



## Legislation Text

File #: 19-0465, Version: 0

\* **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 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)

**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) 1 shall be appointed by the Mayor;
- (2) any Councilmember representing areas within the boundaries for the district;
- (3) 1 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) 1 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:
  - (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.

**§ 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**