARIES FOR THE DISTRICT;
- (3) I SHALL BE A BUSINESS OPERATOR IN THE DISTRICT, WHO MAY OR MAY NOT OWN THE PROPERTY ON WHICH HIS OR HER BUSINESS IS LOCATED;
- (4) I SHALL BE A REPRESENTATIVE OF THE RESIDENTS, WHEN A RESIDENTIAL PROJECT IS DEVELOPED IN THE DISTRICT;
- (5) 3 SHALL BE DESIGNATED BY THE ADMINISTRATOR;
- (6) AT LEAST TWO-THIRDS OF THE BOARD SHALL BE COMPRISED OF OWNERS OR REPRESENTATIVES OF OWNERS OF PROPERTY SUBJECT TO THE TAX IMPOSED BY THIS SUBTITLE, PROVIDED THAT MEMBERS OF THE BOARD SELECTED UNDER ITEMS (1) THROUGH (3) OF THIS SUBSECTION MAY BE INCLUDED IN SUCH GROUP AS THEY OTHERWISE QUALIFY; AND
- (7) CONSISTENT WITH THE ENCOURAGEMENT OF PARTNERSHIPS BETWEEN THE AUTHORITY AND PROPERTY OWNERS EXEMPT FROM THE TAX IMPOSED BY THIS SUBTITLE, THE BOARD SHOULD CONSIDER REPRESENTATION OF THOSE PARTNERS.

(D) *EXERCISE OF AUTHORITY POWERS.*

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

(E) *BYLAWS.*

- (1) THE BOARD MAY ADOPT BYLAWS AS IT CONSIDERS NECESSARY TO CARRY OUT THE POWERS OF THE AUTHORITY. HOWEVER, THESE BYLAWS MAY NOT BE INCONSISTENT WITH THE TERMS OF THIS SUBTITLE OR OF CITY CHARTER ARTICLE II, § (63).
- (2) ALL BYLAWS ARE SUBJECT TO THE APPROVAL OF THE BOARD OF ESTIMATES.
- (3) THE BOARD MAY ESTABLISH ITS OWN PROCEDURES RELATING TO THE INTERNAL ADMINISTRATION OF THE AUTHORITY, EXCEPT AS MAY BE RESTRICTED BY CITY CHARTER ARTICLE II, § (63) OR THIS SUBTITLE.

(F) *OFFICERS.*

- (1) THE BOARD SHALL SELECT FROM AMONG ITS MEMBERS INDIVIDUALS TO SERVE AS THE CHAIR, VICE-CHAIR, TREASURER, AND SECRETARY OF THE AUTHORITY.
- (2) THESE OFFICERS SERVE AT THE PLEASURE OF THE BOARD.
- (3) THE BOARD MAY DELEGATE TO THESE OFFICERS THOSE RESPONSIBILITIES THAT THE BOARD CONSIDERS APPROPRIATE.

**§ 10-7. ANNUAL FINANCIAL PLAN.**

(A) *BOARD TO ADOPT.*

THE BOARD SHALL ADOPT AN ANNUAL FINANCIAL PLAN (THE "FINANCIAL PLAN"), BASED ON THE CITY'S FISCAL YEAR, CONSISTING OF AT LEAST A BUDGET AND A PROPOSED SCHEDULE OF TAXES OR CHARGES TO BE IMPOSED THROUGHOUT THE DISTRICT.

(B) *FIRST ANNUAL FINANCIAL PLAN.*

THE INITIAL FINANCIAL PLAN FOR THE AUTHORITY SHALL INCLUDE ALL OF THE FISCAL YEAR ENDING ON JUNE 30, 2020, AND MAY INCLUDE THE COSTS OF PREPARING THE FINANCIAL PLAN AND IMPLEMENTING THE AUTHORITY AND THE DISTRICT, SO LONG AS THE COSTS WERE INCURRED PRIOR TO OR DURING THE FISCAL YEAR. IF THE AUTHORITY IS NOT IMPLEMENTED, NEITHER THE AUTHORITY, THE DISTRICT, NOR THE CITY SHALL BE LIABLE FOR COSTS INCURRED PRIOR TO THE INITIATION OF OPERATIONS, WHETHER OR NOT INCURRED BY THE ADMINISTRATOR OR ON BEHALF OF THE DISTRICT OR THE AUTHORITY.

(C) *PUBLIC HEARING.*

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

(D) *BOARD OF ESTIMATES APPROVAL REQUIRED.*

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

**§ 10-8. SUPPLEMENTAL TAX.**

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

- (1) THE BOARD OF ESTIMATES SHALL OBTAIN FROM THE DIRECTOR OF FINANCE THE "ASSESSABLE BASE" OF THE DISTRICT, WHICH SHALL CONSTITUTE A LISTING BY PROPERTY AND A CALCULATION OF THE SUM OF ASSESSMENTS ON PROPERTIES SUBJECT TO THE SUPPLEMENTAL TAX.
- (2) PROPERTIES SUBJECT TO THE TAX SHALL INCLUDE ALL PROPERTIES WITHIN THE DISTRICT EXCEPT:
  - (I) PROPERTIES EXEMPT UNDER CITY CHARTER ARTICLE II, § (63); OR
  - (II) ANY OTHER APPLICABLE LAW.
- (3) THE BOARD OF ESTIMATES SHALL DETERMINE WITH FINALITY THE ASSESSABLE BASE ON WHICH THE SUPPLEMENTAL TAX WILL BE BASED.

(B) *ASSESSMENT; COLLECTION; ENFORCEMENT.*

- (1) FUNDING FOR AUTHORITY OPERATIONS SHALL BE PROVIDED BY A SUPPLEMENTAL PROPERTY TAX (THE "SUPPLEMENTAL TAX") ON THE ASSESSABLE BASE OF THE DISTRICT AS DETERMINED UNDER SUBSECTION (A) OF THIS SECTION.
- (2) THE SUPPLEMENTAL TAX SHALL BE ASSESSED AND COLLECTED IN CONJUNCTION WITH THE PROPERTY TAXES ASSESSED AND COLLECTED BY THE CITY (THE "REGULAR TAX"), UNLESS OTHERWISE ESTABLISHED BY THE BOARD OF ESTIMATES.
- (3) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE:
  - (I) THE SUPPLEMENTAL TAX SHALL BE ENFORCED IN THE SAME WAY AS THE REGULAR TAX IS ENFORCED; AND
  - (II) ALL PROVISIONS THAT APPLY TO ASSESSMENTS, REFUNDS, CREDITS, COLLECTIONS, AND ENFORCEMENT OF THE REGULAR TAX APPLY TO THE SUPPLEMENTAL TAX.

(C) *DETERMINATION OF TAX.*

THE SUPPLEMENTAL TAX RATE SHALL BE DETERMINED AS FOLLOWS:

- (1) ANY INCREASE IN THE RATE OF THE SUPPLEMENTAL TAX MUST BE APPROVED BY A MAJORITY OF THE BOARD'S VOTING MEMBERS THAT ARE PROPERTY OWNER REPRESENTATIVES.
- (2) THE BOARD MAY ESTABLISH SEPARATE CLASSES AND SUBCLASSES OF PROPERTY AND SPECIFY DIFFERENT RATES OF SUPPLEMENTAL TAX ON EACH CLASS OR SUBCLASS, PROVIDED THAT:
  - (I) ALL MEMBERS OF A CLASS OR SUBCLASS SHALL BE TREATED FAIRLY AND EQUALLY; AND
  - (II) ANY PERCENTAGE INCREASE IN THE SUPPLEMENTAL TAX MUST BE CONSISTENTLY APPLIED, AT SUBSTANTIALLY THE SAME PERCENTAGE, TO ALL CLASSES OF PROPERTY.
- (3) THE BOARD MAY PROVIDE A CREDIT AGAINST THE SUPPLEMENTAL TAX IN INSTANCES WHERE CREDITS WILL FURTHER THE OBJECTIVE OF ACCOMMODATING LOW-INCOME FAMILIES WITHIN THE DISTRICT.
- (4) EACH OF THE ACTIONS TAKEN UNDER THIS SUBSECTION MUST BE SET FORTH IN DETAIL IN THE FINANCIAL PLAN AND APPROVED BY THE BOARD OF ESTIMATES.

(D) *PUBLIC SERVICE COMPANIES.*

POLES, CONDUITS, CABLES, TUNNELS, PIPE LINES, MANHOLES, AND OTHER SIMILAR SURFACE OR SUBSURFACE STRUCTURES, INCLUDING THEIR EQUIPMENT ("ANCILLARY ASSETS"), OWNED AND CONTROLLED BY "PUBLIC SERVICE COMPANIES", AS DEFINED IN THE PUBLIC UTILITIES ARTICLE OF THE MARYLAND CODE, LOCATED ON, OVER, OR UNDER STREET, ALLEYS, OR OTHER PUBLIC WAYS OR LANDS OR PARK PROPERTIES, THE CONSTRUCTION OF WHICH IS AUTHORIZED BY THE CITY, AND THE INSTALLATION OF WHICH

IS REGULATED AND SUPERVISED BY THE DIRECTOR OF PUBLIC WORKS OR THE DIRECTOR'S DESIGNEE OR THE DIRECTOR OF THE DEPARTMENT OF TRANSPORTATION OR THE DIRECTOR'S DESIGNEE OR THE DIRECTOR OF THE DEPARTMENT OF RECREATION AND PARKS OR THE DIRECTOR'S DESIGNEE ARE SUBJECT TO THE SUPPLEMENTAL TAX TO THE SAME EXTENT AS TREATED BY THE MARYLAND DEPARTMENT OF ASSESSMENTS AND TAXATION.

**§ 10-9. 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.

(C) *ALLOCATION OF RESOURCES.*

THE FINANCIAL PLAN MAY PROVIDE FOR THE ALLOCATION OF RESOURCES AND SERVICES TO PARTICULAR SECTIONS OF THE DISTRICT, INCLUDING ALLOCATIONS THAT REFLECT, IN PART, THE CONTRIBUTIONS MADE BY THOSE SECTIONS OF THE DISTRICT TO THE FINANCIAL RESOURCES AVAILABLE TO THE AUTHORITY, AND, IN PART, THE NEEDS OF THOSE SECTIONS.

**§ 10-10. 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:
  - (I) AS PART OF AN OVERALL DECREASE IN SERVICES NECESSITATED BY CHANGES IN FUNDING, POLICY, OR RESOURCES; AND
  - (II) ONLY IN PROPORTION TO THE DECREASES IMPLEMENTED ELSEWHERE IN THE CITY.
- (2) ANY INCREASE IN SERVICES GENERALLY THROUGHOUT THE CITY SHALL BE MATCHED WITH INCREASES IN THOSE SERVICES WITHIN THE DISTRICT, IN PROPORTION TO THE INCREASES IMPLEMENTED ELSEWHERE IN THE CITY.

**§ 10-11. PARTNERSHIPS.**

(A) *AUTHORITY ENCOURAGED TO CREATE.*

THE AUTHORITY IS AUTHORIZED AND ENCOURAGED TO ENTER INTO PARTNERSHIPS WITH THE PROPERTY OWNERS AND USERS WITHIN THE DISTRICT AND ADJOINING AREAS THAT ARE NOT SUBJECT TO THE SUPPLEMENTAL TAX ("EXEMPT PARTNERS") FOR THE PURPOSE OF FURTHERING THE BROAD OBJECTIVES OF IMPROVING AND ENHANCING PUBLIC SERVICES THROUGHOUT THE DISTRICT AND IN ADJOINING AREAS.

(B) *SPECIFIC POWERS.*

IN FURTHERANCE OF THAT OBJECTIVE, THE AUTHORITY MAY:

- (1) CONTRACT TO PROVIDE VARYING LEVELS OF SERVICES TO AREAS ADJOINING THE DISTRICT;
- (2) AGREE TO ACCEPT DONATIONS, CONTRIBUTIONS, AND VOLUNTARY PAYMENTS OF ANY KIND FROM EXEMPT PARTNERS (COLLECTIVELY, "VOLUNTARY PAYMENTS"), WITH OR WITHOUT AGREEMENTS REGARDING SPECIFIC SERVICES AND FUNCTIONS;
- (3) ENTER INTO AGREEMENTS WITH EXEMPT PARTNERS TO INCLUDE PROPERTY OWNED BY THOSE EXEMPT PARTNERS WITHIN THE DISTRICT IN RETURN FOR VOLUNTARY PAYMENTS OR COMMITMENTS REGARDING THE PROVISION OF SIMILAR SERVICES AND FUNCTIONS WITHIN PROPERTIES OWNED BY EXEMPT PARTNERS; AND
- (4) ESTABLISH RATES AND CHARGES FOR THE PROVISION OF SERVICES TO EXEMPT PARTNERS.

**§ 10-12. 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:
  - (1) 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

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

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

**§ 10-13. 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 § 10-4(B) 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.

**§ 10-14. 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.
- (2) THE BOARD OF THE AUTHORITY SHALL SUBMIT ALL MATERIALS AT LEAST 2 MONTHS BEFORE THE PROPOSED EFFECTIVE DATE OF A BUDGET OR SUPPLEMENTAL TAX.
- (3) IN CONSIDERING A PROPOSED BUDGET AND SCHEDULE OF TAXES AND CHARGES, THE BOARD OF ESTIMATES MAY NOT EXCEED OR INCREASE EITHER THE BUDGET OR THE SCHEDULE OF TAXES, RATES, AND CHARGES BEYOND THOSE PROPOSED BY THE AUTHORITY.

(C) *BYLAWS.*

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

(D) *APPROVAL AND RENEWAL PROCESS.*

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

**§ 10-15. ELECTION APPROVAL PROCESS.**

(A) *LIST OF ELIGIBLE VOTERS.*

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

(B) *ELIGIBILITY CRITERIA.*

(1) PERSONS ELIGIBLE TO VOTE ARE:

- (I) THE OWNERS OF PROPERTY SUBJECT TO TAX UNDER § 10-8 OF THIS SUBTITLE;
- (II) THE OWNERS OF EACH TAX PARCEL WITHIN THE DISTRICT; AND
- (III) EACH PUBLIC SERVICE COMPANY OWNING ANCILLARY ASSETS ON THE DISTRICT.

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

(3) EACH PUBLIC SERVICE COMPANY OWNING PROPERTY IN THE DISTRICT IS ENTITLED TO 1 VOTE AND 1 OR MORE ADDITIONAL VOTES FOR ANY TAX PARCELS WITHIN THE DISTRICT OWNED BY THE PUBLIC SERVICE COMPANY.

(C) *ELECTION.*

- (1) A BALLOT SHALL BE PROVIDED TO EACH ELIGIBLE VOTER FOR THE APPROVAL OF THE ESTABLISHMENT OF THE DISTRICT.
- (2) EACH BALLOT, WITH A CERTIFIED SIGNATURE OF THE ELIGIBLE VOTER OR DULY AUTHORIZED REPRESENTATIVE, MUST BE RETURNED TO THE BOARD OF ESTIMATES, C/O THE COMPTROLLER'S OFFICE, WITHIN 30 DAYS OF THE DATE SPECIFIED ON THE BALLOT.

(D) *PERCENTAGE APPROVAL.*

- (1) WITHIN 20 DAYS OF THE END OF THE ELECTION PERIOD, THE BOARD OF ESTIMATES SHALL DETERMINE THE AGGREGATE VOTES CAST BY THE ELIGIBLE VOTERS.
- (2) IF THE BOARD OF ESTIMATES DETERMINES THAT AT LEAST 58% OF THE AGGREGATE VOTES CAST APPROVED THE ESTABLISHMENT OF THE DISTRICT, THE BOARD OF ESTIMATES SHALL CERTIFY THE DISTRICT AND AUTHORITY AS APPROVED FOR OPERATION.

**§ 10-16. 4-YEAR REVIEWS.**

(A) *PUBLIC HEARINGS.*

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

(B) *MAYOR AND COUNCIL TO DECIDE.*

AT THE CONCLUSION OF THE HEARINGS, THE MAYOR AND CITY COUNCIL SHALL DETERMINE WHETHER THE DISTRICT IS TO CONTINUE FOR ANOTHER 4 YEARS.

(C) *PROCESS TO BE REPEATED.*

THIS PROCESS SHALL BE REPEATED PERIODICALLY TO SATISFY THE REQUIREMENTS OF CITY CHARTER ARTICLE II, § (63).

**§ 10-17. DISSOLUTION OF DISTRICT.**

(A) *DISSOLUTION ON CERTAIN EVENTS.*

IF THE DISTRICT IS NOT APPROVED AS PROVIDED IN § 10-15 OF THIS SUBTITLE, OR IS NOT RENEWED AS PROVIDED IN § 10-16 OF THIS SUBTITLE, THE AUTHORITY SHALL CEASE ITS OPERATIONS, AND THE DISTRICT SHALL CEASE TO EXIST, AT THE END OF THE CITY'S FISCAL YEAR IN WHICH THE TERMINATING EVENT OCCURS.

(B) *LIMITED CONTINUATION.*

THE AUTHORITY SHALL CONTINUE ITS EXISTENCE ONLY AS LONG AS NECESSARY TO:

- (1) TERMINATE OPERATIONS IN A REASONABLE FASHION; AND
- (2) ARRANGE FOR THE REFUNDING OF ALL FUNDS NOT NEEDED TO SATISFY OUTSTANDING OBLIGATIONS AND RESERVES FOR UNCERTAIN OBLIGATIONS AND LIABILITIES.

(C) *UNSPENT FUNDS.*

ANY UNSPENT FUNDS REVERT TO THE CITY'S GENERAL FUND, EXCEPT AS NECESSARY TO SECURE A BORROWING PERMITTED UNDER SECTION 10-4(B)(6). IN NO OTHER CIRCUMSTANCES MAY CHARGES OR TAXES COLLECTED BY THE AUTHORITY BECOME PART OF THE GENERAL FUND OF THE CITY.

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

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

Taurus Barksdale  
Alyssa Domzal  
Justin George  
Jon Laria  
Mark Pollak

(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, 2020, 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.
- (g) The Interim Board may determine the initial Administrator of the Authority.

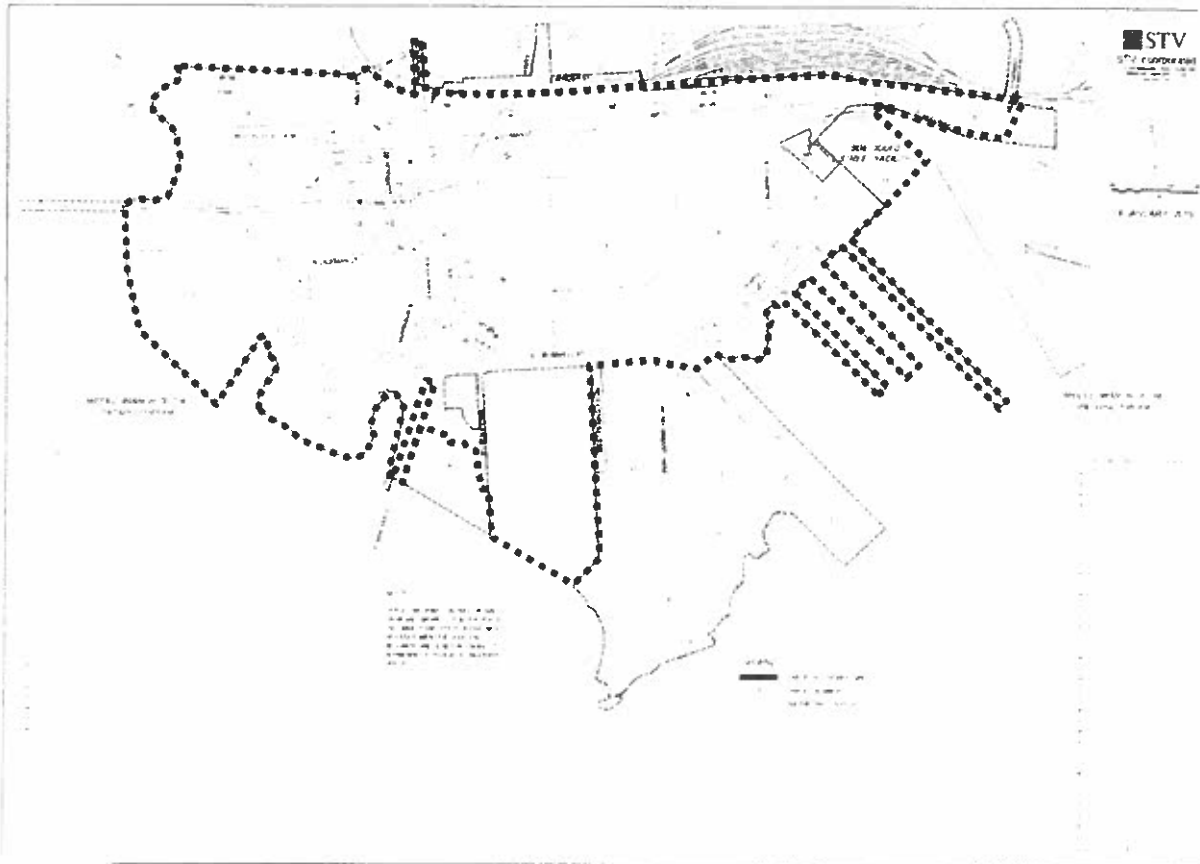
**SECTION 3. AND BE IT FURTHER ORDAINED,** That all provisions of this Ordinance are severable. If a court determines that a word, phrase, clause, sentence, paragraph, subsection, section, or other provision is invalid or that the application of any part of the provision to any person or circumstances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

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

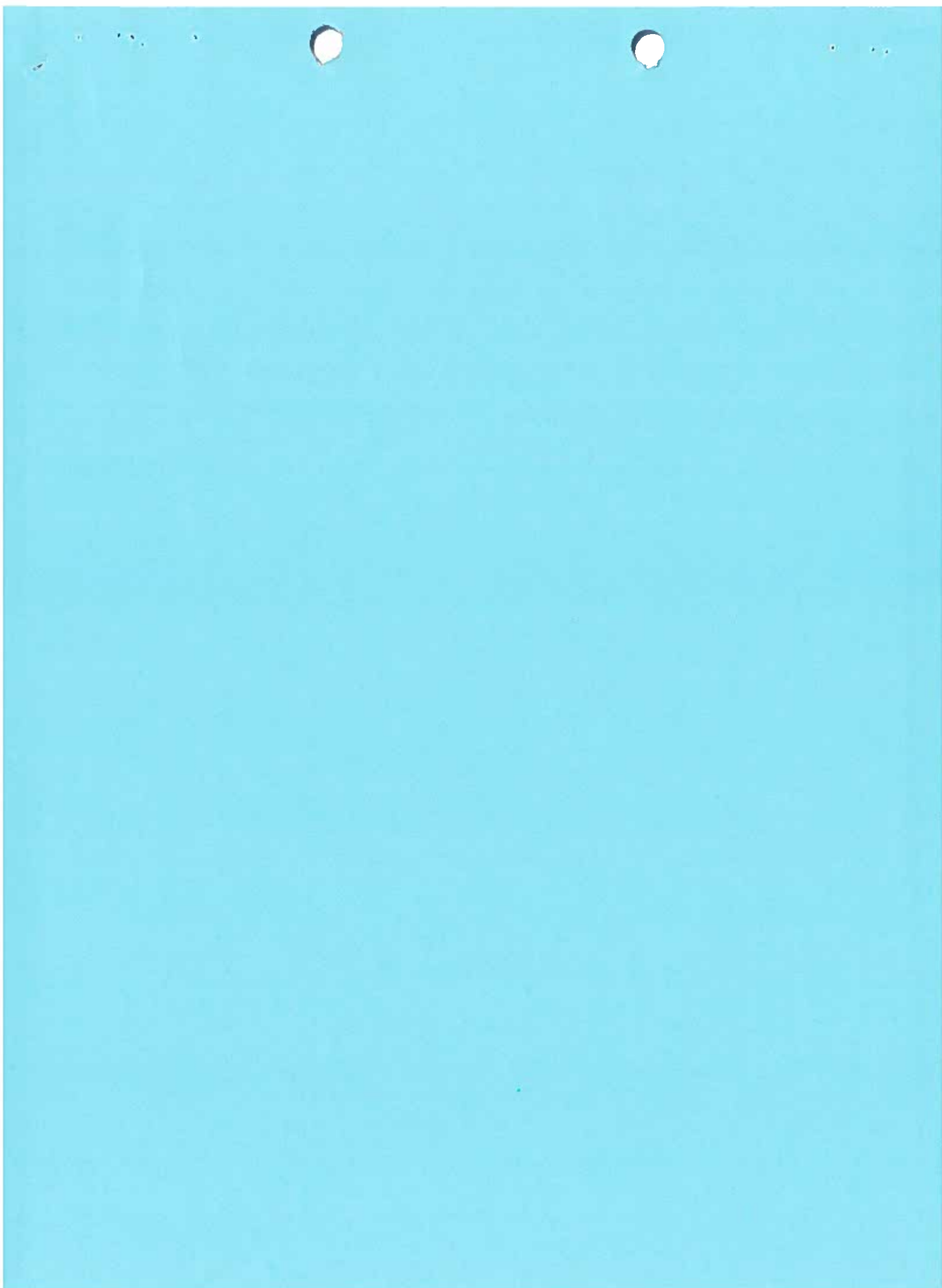
**SECTION 5. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it is enacted.

# Exhibit A

## District Boundaries







**ACTION BY THE CITY COUNCIL**

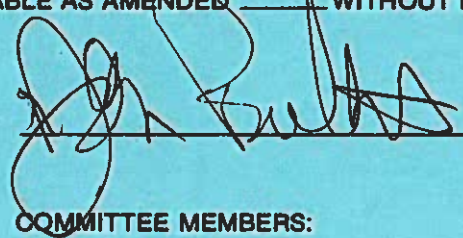
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FIRST READING (INTRODUCTION) \_\_\_\_\_ 20 \_\_\_\_\_

PUBLIC HEARING HELD ON 4-21 \_\_\_\_\_ 20 20

COMMITTEE REPORT AS OF 4-27 \_\_\_\_\_ 20 20

\_\_\_\_\_ FAVORABLE \_\_\_\_\_ UNFAVORABLE  FAVORABLE AS AMENDED \_\_\_\_\_ WITHOUT RECOMMENDATION



Chair

COMMITTEE MEMBERS:

COMMITTEE MEMBERS:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SECOND READING: The Council's action being favorable (unfavorable), this City Council bill was (was not) ordered printed for Third Reading on:

\_\_\_\_\_ 20 \_\_\_\_\_

\_\_\_\_\_ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING \_\_\_\_\_ 20 \_\_\_\_\_

\_\_\_\_\_ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (ENROLLED) \_\_\_\_\_ 20 \_\_\_\_\_

\_\_\_\_\_ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (RE-ENROLLED) \_\_\_\_\_ 20 \_\_\_\_\_

WITHDRAWAL \_\_\_\_\_ 20 \_\_\_\_\_

There being no objections to the request for withdrawal, it was so ordered that this City Council Ordinance be withdrawn from the files of the City Council.

\_\_\_\_\_  
President

\_\_\_\_\_  
Chief Clerk