



Legislation Details (With Text)

File #: 22-0246 **Version:** 0 **Name:** York Corridor Business Improvement District - Establishment

Type: Ordinance **Status:** Enacted

File created: 6/13/2022 **In control:** Baltimore City Council

On agenda: **Final action:** 11/18/2022

Enactment date: **Enactment #:** 22-177

Title: York Corridor Business Improvement District - Establishment
 For the purpose of creating a community benefits district, to be known as the York Corridor Business Improvement District; specifying the boundaries of the District; creating an Authority and providing for its rights, duties, and powers; providing for the selection and composition of the Authority’s Board of Directors; providing for an Administrator for the Authority; mandating the financial responsibilities of the Authority and the City in conjunction with the operation of the District; providing for the assessment, collection, and enforcement of a supplemental tax to be collected by and for the Authority; specifying the City’s role in maintaining and enhancing existing services; encouraging the creation of partnerships among the Authority, the City, the State, the Federal Government, and property owners not subject to the supplemental tax; designating 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; providing for a special effective date; and generally relating to the existence, operation, and control of the York Corridor Business Improvement District and Authority.

Sponsors: Mark Conway

Indexes: Business, Improvement District

Code sections:

Attachments: 1. 22-0246~1st Reader, 2. Law 22-0246, 3. YRP Letter of Support for BID, 4. Govans Elem- BID Letter of Support (Summer 22), 5. BID Organizer Testimony Letter- Sep 22, 6. Jonathon Freeman BID Letter of Support 9.13.22, 7. LUM BID Letter of Support (August 2022), 8. Ray Davis BID Letter of Support 9.13.22, 9. 22 0246 BDC, 10. 22-0246 Real Estate, 11. Finance 22-0246, 12. 22-0246 Agenda, 13. 22-0246 Bill Synopsis, 14. 22-0246 Attendance Sheet, 15. 22-0246 Minutes, 16. 22-0246 Hearing Notes, 17. 22-0246 Voting Form, 18. 2nd Reader Amendments (Comm - ECD), 19. 22-0246~3rd Reader, 20. 22-0246 Signed, 21. Completed Ordinance 22-0246

Date	Ver.	Action By	Action	Result
11/21/2022	0	Mayor	Signed by Mayor	
10/3/2022	0	Baltimore City Council	Approved and Sent to the Mayor	
9/19/2022	0	Baltimore City Council	3rd Reader, for final passage	
9/19/2022	0	Economic and Community Development	Recommended Favorably with Amendment	
9/13/2022	0	Economic and Community Development	Recommended Favorably with Amendment	Pass
7/25/2022	0	Economic and Community Development	Scheduled for a Public Hearing	
6/16/2022	0	Baltimore City Council	Refer to Dept. of Real Estate	
6/16/2022	0	Baltimore City Council	Refer to Dept. of Finance	
6/16/2022	0	Baltimore City Council	Refer to City Solicitor	

6/16/2022	0	Baltimore City Council	Refer to Baltimore Development Corporation
6/13/2022	0	Baltimore City Council	Assigned
6/13/2022	0	Baltimore City Council	Introduced

Explanation: Capitals indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

* **Warning:** This is an unofficial, introductory copy of the bill.
The official copy considered by the City Council is the first reader copy.

Introductory*

City of Baltimore Council Bill

Introduced by: Councilmember Conway

A Bill Entitled

An Ordinance concerning

York Corridor Business Improvement District - Establishment

For the purpose of creating a community benefits district, to be known as the York Corridor Business Improvement District; specifying the boundaries of the District; creating an Authority and providing for its rights, duties, and powers; providing for the selection and composition of the Authority's Board of Directors; providing for an Administrator for the Authority; mandating the financial responsibilities of the Authority and the City in conjunction with the operation of the District; providing for the assessment, collection, and enforcement of a supplemental tax to be collected by and for the Authority; specifying the City's role in maintaining and enhancing existing services; encouraging the creation of partnerships among the Authority, the City, the State, the Federal Government, and property owners not subject to the supplemental tax; designating 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; providing for a special effective date; and generally relating to the existence, operation, and control of the York Corridor Business Improvement District and Authority.

By authority of

Article II - General Powers
Section(s) 63
Baltimore City Code
(Edition 2000)

By repealing and reordaining, without amendments,

Article 14 - Special Benefits Districts
Section(s) 9-1 to 9-5 and 9-7 to 9-17
Baltimore City Code
(Edition 2000)

By repealing and reordaining, with amendments,

Article 14 - Special Benefits Districts
Section(s) 9-6
Baltimore City Code
(Edition 2000)

Section 1. Be it ordained by the Mayor and City Council of Baltimore, That by authority of City Charter Article II, § (63) Ordinance 19-249, enacted May 6, 2019, sought to create the York Corridor Business

Improvement District.

Section 2. And be it further ordained, That Ordinance 19-249 proposed to codify the new District in “Subtitle 20” of Article 14, however, at the time of codification that designation was already assigned and the new subtitle was ultimately codified in Subtitle 9 to closely accompany the other special districts (codified in Subtitles 6, 7, and 8) that had also been established by authority of Charter Art. II, § (63).

Section 3. And be it further ordained, That:

- (a) Following the enactment of Ordinance 19-249, the Board of Estimates, with the assistance of the Interim Board of the York Corridor Business Improvement District Management Authority and the Department of Finance, compiled a list of those persons eligible to vote on the establishment of the District, those property owners subject to tax under § 9-8 of Article 14 of the City Code, as required by § 9-15 of Article 14 of the City Code.
- (b) Ballots were mailed to impacted property owners on July 5, 2019.
- (c) On July 31, 2019, the Board of Estimates read and recorded the submitted property owner ballots and received only a 32% approval of the District, instead of the 58% required to certify the District and Authority as approved for operation.
- (d) With the failure to create the District, the Interim Authority ceased its operations in Fiscal Year 2019.

Section 4. And be it further ordained, That if enacted, this Ordinance shall reenact the provisions of Subtitle 9 of Article 14 of the City Code and allow the Board of Estimates to hold a new election to certify the District and Authority as approved for operation.

Section 5. And be it further ordained, That the Laws of Baltimore City read as follows:

Baltimore City Code

Article 14. Special Benefits Districts

Subtitle 9. York Corridor Business Improvement District

§ 9-1. Findings.

(a) *Importance of the York Road Corridor.*

- (1) The York Road Corridor is a 2-mile long strip of commercial development that serves as a linear collection of at least 3 principal nodes focused on major crossroads intersections (Belvedere Avenue, Woodbourne Avenue, Cold Spring Lane), which serve the local commercial/retail needs of their adjoining neighborhoods to the east and west.
- (2) In many ways the York Road market area is now split by the road itself. To the west are very affluent residential neighborhoods with high residential values. To the east are more modest neighborhoods with lower residential values, homeownership rates, and household incomes.
- (3) The York Road Corridor can and does serve as a meeting ground for all adjoining neighborhoods and commercial uses that can achieve their highest potential when they appeal to all consumer households.

(b) *Needs and opportunities facing the District.*

(1) The York Road Corridor and Vision Action Plan of 2015 identified a variety of needs and opportunities facing the York Road Corridor.

(2) According to the Plan:

- (i) Household spending within the York Road Market Area is estimated at \$265.9 million annually, and spending on food and drink is estimated at \$29.9 million. These estimates do not include spending by the area's sizeable student population. It is also estimated that the Area presently captures only 29.8% of that total spending, with the remaining spending going to businesses elsewhere. This disposable income in the local corridor marketplace would be captured within York Road with an expanded mix of appropriate businesses and services to meet the on-going needs of the local community.
- (ii) Given its largely built-out nature, the York Road Corridor operates within multiple constraints as regards to the attraction of new commercial/retail development opportunities. In particular, land parcels along York Road are typically small, shallow, and in multiple ownership; arduous assemblage of parcels is typically required to accommodate the needs of many retailers. There are few larger (2+ acre) parcels along York Road, and none are vacant land. Over time the York Road Corridor will manage its real estate resources in such a way that uses along York Road will better serve the Market Area population, by attracting retailers who will serve unmet demand and by upgrading underutilized properties.

(3) Recommendation of the Plan:

Establishment of a York Road Business Improvement District (BID) is recommended as the management entity for the Corridor. In order to advance and ultimately achieve its full potential, the Corridor will profit from active management - a group specifically tasked to supervise day-to-day operations (e.g., sanitation, safety/security), but also tasked with longer-term, strategic efforts such as working with existing businesses to help them succeed, improving the business mix to grow sales, marketing the corridor to new businesses, and capturing real estate development opportunities as they occur. The BID structure (as codified in State of Maryland and Baltimore City authorizing legislation) is focused on commercial issues, deriving its revenues principally from a mandatory assessment on commercial property owners, thus dedicating its attention to improving the Corridor's business environment. The BID will also derive operating revenues from fee-for-service arrangements and grants from City government, foundations, etc., to provide various services that are better delivered locally.

(c) *Considerations.*

In adopting this Ordinance, the City Council has:

- (1) considered the views of the property owners, the retail merchants, the property tenants, and the other members of the business and residential communities within the York Corridor Business Improvement District.
- (2) made a determination that the York Corridor Business Improvement District will reflect:
 - (i) a diverse mix of business properties; and
 - (ii) a diverse economic, social, and racial mix

§ 9-2. District established.

(a) *In general.*

There is a business improvement district, to be known as the York Road {*Corridor*} Business Improvement District (the “District”).

(b) *Boundaries.*

The boundaries of the District are as shown on {*the Map appended to Ordinance 19-249, titled “Proposed York Road BID”*}.

§ 9-3. Authority created.

(a) *Authority created.*

There is a York Corridor Business Improvement 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.

§ 9-4. 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.
- (2) The Authority may engage the services of an administrator (the “Administrator”), who may be an individual or an entity, to administer the programs and undertakings of the Authority.
- (3) 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 employees, officers, agents, and officials of governmental bodies.
- (4) The Authority may accept grants.
- (5) The Authority may borrow funds for purposes consistent with the public purposes of the Authority. However, no borrowing may be for a term beyond the date for the District's renewal

under § 9-16 {"4-year reviews"} of this subtitle;

- (6) 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.
- (7) 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.
- (8) The Authority may establish and elect officers not already provided for in this subtitle and provide for their terms and duties.
- (9) 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.
- (10) 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.
- (11) 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.
- (12) 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.
- (13) 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.
- (14) The Authority may do all other things necessary or convenient to carry out its goals, objectives, and powers.

§ 9-5. 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 § 9-17 {"Dissolution of District"} 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 individuals who reside outside of the City.
- (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.

§ 9-6. 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 9, excluding vacancies, and no more than 15.
- (2) The Board has full authority to increase or decrease its membership, within the limits specified in this subsection.

(c) *Composition.*

- (1) Of the voting members of the Board:
 - (i) 1 shall be the Councilmember for the district;

- (ii) 1 shall represent a not-for-profit institution with significant property holdings along the York Road corridor;
- (iii) 1 shall be a community representative, appointed by the York Road Partnership or its successor organization;
- (iv) [at least 1 shall be a business operator in the District, who does not own the property in which his or her business is located; and] 2 shall be commercial property owners or tenant merchants of the northern segment of the York Road Corridor, defined as the area of the District south of Northern Parkway and north of Benninghaus Road;
- (v) [at least 1 shall be a business operator in the District, who owns the property in which his or her business is located.] 2 shall be commercial property owners or tenant merchants of the central segment of the York Road Corridor, defined as the area of the District south of Benninghaus Road and north of Notre Dame Lane; and
- (vi) Two shall be commercial property owners or tenant merchants of the southern segment of the York Road Corridor, defined as the area of the District south of Notre Dame Lane and north of 43rd Street.

(2) At all times, a majority of the Board must be representatives of property owners subject to the tax imposed by this subtitle and must be so designated by the Board.

(d) *Terms to be staggered.*

The terms of the members are staggered, as required by the terms of the members first appointed.

(e) *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. the

(f) *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.

(g) *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.

§ 9-7. 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) *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.

(c) *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.

§ 9-8. 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) residential units in a condominium building, whether or not the units are owner-occupied; and

(ii) all other buildings used for residential purposes, other than a building that contains 4 or more rental units; and

(iii) subject to proration, all other buildings or portions of buildings used exclusively for the consumption and enjoyment of arts and culture; and

(iv) properties exempt under:

(A) this subtitle;

(B) City Charter Article II, § (63); or

(C) 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.
- (2) For the first full budget year, the rate of the Supplemental Tax shall be set to raise revenues equal to the costs of the Financial Plan.
- (3) For any year after the first full budget year, the rate of the Supplemental Tax may be adjusted to yield revenues equal to the costs of the Financial Plan. That rate, however, may not be increased by more than 5% a year unless the increase is approved by 80% or more of the property-owner representatives on the Board.

(d) *Exemption for public service companies.*

Exempt from the Supplemental Tax are the poles, conduits, tunnels, pipe lines, manholes, and other similar surface or subsurface structures, including their equipment, owned and controlled by a public service corporation, located on, over, or under streets, alleys, or other public ways or lands, 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.

§ 9-9. 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.

§ 9-10. 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.

§ 9-11. 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.

§ 9-12. 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:

- (i) 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.

§ 9-13. 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 § 9-4(b)(9) of this subtitle;
- (5) exercise the powers granted to the Authority by this subtitle, except that the Board retains final discretion and power with regard to all substantive agreements, contracts, and other arrangements binding on the Authority; and
- (6) exercise the additional rights, powers, and authority granted to the Administrator by the Board.

(c) *Immunity.*

The Administrator is the direct agent of the Authority, so that any immunity afforded to the Authority and its officers, employees, and agents, is afforded as well to the Administrator. the

§ 9-14. 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.

§ 9-15. 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 the owners of property subject to tax under § 9-8 {"Supplemental Tax"} of this subtitle.
- (2) No more than 1 vote may be cast for each tax parcel.

(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.

§ 9-16. 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).

§ 9-17. Dissolution of District.

(a) *Dissolution on certain events.*

If the District is not approved as provided in § 9-15 {"Election approval process"} of this subtitle, or is not renewed as provided in § 9-16 {"4-year reviews"} 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.

Section 6. And be it further ordained, That:

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

Jo Chang
Mark S. Conway, Jr.
Raymond Davis
Jonathan Fishman
Christopher Forrest
Carrie McCubbin
Trudy McNair
Janet Miller

Terrence Sawyer

- (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, 2023, 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 7. 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 8. And be it further ordained, That this Ordinance takes effect on the date it is enacted.