



City of Baltimore

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

Legislation Text

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

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INTRODUCTORY*
CITY OF BALTIMORE
COUNCIL BILL

Introduced by: The Council President
At the request of: The Administration (Planning Department)

A BILL ENTITLED

AN ORDINANCE concerning

South Baltimore Gateway Community Impact District - Establishment

FOR the purpose of creating a Community Impact District, to be known as the South Baltimore Gateway Community Impact District; specifying the boundaries of the District; creating an Authority and providing for its rights, duties, powers, and funding; 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; specifying the City's role in maintaining and enhancing existing services; 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, and termination of the District and the Authority; including the Authority, its Board of Directors, and its staff within the purview of the City Public Ethics Law; providing for a special effective date; and generally relating to the existence, operation, and control of the South Baltimore Gateway Community Impact District and Authority.

BY authority of
Article II - General Powers
Section 69
Baltimore City Charter
(1996 Edition)

BY adding
Article 14 - Special Benefits Districts
Sections 19-1 to 19-17, to be under the new subtitle designation,
◆Subtitle 19. South Baltimore Gateway Community Impact District◆
Baltimore City Code

(Edition 2000)

BY repealing and reordaining, with amendments

Article 8 - Ethics

Sections 2-2(b), 2-3(b), and 2-21(b)

Baltimore City Code

(Edition 2000)

BY adding

Article 8 - Ethics

Section 7-8(a)

Baltimore City Code

(Edition 2000)

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 19. SOUTH BALTIMORE GATEWAY COMMUNITY IMPACT DISTRICT

♦ 19 -1. FINDINGS.

(A) IMPORTANCE OF IMPROVING NEIGHBORHOODS AFFECTED BY THE CASINO.

(1) THE NEIGHBORHOODS IN THE SOUTH BALTIMORE GATEWAY COMMUNITY IMPACT DISTRICT ARE ANTICIPATED TO BE THE NEIGHBORHOODS MOST AFFECTED BY THE PRESENCE OF THE NEARBY CASINO (THE ♦CASINO♦ OR THE ♦VIDEO LOTTERY FACILITY♦).

(2) THESE NEIGHBORHOODS (THE ♦CASINO IMPACT AREA♦) ARE ALSO COMMUNITIES CAPABLE AND DESIROUS OF IMPROVEMENT AND ECONOMIC DEVELOPMENT.

(3) IN RECOGNITION OF THESE FACTS, THE STATE:

(I) HAS DESIGNATED CERTAIN FUNDS (THE ♦LOCAL IMPACT GRANTS♦) TO MITIGATE THE EFFECT OF THE CASINO ON THE CASINO IMPACT AREA AND TO IMPROVE THE SOCIAL AND ECONOMIC CONDITIONS WITHIN THE AREA; AND

(II) HAS INSTITUTED A LOCAL DEVELOPMENT COUNCIL TO OVERSEE AND MAKE RECOMMENDATIONS REGARDING THE USE OF THOSE FUNDS.

(4) TO BE EFFECTIVE, THESE FUNDS MUST BE DISTRIBUTED IN A MANNER THAT IS STRATEGIC, TRANSPARENT, AND RESPONSIVE TO THE NEEDS OF THE CITIZENS OF THE

DISTRICT.

(B) NEEDS AND OPPORTUNITIES FACING THE DISTRICT.

(1) THE SOUTH BALTIMORE GATEWAY MASTER PLAN OF 2015 IDENTIFIED A VARIETY OF NEEDS AND OPPORTUNITIES FACING THE CASINO IMPACT AREA.

(2) ACCORDING TO THE PLAN:

◆RESIDENTS RAISED A RANGE OF CONCERNS ABOUT THEIR COMMUNITIES FROM THE SMALL-SCALE, SUCH AS A LACK OF ADEQUATE SIGNAGE AROUND A TRANSIT STOP, TO THE BIG PICTURE ◆ A SHORTAGE OF FAMILY-SUPPORTING JOBS. AND THEY VOICED SUPPORT FOR THE STEPS NEEDED TO BRING NEW RESOURCES, ENERGY AND OPPORTUNITIES TO THEIR NEIGHBORHOODS AND TO [THE] AREA AS A WHOLE. WHILE THE PLAN FOCUSES ON IMPROVING THE LIVES OF PEOPLE ALREADY LIVING IN THE AREA, IT ALSO SEEKS TO CREATE AN ENVIRONMENT THAT WILL ATTRACT NEW RESIDENTS AND DEVELOPMENT.◆

(3) THE PLAN CLEARLY EMPHASIZES THE IMPORTANCE OF LOCAL IMPACT GRANTS IN ACCOMPLISHING THIS VISION. IT SPECIFICALLY NOTES:

◆IF USED EFFECTIVELY, THIS NEW FUNDING SOURCE WILL HELP TO STRENGTHEN COMMUNITIES IN SOUTH BALTIMORE BY SUPPLEMENTING, NOT REPLACING, WHAT IS AVAILABLE FOR COMMUNITY SERVICES AND DEVELOPMENT INITIATIVES THROUGH EXISTING CITY RESOURCES. CITY AND COMMUNITY LEADERS ENVISION THIS NEW REVENUE AS LEVERAGING OTHER FUNDING SOURCES TO HELP REALIZE THE GOALS OUTLINED WITHIN THE PLAN.◆

◆ 19-2. DISTRICT ESTABLISHED.

(A) IN GENERAL.

THERE IS A COMMUNITY IMPACT DISTRICT, TO BE KNOWN AS THE SOUTH BALTIMORE GATEWAY COMMUNITY IMPACT DISTRICT (THE ◆DISTRICT◆).

(B) BOUNDARIES.

THE BOUNDARIES OF THE DISTRICT ARE AS FOLLOWS:

ON THE SOUTH, A LINE BEGINNING AT THE INTERSECTION OF THE CITY LINE AND THE CENTER LINE OF THE PATAPSCO RIVER, RUNNING NORTH ALONG THE CENTER LINE OF THE PATAPSCO RIVER TO HANOVER STREET; THEN RUNNING NORTH ALONG HANOVER STREET TO MCCOMAS STREET; THEN RUNNING EAST ALONG MCCOMAS STREET TO THE CENTER LINE OF KEY HIGHWAY; THEN RUNNING NORTHEAST ALONG THE CENTER LINE OF KEY HIGHWAY TO THE CENTER LINE OF EAST FORT AVENUE; THEN RUNNING SOUTHEAST ALONG THE CENTER LINE OF EAST FORT AVENUE TO THE CENTER LINE OF STEVENSON STREET; THEN RUNNING NORTHEAST ALONG THE CENTER LINE OF STEVENSON STREET

TO THE CENTER LINE OF KEY HIGHWAY; THEN RUNNING NORTH ALONG THE CENTER LINE OF KEY HIGHWAY TO THE CENTER LINE OF LIGHT STREET; THEN RUNNING NORTH ALONG THE CENTER LINE OF LIGHT STREET TO THE CENTER LINE OF EAST CONWAY STREET; THEN RUNNING WEST ALONG THE CENTER LINE OF EAST CONWAY STREET TO THE CENTER LINE OF SOUTH HOWARD STREET; THEN RUNNING NORTH ALONG THE CENTER LINE OF SOUTH HOWARD STREET TO THE CENTER LINE OF WEST CAMDEN STREET; THEN RUNNING WEST ALONG THE CENTER LINE OF WEST CAMDEN STREET TO THE CENTER LINE OF WASHINGTON BOULEVARD; THEN RUNNING SOUTHWEST ALONG THE CENTER LINE OF WASHINGTON BOULEVARD TO THE CENTER LINE OF SOUTH GREEN STREET; THEN RUNNING NORTH ALONG SOUTH GREENE STREET TO THE CENTER LINE OF WEST PRATT STREET; THEN RUNNING WEST ALONG THE CENTER LINE OF WEST PRATT STREET TO THE CENTER LINE OF SOUTH MARTIN LUTHER KING JUNIOR BOULEVARD; THEN RUNNING NORTH ALONG THE CENTER LINE OF SOUTH MARTIN LUTHER KING JUNIOR BOULEVARD TO THE CENTER LINE OF WEST LOMBARD STREET; THEN RUNNING WEST ALONG THE CENTER LINE OF WEST LOMBARD STREET TO THE CENTER LINE OF SCOTT STREET; THEN RUNNING SOUTH ALONG THE CENTER LINE OF SCOTT STREET TO THE CENTER LINE OF PRATT STREET; THEN RUNNING WEST ALONG THE CENTER LINE OF PRATT STREET TO THE CENTER LINE OF CAREY STREET; THEN RUNNING SOUTH ALONG THE CENTER LINE OF CAREY STREET TO THE CENTER LINE OF THE TRACKS OF THE BALTIMORE AND OHIO RAILROAD; THEN RUNNING WEST ALONG THE CENTER LINE OF THE TRACKS OF THE BALTIMORE AND OHIO RAILROAD TO THE GWYNNS FALLS; THEN RUNNING SOUTH ALONG THE CENTER LINE OF THE GWYNNS FALLS TO THE CENTER LINE OF WASHINGTON BOULEVARD; THEN RUNNING WEST ALONG THE CENTER LINE OF WASHINGTON BOULEVARD TO THE CENTER LINE OF HOLLINS FERRY ROAD; THEN RUNNING SOUTH ALONG THE CENTER LINE OF HOLLINS FERRY ROAD TO THE CENTER LINE OF THE TRACKS OF THE CSX RAILROAD; THEN RUNNING SOUTHWEST ALONG THE CENTER LINE OF THE TRACKS OF THE CSX RAILROAD TO THE CITY LINE; THEN RUNNING SOUTHEAST ALONG THE CITY LINE TO THE CENTER LINE OF THE PATAPSCO RIVER (POINT OF ORIGIN).

(C) NEIGHBORHOODS INCLUDED.

THESE BOUNDARIES ARE DESIGNED AND INTENDED TO ENCOMPASS ALL OF THE FOLLOWING NEIGHBORHOOD STATISTICAL AREAS, ACCORDING TO THE 2011 NEIGHBORHOOD STATISTICAL AREAS MAP:

- (1) BARRE CIRCLE;
- (2) CARROLL PARK;
- (3) CARROLL-CAMDEN INDUSTRIAL AREA;
- (4) CHERRY HILL;
- (5) FEDERAL HILL;
- (6) LAKELAND;
- (7) MIDDLE BRANCH/REEDBIRD PARKS;

- (8) MOUNT WINANS;
- (9) OTTERBEIN;
- (10) PIGTOWN/WASHINGTON VILLAGE;
- (11) RIDGELY'S DELIGHT;
- (12) RIVERSIDE;
- (13) SAINT PAUL;
- (14) SHARP-LEADENHALL;
- (14) SOUTH BALTIMORE;
- (15) SPRING GARDEN INDUSTRIAL AREA;
- (16) STADIUM AREA; AND
- (17) WESTPORT.

◆ 19-3. AUTHORITY ESTABLISHED.

(A) IN GENERAL.

THERE IS A SOUTH BALTIMORE GATEWAY COMMUNITY IMPACT DISTRICT MANAGEMENT AUTHORITY (THE ◆AUTHORITY◆).

(B) PURPOSE.

THE PURPOSE OF THE AUTHORITY IS TO:

- (1) PROVIDE THE DISTRICT WITH SUPPLEMENTAL SECURITY, MAINTENANCE, SANITATION, AND OTHER PUBLIC SERVICES ABOVE AND BEYOND THOSE ALREADY PROVIDED BY CITY GOVERNMENT (THE ◆ENHANCED SERVICES◆);
- (2) DISPERSE GRANTS TO LOCAL COMMUNITY AND NONPROFIT ORGANIZATIONS WITHIN THE DISTRICT (THE ◆COMMUNITY GRANTS◆);
- (3) UNDERTAKE TRANSFORMATIONAL COMMUNITY DEVELOPMENT AND ECONOMIC DEVELOPMENT PROJECTS, DESIGNED TO IMPROVE THE QUALITY OF LIFE AND ECONOMIC CONDITIONS WITHIN THE DISTRICT (THE ◆TRANSFORMATIONAL PROJECTS◆); AND
- (4) PROVIDE OTHER SERVICES AND FUNCTIONS DETERMINED BY THE BOARD TO BE IN THE BEST INTERESTS OF THE DISTRICT.

(C) FUNDING.

(1) IN FISCAL YEAR 2017, THE CITY SHALL FUND THE AUTHORITY AT THE AMOUNT APPROPRIATED IN THE ORDINANCE OF ESTIMATES FOR FISCAL YEAR 2017.

(2) BEGINNING IN FISCAL YEAR 2018, THE CITY SHALL FUND THE AUTHORITY WITH NOT LESS THAN 50% OF THE LOCAL IMPACT GRANTS THAT ARE DISTRIBUTED TO THE CITY UNDER STATE GOVERNMENT ARTICLE ♦ 9-1A-31(A)(1)(I).

♦ 19-4. POWERS AND FUNCTIONS OF AUTHORITY.

(A) GOVERNMENTAL BODY.

TO THE GREATEST EXTENT ALLOWABLE BY LAW, THE AUTHORITY IS AND SHALL BE DEEMED TO BE A GOVERNMENTAL BODY, BOTH POLITIC AND CORPORATE, EXERCISING ONLY THOSE POWERS AS ARE PROVIDED FOR IN THIS SUBTITLE.

(B) POWERS AND DUTIES.

(1) AFTER CONSULTATION WITH THE ADMINISTRATOR, THE LOCAL DEVELOPMENT COUNCIL, AND RESIDENTS OF AND BUSINESSES IN THE DISTRICT, THE AUTHORITY SHALL ADOPT AND UPDATE AT LEAST ONCE EVERY 5 YEARS A 5-YEAR STRATEGIC PLAN. AT A MINIMUM, THE STRATEGIC PLAN SHALL LAY OUT THE STRATEGIC PRIORITIES OF THE AUTHORITY AND HOW THESE WILL BE EXPRESSED THROUGH ENHANCED SERVICES, COMMUNITY GRANTS, TRANSFORMATIONAL PROJECTS, AND OTHER EFFORTS. THE STRATEGIC PLAN SHALL BE MADE AVAILABLE TO THE GENERAL PUBLIC, AT NO CHARGE, THROUGH A COMBINATION OF PRINT AND ELECTRONIC MEDIA.

(2) THE AUTHORITY SHALL ADOPT AND UPDATE FROM TIME TO TIME WRITTEN CRITERIA AND PROCEDURES FOR DETERMINING:

(I) WHICH ENHANCED SERVICES IT INTENDS TO PROVIDE; AND

(II) WHICH COMMUNITY GRANTS IT INTENDS TO DISTRIBUTE.

(3) THE AUTHORITY SHALL ADOPT AN ANNUAL BUDGET, AS PROVIDED IN ♦ 19-7 OF THIS SUBTITLE.

(4) THE AUTHORITY MAY SPEND THE LOCAL IMPACT GRANTS RECEIVED BY IT IN A MANNER CONSISTENT WITH STATE AND LOCAL LAW, THE STRATEGIC PLAN, AND ANY CRITERIA OR PROCEDURES ADOPTED BY THE BOARD.

(5) THE AUTHORITY MAY CONTRACT WITH A FISCAL AGENT TO PROVIDE ADMINISTRATIVE AND FINANCIAL SERVICES ON BEHALF OF THE AUTHORITY, SO LONG AS THE ARRANGEMENT BINDS THE FISCAL AGENT TO THE SAME LEGAL, PROFESSIONAL, AND ETHICAL STANDARDS TO WHICH THE AUTHORITY IS ITSELF BOUND.

(6) IF THE AUTHORITY DETERMINES THAT THE MOST EFFECTIVE AND APPROPRIATE MEANS TO PROVIDE A GIVEN SERVICE OR FUNCTION IS TO CONTRACT WITH THE CITY TO PROVIDE THAT SERVICE OR FUNCTION, IT MAY DO SO AS LONG AS THAT CONTRACT IS CONSISTENT WITH THE STRATEGIC PLAN.

(7) TO ACCOMPLISH ITS PURPOSES, THE AUTHORITY MAY CREATE AND OPERATE SUBSIDIARY ENTITIES CONTROLLED BY THE AUTHORITY OR CONTRACT WITH AFFILIATED NONPROFIT ORGANIZATIONS. THESE SUBSIDIARIES OR AFFILIATED NONPROFIT ORGANIZATIONS MAY RECEIVE FUNDING FROM THE AUTHORITY IF THAT FUNDING IS DETAILED IN THE APPROVED FINANCIAL PLAN AND CONSISTENT WITH THE PURPOSES OF THE AUTHORITY AND THE GOALS OUTLINED IN THE STRATEGIC PLAN.

(8) THE AUTHORITY SHALL EMPLOY AN OUTSIDE ACCOUNTING FIRM TO CONDUCT AN ANNUAL AUDIT OF ITS FINANCES. THIS AUDIT, ONCE COMPLETED, SHALL BE MADE AVAILABLE TO THE GENERAL PUBLIC.

(9) THE AUTHORITY SHALL OPERATE IN ACCORDANCE WITH THE STATE OPEN MEETINGS ACT AND THE STATE PUBLIC INFORMATION ACT.

(10) THE AUTHORITY MAY CONTRACT FOR AND PURCHASE GOODS, SUBJECT TO CITY ORDINANCES AND POLICY REQUIRING ACHIEVEMENT OF GOALS REGARDING MINORITY AND WOMEN'S BUSINESS ENTERPRISES, BUT NOT SUBJECT TO THE CITY REQUIREMENTS REGARDING WAGE SCALES, COMPETITIVE BIDDING, OR OTHER LOCAL PROCUREMENT LAWS.

(11) THE AUTHORITY MAY ACQUIRE, HOLD, AND USE BOTH REAL AND PERSONAL PROPERTY AS NECESSARY TO ACHIEVE ITS PURPOSES, INCLUDING ACQUISITION BY PURCHASE, LEASE, OR OTHER MEANS.

(12) THE AUTHORITY MAY ENGAGE THE SERVICES OF AN ADMINISTRATOR, WHO MAY BE AN INDIVIDUAL OR AN ENTITY, TO ADMINISTER THE PROGRAMS AND UNDERTAKINGS OF THE AUTHORITY. THE ADMINISTRATOR MAY ALSO SERVE AS THE CHIEF EXECUTIVE OFFICER OF THE AUTHORITY.

(13) THE AUTHORITY MAY SUE AND BE SUED. HOWEVER, THE DISTRICT, THE AUTHORITY, ITS BOARD OF DIRECTORS, ITS ADMINISTRATOR, AND ITS STAFF 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.

(14) THE AUTHORITY MAY ACCEPT GRANTS AND DONATIONS FROM PUBLIC AND PRIVATE SOURCES.

(15) 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 § 19-16 OF THIS SUBTITLE.

(16) THE AUTHORITY MAY ENTER INTO PARTNERSHIPS WITH 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.

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

(18) 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, CONTRACTUAL EMPLOYEES, OR OTHERS.

(19) THE AUTHORITY MAY ASSIST MARKETING AND PROMOTIONAL ACTIVITIES WITHIN THE DISTRICT, TO THE EXTENT THOSE ACTIVITIES ARE SPECIFIED IN THE STRATEGIC PLAN.

(20) THE AUTHORITY MAY APPOINT, HIRE, OR ENGAGE ACCOUNTANTS, ATTORNEYS, ASSISTANTS, AIDES, EMPLOYEES, AND ADVISORS AS IT CONSIDERS NECESSARY FOR THE PROPER PERFORMANCE OF ITS DUTIES, BUT CONSISTENT WITH THIS SUBTITLE.

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

◆ 19-5. 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 OR CITY ORDINANCE.

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

(3) THE AUTHORITY MAY NOT LEVY ANY TAXES OR CHARGES.

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

(5) THE AUTHORITY MAY NOT EXTEND ITS LIFE WITHOUT APPROVAL OF THE MAYOR AND CITY COUNCIL.

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

(7) EXCEPT AS OTHERWISE PROVIDED IN ♦ 19-17 OF THIS SUBTITLE, THE AUTHORITY MAY NOT REVERT REVENUES COLLECTED UNDER THIS SUBTITLE TO THE CITY♦S GENERAL FUND.

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

(9) THE AUTHORITY MAY NOT EXERCISE ANY POWER SPECIFICALLY WITHHELD BY THE TERMS OF EITHER THIS SUBTITLE OR, IF MORE RESTRICTIVE, CITY CHARTER ARTICLE II, ♦ (69).

♦ 19-6. BOARD OF DIRECTORS.

(A) IN GENERAL.

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

(B) NUMBER.

THE BOARD COMPRISES 21 MEMBERS, AS PROVIDED IN THIS SECTION.

(C) GENERAL COMPOSITION.

(1) RESIDENTS.

THE MAJORITY OF THE MEMBERS OF THE BOARD SHALL BE RESIDENTS OF THE DISTRICT. THAT IS, THEIR PRIMARY RESIDENCE MUST BE LOCATED WITHIN THE DISTRICT, IRRESPECTIVE OF WHETHER IT IS LEASED, OWNED, OR OTHERWISE INHABITED.

(2) BUSINESSES.

(I) AT LEAST 4 MEMBERS OF THE BOARD SHALL BE REPRESENTATIVES OF BUSINESSES LOCATED WITHIN THE DISTRICT. TO QUALIFY UNDER THIS PARAGRAPH, A BUSINESS MUST OWN, OCCUPY, OR LEASE REAL PROPERTY IN THE DISTRICT ON WHICH IT OPERATES AN OFFICE, HEADQUARTERS, MANUFACTURING FACILITY, RETAIL STORE, OR OTHER ONGOING OPERATION.

(II) A NONPROFIT 501(C)(3) OR 502(C)(10) ORGANIZATION THAT MEETS THIS CRITERIA QUALIFIES AS A ♦BUSINESS♦.

(III) A BUSINESS REPRESENTATIVE MAY, BUT NEED NOT, RESIDE IN THE DISTRICT. IF A PERSON WHO RESIDES IN THE DISTRICT SERVES ON THE BOARD IN THE ROLE OF A

BUSINESS REPRESENTATIVE, THEN FOR THE PURPOSE OF ALLOCATING BOARD POSITIONS THAT PERSON DOES NOT ALSO CONSTITUTE A ♦RESIDENT♦.

(3) COMMUNITY REPRESENTATION.

(I) IT IS THE ASPIRATION OF THE MAYOR AND CITY COUNCIL THAT THE BOARD REFLECT THE FULL DIVERSITY OF THE DISTRICT♦S NEIGHBORHOODS, RESIDENTS, AND BUSINESSES. ACCORDINGLY ♦

(II) OF THE RESIDENTS SERVING ON THE BOARD:

(A) AT LEAST 3 SHALL RESIDE WITHIN THE WEST SECTOR, AS IDENTIFIED IN THE SOUTH BALTIMORE GATEWAY MASTER PLAN;

(B) AT LEAST 3 SHALL RESIDE WITHIN THE EAST SECTOR, AS IDENTIFIED IN THE SOUTH BALTIMORE GATEWAY MASTER PLAN; AND

(C) AT LEAST 3 SHALL RESIDE WITHIN THE SOUTH SECTOR, AS IDENTIFIED IN THE SOUTH BALTIMORE GATEWAY MASTER PLAN.

(III) OF THE BUSINESS REPRESENTATIVES SERVING ON THE BOARD:

(A) AT LEAST 1 SHALL REPRESENT A BUSINESS THAT HAS ITS PLACE OF BUSINESS WITHIN THE WEST SECTOR, AS IDENTIFIED IN THE SOUTH BALTIMORE GATEWAY MASTER PLAN;

(B) AT LEAST 1 SHALL REPRESENT A BUSINESS THAT HAS ITS PLACE OF BUSINESS WITHIN THE EAST SECTOR, AS IDENTIFIED IN THE SOUTH BALTIMORE GATEWAY MASTER PLAN; AND

(C) AT LEAST 1 SHALL REPRESENT A BUSINESS THAT HAS ITS PLACE OF BUSINESS WITHIN THE SOUTH SECTOR, AS IDENTIFIED IN THE SOUTH BALTIMORE GATEWAY MASTER PLAN.

(D) APPOINTMENT.

(1) STATE APPOINTEES.

(I) SUBJECT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH, 4 MEMBERS OF THE BOARD SHALL BE DESIGNATED BY THE SPEAKER OF THE MARYLAND HOUSE OF DELEGATES.

(II) SUBJECT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH, 2 MEMBERS OF THE BOARD SHALL BE DESIGNATED BY THE STATE SENATOR WHO REPRESENTS THE LEGISLATIVE DISTRICT IN WHICH THE VIDEO LOTTERY FACILITY IS LOCATED. THESE INDIVIDUALS SHALL BE RESIDENTS OF THE DISTRICT OR REPRESENTATIVES OF BUSINESSES LOCATED WITHIN THE DISTRICT.

(III) OF THE 6 MEMBERS DESIGNATED UNDER SUBPARAGRAPHS (I) AND (II) OF THIS PARAGRAPH:

(A) AT LEAST 2 SHALL BE RESIDENTS OF THE 40TH LEGISLATIVE DISTRICT; AND

(B) AT LEAST 2 SHALL BE RESIDENTS OF THE 46TH LEGISLATIVE DISTRICT.

(2) COUNCIL PRESIDENT APPOINTEES.

2 MEMBERS OF THE BOARD SHALL BE APPOINTED BY THE CITY COUNCIL PRESIDENT.

(3) MAYORAL APPOINTEE.

1 MEMBER OF THE BOARD SHALL BE APPOINTED BY THE MAYOR.

(4) ADDITIONAL MEMBERS.

(I) THE 12 MEMBERS OF THE LOCAL DEVELOPMENT COUNCIL WHO ARE NOT ELECTED OFFICIALS SHALL BE EX OFFICIO MEMBERS OF THE BOARD UNTIL AT LEAST DECEMBER 31, 2018.

(II) AT ANY TIME ON OR AFTER JANUARY 1, 2019, THE BOARD MAY REPLACE SOME OR ALL OF THE LDC BOARD MEMBERS AS PROVIDED IN THE AUTHORITY'S BYLAWS. IF IT DOES SO, THE 1ST REPLACEMENT SHALL BE APPOINTED BY THE MAYOR (AS AN ADDITIONAL MAYORAL APPOINTEE) AND THE REST SHALL BE REPLACED THROUGH THE PROCEDURES PROVIDED IN THE BYLAWS.

(E) QUORUM; VOTING.

EXCEPT AS MAY OTHERWISE BE PROVIDED IN THE AUTHORITY'S BYLAWS:

(1) A MAJORITY OF THE MEMBERS OF THE BOARD CONSTITUTE A QUORUM FOR THE TRANSACTION OF BUSINESS; AND

(2) AN AFFIRMATIVE VOTE BY A MAJORITY OF A QUORUM IS REQUIRED FOR ANY ACTION BY THE BOARD.

(F) TERMS.

(1) IN GENERAL.

EXCEPT FOR THE BOARD'S EX OFFICIO MEMBERS:

(I) THE TERM OF A BOARD MEMBER IS 2 YEARS;

(II) THE TERMS OF THE MEMBERS ARE STAGGERED, AS REQUIRED BY THE MEMBERS FIRST APPOINTED AND AS FURTHER PROVIDED IN THE AUTHORITY'S BYLAWS; AND

(III) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR IS

APPOINTED.

(2) TERM LIMITS.

THE BYLAWS MAY SPECIFY A MAXIMUM NUMBER OF CONSECUTIVE TERMS THAT AN APPOINTED MEMBER MAY SERVE.

(G) 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.

(H) BYLAWS, RULES, AND REGULATIONS.

(1) THE BOARD SHALL ADOPT BYLAWS, RULES, AND REGULATIONS AS IT CONSIDERS NECESSARY TO CARRY OUT THE POWERS OF THE AUTHORITY. THESE BYLAWS, RULES, AND REGULATIONS ARE SUBJECT TO APPROVAL BY THE BOARD OF ESTIMATES AND MAY NOT BE INCONSISTENT WITH THE TERMS OF THIS SUBTITLE OR OF CITY CHARTER ARTICLE II, ♦ (69).

(2) THE BOARD MAY ESTABLISH ITS OWN PROCEDURES RELATING TO THE INTERNAL ADMINISTRATION OF THE AUTHORITY, EXCEPT AS MAY BE RESTRICTED BY THIS SUBTITLE OR BY CITY CHARTER ARTICLE II, ♦ (69).

(I) OFFICERS.

(1) BOARD CHAIR.

THE STATE SENATOR WHO REPRESENTS THE LEGISLATIVE DISTRICT WHERE THE VIDEO LOTTERY FACILITY IS LOCATED SHALL DESIGNATE 1 OF THE MEMBERS APPOINTED UNDER SUBSECTION (D)(1)(II) OF THIS SECTION TO SERVE AS THE BOARD♦S CHAIR.

(2) OTHERS.

THE BOARD SHALL SELECT FROM AMONG ITS MEMBERS INDIVIDUALS TO SERVE AS THE BOARD♦S VICE-CHAIR, TREASURER, AND SECRETARY.

(3) TENURE.

OTHER THAN THE CHAIR, THESE OFFICERS SERVE AT THE PLEASURE OF THE BOARD.

(4) RESPONSIBILITIES.

THE BOARD MAY DELEGATE TO THESE OFFICERS THOSE RESPONSIBILITIES THAT THE BOARD CONSIDERS APPROPRIATE.

◆ 19-7. ANNUAL FINANCIAL PLAN.

(A) IN GENERAL.

SUBJECT TO THE APPROVAL OF THE BOARD OF ESTIMATES, THE BOARD SHALL ADOPT AN ANNUAL FINANCIAL PLAN, BASED ON THE CITY'S FISCAL YEAR, CONSISTING OF AT LEAST A BUDGET INDICATING THE ANTICIPATED USE OF LOCAL IMPACT GRANTS RECEIVED BY THE AUTHORITY.

(B) SUBMISSION TO BOARD OF ESTIMATES.

THE BOARD SHALL SUBMIT TO THE BOARD OF ESTIMATES ALL MATERIALS RELATING TO THE PROPOSED PLAN AT LEAST 2 MONTHS BEFORE THE PLAN'S PROPOSED EFFECTIVE DATE.

(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 ON THE AUTHORITY'S WEBSITE FOR 3 CONSECUTIVE WEEKS BEFORE THE HEARING.

◆◆ 19-8 TO 19-9. {RESERVED}

◆ 19-10. MOU ON BASELINE CITY SERVICES.

(A) AGREEMENT TO MAINTAIN.

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 OBLIGATION TO THE AUTHORITY AND THE DISTRICT.

(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) DETAIL THE PROCESS BY WHICH THE CITY WILL EXPEND THAT PORTION OF THE LOCAL IMPACT GRANT FUNDS THAT:
 - (I) ARE PROVIDED TO THE CITY UNDER STATE GOVERNMENT ARTICLE ◆◆9▲1A▲31(A)(1)(I); BUT
 - (II) ARE NOT TRANSFERRED DIRECTLY TO THE AUTHORITY UNDER ◆ 19-3(C)(2) OF THIS SUBTITLE.

(C) GOVERNING PRINCIPLES.

(1) IN GENERAL.

THE MAINTENANCE OF EXISTING SERVICES SHALL BE GOVERNED BY THE FOLLOWING PRINCIPLES.

(2) NO DECREASE IN EXISTING SERVICES; EXCEPTIONS.

EXISTING 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.

(3) CITYWIDE INCREASES TO BE MATCHED.

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.

(4) SERVICES PROVIDED BY INDIRECT LOCAL IMPACT GRANTS.

SERVICES PROVIDED BY LOCAL IMPACT GRANT FUNDS THAT, AS DESCRIBED IN SUBSECTION (B)(3) OF THIS SECTION, ARE NOT TRANSFERRED DIRECTLY TO THE AUTHORITY UNDER ♦ 19-3(C)(2) OF THIS SUBTITLE DO NOT CONSTITUTE BASELINE CITY SERVICES.

♦ 19-11. {RESERVED}

♦ 19-12. DISBURSEMENT.

(A) IN GENERAL.

THE AUTHORITY SHALL ESTABLISH WITH APPROPRIATE CITY AGENCIES THE METHODS BY WHICH THE LOCAL IMPACT GRANT FUNDS ARE TO BE DISBURSED TO THE AUTHORITY.

(B) FUNDS NOT PART OF CITY REVENUE.

LOCAL IMPACT GRANT FUNDS COLLECTED BY THE CITY AND DESIGNATED FOR DISTRIBUTION TO 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 RECEIPT.

(C) CITY TO BEAR EXPENSE OF ADMINISTRATION, ETC.

AS PART OF THE CITY'S CONTRIBUTION TO THE DISTRICT, THE DISBURSEMENT AND RECORD-KEEPING 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 SERVICES PROVIDED TO THE DISTRICT.

♦ 19-13. 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 AND STRATEGIC PLAN FOR REVIEW AND APPROVAL BY THE BOARD;

(2) IMPLEMENT THE APPROVED FINANCIAL PLAN AND STRATEGIC PLAN;

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

(4) HIRE AND RETAIN EMPLOYEES, AGENTS, AND CONTRACTORS AS NEEDED TO ASSIST IN THE ADMINISTRATION IN THE PERFORMANCE OF THE ADMINISTRATOR'S FUNCTIONS;

(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.

♦♦ 19-14 TO 19-15. {RESERVED}

◆ 19-16. 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, ◆ (69).

◆ 19-17. DISSOLUTION OF DISTRICT.

(A) DISSOLUTION ON NON-RENEWAL.

IF THE DISTRICT IS NOT RENEWED AS PROVIDED IN ◆ 19-16 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 APPROVAL WAS NOT GRANTED, SUBJECT TO LIMITED CONTINUATION AS PROVIDED IN SUBSECTION (B) OF THIS SECTION.

(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 DISPOSITION OF ALL FUNDS NOT NEEDED TO SATISFY OUTSTANDING OBLIGATIONS OR TO PROVIDE RESERVES FOR UNCERTAIN OBLIGATIONS AND LIABILITIES.

(C) UNSPENT FUNDS.

ANY UNSPENT FUNDS SHALL REVERT TO THE CITY◆S GENERAL FUND AND SHALL BE USED FOR IMPROVEMENTS IN THE COMMUNITIES IN IMMEDIATE PROXIMITY TO THE VIDEO LOTTERY FACILITY, AS REQUIRED BY STATE GOVERNMENT ARTICLE ◆ 9-1A-31(B)(3)(II).

Article 8. Ethics

Subtitle 2. Definitions; General Provisions

◆ 2-2. ◆Agency◆.

(b) Inclusions.

◆Agency◆ also includes:

- (1) Baltimore City Parking Authority;
- (2) Baltimore Development Corporation;
- (3) Baltimore Police Department;
- (4) Board of Liquor License Commissioners for Baltimore City;
- (5) Enoch Pratt Free Library of Baltimore City;
- (6) Housing Authority of Baltimore City;
- (7) Local Development Council, South Baltimore Video Lottery Terminal;
- (8) Pimlico Community Development Authority;
- (9) SOUTH BALTIMORE GATEWAY COMMUNITY IMPACT DISTRICT MANAGEMENT AUTHORITY; and
- (10) [(9)] any individual not embraced in a unit of City government who exercises authority comparable to that of the head of a unit of City government.

◆ 2-3. ◆Board◆.

(b) Inclusions.

◆Board◆ also includes:

- (1) Board of Commissioners of the Housing Authority of Baltimore City;
- (2) Board of Directors of the Baltimore City Parking Authority;
- (3) Board of Directors of the Baltimore Development Corporation;
- (4) BOARD OF DIRECTORS OF THE SOUTH BALTIMORE GATEWAY COMMUNITY IMPACT DISTRICT MANAGEMENT AUTHORITY;
- (5) [(4)] Board of Liquor License Commissioners for Baltimore City;

- (6) [(5)] Civilian Review Board of Baltimore City;
- (7) [(6)] Local Development Council, South Baltimore Video Lottery Terminal; AND
- (8) [(7)] Pimlico Community Development Authority.

◆ 2-21. ◆Official◆.

(b) Inclusions.

◆Official◆ also includes the Chief Executive Officer, Chief Operating Officer, Chief Financial Officer, and Executive Director, [or] Executive Secretary, OR ADMINISTRATOR of any agency or board included within the scope of ◆◆2-2 {◆Agency◆} or ◆◆2-3 {◆Board◆} of this subtitle.

Subtitle 7. Financial Disclosure

◆ 7-8. Persons required to file ◆ Agency officials and staff.

The following officials and employees must file the financial disclosure statements required by this subtitle:

(38A) SOUTH BALTIMORE GATEWAY COMMUNITY IMPACT DISTRICT MANAGEMENT AUTHORITY.

(I) MEMBERS OF THE BOARD OF DIRECTORS.

(II) ADMINISTRATOR.

(III) ALL NON-CLERICAL EMPLOYEES◆OF◆OR ASSIGNED TO THE AUTHORITY.

SECTION 2. AND BE IT FURTHER ORDAINED, That:

(a) (i) Within 30 days of the enactment of this Ordinance, the Mayor and the City Council President shall appoint the members of the Board for which they are responsible under ◆ 19-2. The Mayor and City Council expresses its desire that the appointments to be made by the State Senator and the House Speaker also be completed within that 30-day period.

(ii) The members first appointed to the Board shall serve initial terms, commencing as of the date of the enactment of this Ordinance, as follows:

(A) Of the 4 members appointed by the House Speaker under ◆ 19

-2(d)(1)(i):

- 1. 2 shall be appointed for a term of 1 year; and
- 2. 2 shall be appointed for a term of 2 years.

(B) Of the 2 members appointed by the Senator under ♦ 19-2(d)(1)(ii):

1. 1 shall be appointed for a term of 1 year; and
2. 1 shall be appointed for a term of 2 years.

(C) Of the 2 members appointed by the Council President under ♦♦19▲2(d)(2):

1. 1 shall be appointed for a term of 1 year; and
2. 1 shall be appointed for a terms of 2 years.

(D) The 1 member appointed by the Mayor under ♦♦19▲2(d)(3) shall be appointed for a term of 2 years.

(b) Within 60 days of the enactment of this Ordinance, the Board shall, at a minimum:

- (1) retain a fiscal agent, if one is determined to be necessary or appropriate;
- (2) resolve any procedural issues that might delay the transfer of local impact grants or other funds from the City of Baltimore to the Authority; and

(3) begin drafting a Baseline Services Agreement between the City and the Authority;

(c) Within 90 days of the enactment of this Ordinance, the Board shall:

(1) draft and, subject to the approval of the Board of Estimates, adopt Bylaws for the Authority; and

(2) draft a first budget for Board of Estimates approval, which may be for less than a full fiscal year; and

(3) on approval of the budget, promptly commence expending funds in the manner contemplated by the budget.

(d) By June 1, 2017, the Board shall adopt its first 5-year strategic plan.

(e) At any point, the Board may hire a paid Administrator. Until a paid Administrator is secured, the Chair shall serve as the interim Administrator, unless another person is selected by the Board. Any Board member serving as interim Administrator or in any other staff role shall do so as an unpaid volunteer.

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 a 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 when enacted.

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