
By: Senator Young

Introduced and read first time: March 4, 1996

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City - Tourism Special Benefits District Authority**

3 FOR the purpose of authorizing the Mayor and City Council of Baltimore to establish by
4 ordinance a certain Tourism Special Benefits District Authority; providing that an
5 Authority established under this Act shall cease to exist after a certain period of
6 time unless provided otherwise by the General Assembly; specifying the purposes of
7 the Authority and the maximum boundaries of the District; requiring an ordinance
8 adopted under this Act to address certain matters; granting certain powers to and
9 imposing certain limitations on the Authority; requiring the Mayor and City Council
10 to give consideration to certain business views in adopting an ordinance under this
11 Act; providing that an ordinance adopted under this Act shall take effect only if
12 approved in a special election under certain circumstances; providing for the
13 termination of this Act; and generally relating to the Tourism Special Benefits
14 District Authority in Baltimore City.

15 BY adding to

16 The Charter of Baltimore City, 1964 Revision
17 Article II - General Powers
18 Section (64)
19 (1993 Replacement Volume and September 1995 Supplement, as amended)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
21 MARYLAND, That the Laws of Maryland read as follows:

22 **The Charter of Baltimore City**

23 Article II - General Powers

24 The Mayor and City Council of Baltimore shall have full power and authority to
25 exercise all of the powers heretofore or hereafter granted to it by the Constitution of
26 Maryland or by any Public General or Public Local Laws of the State of Maryland; and in
27 particular, without limitation upon the foregoing, shall have power by ordinance, or such
28 other method as may be provided for in its Charter, subject to the provisions of said
29 Constitution and Public General Laws:

30 (64) TOURISM SPECIAL BENEFITS DISTRICT AUTHORITY.

1 (A) (1) (I) SUBJECT TO THE PROVISIONS OF SUBPARAGRAPH (II) OF THIS
2 PARAGRAPH, THE MAYOR AND CITY COUNCIL MAY ESTABLISH, BY ORDINANCE, A
3 TOURISM SPECIAL BENEFITS DISTRICT AUTHORITY WITHIN THE CITY OF
4 BALTIMORE TO PROVIDE SERVICES AND OTHER BENEFITS TO THE TOURISM AND
5 CONVENTION BUSINESS INTERESTS OF THE DISTRICT CONSISTENT WITH
6 PARAGRAPH (2) OF THIS SUBSECTION.

7 (II) UNLESS OTHERWISE PROVIDED BY THE GENERAL ASSEMBLY,
8 A TOURISM SPECIAL BENEFITS DISTRICT AUTHORITY ESTABLISHED UNDER THIS
9 SECTION SHALL CEASE TO EXIST 5 YEARS AFTER THE EFFECTIVE DATE OF THE
10 ORDINANCE THAT ESTABLISHES THE AUTHORITY.

11 (2) A TOURISM SPECIAL BENEFITS DISTRICT AUTHORITY ESTABLISHED
12 UNDER THIS SECTION SHALL:

13 (I) PROMOTE THE CITY OF BALTIMORE AS A LOCATION FOR
14 TOURISM AND TOURISM-RELATED ACTIVITIES AND FOR CONVENTIONS, TRADE
15 SHOWS, EXHIBITIONS, MEETINGS, AND SIMILAR EVENTS;

16 (II) ENCOURAGE THE DEVELOPMENT AND USE OF CONVENTION
17 AND TOURISM RESOURCES, PRODUCTS, BUSINESSES, AND ATTRACTIONS IN THE
18 CITY; AND

19 (III) OTHERWISE PROVIDE FOR THE PLANNING, ADVERTISING,
20 PROMOTION, ASSISTANCE, STIMULATION, MARKETING, AND DEVELOPMENT OF THE
21 TOURISM AND CONVENTION INDUSTRIES IN THE CITY.

22 (3) A TOURISM SPECIAL BENEFITS DISTRICT AUTHORITY SHALL BE
23 PROPOSED BY THE BOARD OF ESTIMATES OF BALTIMORE CITY AND APPROVED BY
24 ORDINANCE OF THE MAYOR AND CITY COUNCIL OF BALTIMORE.

25 (B) (1) THE ORDINANCE ESTABLISHING THE TOURISM SPECIAL BENEFITS
26 DISTRICT AUTHORITY SHALL SPECIFY AND MODIFY THE BOUNDARIES OF THE
27 DISTRICT, BUT IN NO EVENT SHALL THE DISTRICT BE OUTSIDE THE BOUNDS OF THE
28 LINES AS FOLLOWS:

29 (I) ON THE NORTH, COLD SPRING LANE;

30 (II) ON THE WEST, HILTON PARKWAY;

31 (III) ON THE SOUTH, FORT AVENUE; AND

32 (IV) ON THE EAST, HIGHLAND AVENUE.

33 (2) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (1) OF THIS
34 SUBSECTION, THE TOURISM SPECIAL BENEFITS DISTRICT MAY INCLUDE
35 PROPERTIES BINDING ON EITHER SIDE OF A STREET WHERE THEY COMPRISE PART
36 OF THE BOUNDARIES UNDER THIS SECTION.

37 (C) THE ORDINANCE ESTABLISHING THE TOURISM SPECIAL BENEFITS
38 DISTRICT AUTHORITY SHALL:

1 (1) SPECIFY THE POWERS AND FUNCTIONS WITHIN THE LIMITS OF THIS
2 SECTION WHICH MAY BE EXERCISED AND CONDUCTED BY THE AUTHORITY AND
3 THE AMOUNT OF TAXES, FEES, OR CHARGES WHICH MAY BE IMPOSED ON
4 DESIGNATED BUSINESSES IN THE DISTRICT;

5 (2) PROVIDE FOR THE IMPOSITION AND COLLECTION OF THE TAXES,
6 FEES, AND CHARGES, AND FOR THE DISBURSEMENT OF THE REVENUE COLLECTED
7 TO THE AUTHORITY. THE FINANCIAL PLAN OF THE AUTHORITY, INCLUDING ITS
8 ANNUAL BUDGET AND ITS SCHEDULE OF TAXES, FEES, AND CHARGES, SHALL BE
9 SUBJECT TO APPROVAL BY THE BOARD OF ESTIMATES. TAXES, FEES, AND CHARGES
10 IMPOSED UNDER THIS PARAGRAPH MAY NOT EXCEED THOSE PROPOSED BY THE
11 AUTHORITY;

12 (3) DETERMINE THE ORGANIZATION AND METHOD OF INITIAL
13 APPOINTMENT OF OFFICERS AND BOARD MEMBERS OF THE AUTHORITY. THE
14 BOARD SHALL INCLUDE THE STATE SENATOR AND ONE DELEGATE FROM THE 44TH
15 LEGISLATIVE DISTRICT. THE MAJORITY OF THE MEMBERS OF THE BOARD SHALL BE
16 OWNERS OR REPRESENTATIVES OF OWNERS OF BUSINESSES IN THE DISTRICT THAT
17 ARE SUBJECT TO THE IMPOSITION OF TAXES, FEES, OR CHARGES UNDER THIS
18 SECTION. A VOTING MEMBER OF THE BOARD MUST BE ELIGIBLE TO VOTE IN THE
19 ELECTION PROVIDED FOR UNDER SUBSECTION (G) OF THIS SECTION; AND

20 (4) PROVIDE FOR THE AUTHORITY TO CONTRACT WITH ENTITIES TO
21 ASSIST THE AUTHORITY WITH FULFILLING ITS PURPOSES AS SPECIFIED UNDER THIS
22 SECTION AND ANY ORDINANCE ADOPTED IMPLEMENTING THIS SECTION, AND TO
23 PROVIDE FOR THE AUTHORITY TO DIRECT DESIGNATED PORTIONS OF THE
24 REVENUE COLLECTED UNDER THIS SECTION TO THE ENTITIES WITH WHICH THE
25 AUTHORITY CONTRACTS TO ASSIST THE AUTHORITY.

26 (D) AS PROVIDED BY ORDINANCE, THE AUTHORITY MAY HAVE THE POWER:

27 (1) TO BE A SPECIAL TAX DISTRICT OR A SPECIAL BENEFITS
28 ASSESSMENT DISTRICT, AND TO CONDUCT THE FUNCTIONS WHICH ARE ASSIGNED
29 TO IT BY THE CITY;

30 (2) TO ACQUIRE, HOLD, AND USE PROPERTY NECESSARY TO ACHIEVE
31 ITS PURPOSES;

32 (3) TO MAKE CONTRACTS;

33 (4) TO SUE AND BE SUED;

34 (5) TO BORROW AND ACCEPT GRANTS FOR PURPOSES CONSISTENT
35 WITH THE PURPOSES OF THE AUTHORITY;

36 (6) TO EMPLOY AND DISCHARGE PERSONNEL TO CARRY OUT ITS
37 PUBLIC PURPOSES;

38 (7) TO PROPOSE IN ITS ANNUAL BUDGET THE TAXES, FEES, OR
39 CHARGES ON DESIGNATED BUSINESSES WITHIN THE DISTRICT. BEFORE ADOPTING
40 ITS PROPOSED BUDGET AND MAKING ITS RECOMMENDATIONS TO THE CITY, THE
41 AUTHORITY SHALL HOLD A PUBLIC HEARING ON TAXES, FEES, OR CHARGES

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1 PROPOSED FOR THE DISTRICT. THE AUTHORITY SHALL PUBLISH NOTICE OF THE
2 HEARING IN A NEWSPAPER OF GENERAL CIRCULATION IN BALTIMORE CITY AT
3 LEAST ONCE A WEEK FOR 3 CONSECUTIVE WEEKS BEFORE THE HEARING;

4 (8) TO ADOPT, AMEND, AND MODIFY BYLAWS, ALL OF WHICH SHALL BE
5 SUBJECT TO THE APPROVAL OF THE BOARD OF ESTIMATES;

6 (9) TO ESTABLISH AND ELECT OFFICERS AND PROVIDE FOR THEIR
7 TERMS AND DUTIES;

8 (10) TO CONTRACT FOR AND PURCHASE GOODS AND SERVICES,
9 WITHOUT BEING SUBJECT TO THE CITY REQUIREMENTS REGARDING WAGE SCALES,
10 COMPETITIVE BIDDING, OR OTHER LOCAL PROCUREMENT LAWS. HOWEVER, THE
11 AUTHORITY SHALL BE SUBJECT TO CITY ORDINANCES AND CITY POLICY
12 REQUIRING THE ACHIEVEMENT OF GOALS REGARDING MINORITY AND WOMEN'S
13 BUSINESS ENTERPRISES; AND

14 (11) TO DO ALL THINGS NECESSARY AND CONVENIENT TO CARRY OUT
15 ITS POWERS.

16 (E) THE TOURISM SPECIAL BENEFITS DISTRICT AUTHORITY MAY NOT:

17 (1) EXERCISE ANY POLICE OR GENERAL POWERS OTHER THAN THOSE
18 AUTHORIZED BY STATE LAW AND CITY ORDINANCE;

19 (2) PLEDGE THE FULL FAITH OR CREDIT OF THE CITY;

20 (3) IMPOSE TAXES, FEES, OR CHARGES IN EXCESS OF THOSE APPROVED
21 BY THE BOARD OF ESTIMATES;

22 (4) EXERCISE THE POWER OF EMINENT DOMAIN;

23 (5) MODIFY ITS BOUNDARIES WITHOUT THE APPROVAL OF THE CITY
24 COUNCIL;

25 (6) EXCEPT AS OTHERWISE PROVIDED BY LAW, ENGAGE IN
26 COMPETITION WITH THE PRIVATE SECTOR;

27 (7) REVERT TAXES, FEES, OR CHARGES COLLECTED UNDER THIS
28 SECTION TO THE GENERAL FUND OF THE CITY;

29 (8) BE AN AGENCY OF THE MAYOR OR CITY COUNCIL OF BALTIMORE
30 OR THE STATE OF MARYLAND, AND ITS OFFICERS AND EMPLOYEES MAY NOT ACT
31 AS AGENTS OR EMPLOYEES OF THE MAYOR OR CITY COUNCIL OF BALTIMORE OR
32 THE STATE OF MARYLAND; OR

33 (9) EMPLOY INDIVIDUALS WHO RESIDE OUTSIDE THE CITY OF
34 BALTIMORE.

35 (F) IN ADOPTING AN ORDINANCE, THE MAYOR AND CITY COUNCIL SHALL
36 GIVE CONSIDERATION TO THE VIEWS OF THE BUSINESS OWNERS AND OPERATORS,
37 THE RETAIL MERCHANTS, THE HOTELS AND MOTELS, THE BUSINESS PROPERTY
38 TENANTS, AND THE OTHER MEMBERS OF THE TOURISM AND CONVENTION
39 BUSINESS COMMUNITIES WITHIN THE DISTRICT.

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1 (G) (1) AN ORDINANCE ADOPTED UNDER THIS SECTION SHALL TAKE
2 EFFECT ONLY IF APPROVED IN A SPECIAL ELECTION BY A MAJORITY OF THE VOTES
3 CAST BY THE OWNERS OR OPERATORS OF BUSINESSES SUBJECT TO TAXES, FEES, OR
4 CHARGES UNDER THIS SECTION.

5 (2) THE ORDINANCE SHALL PROVIDE CRITERIA FOR THE ELIGIBILITY
6 OF VOTERS FOR PURPOSES OF THE ELECTION REQUIRED BY THIS SUBSECTION.

7 (3) THE ORDINANCE SHALL PROVIDE PROCEDURES FOR A SPECIAL
8 ELECTION AS REQUIRED BY THIS SUBSECTION, WHICH MAY BE ADMINISTERED BY
9 WRITE-IN BALLOTS.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 July 1, 1996. It shall remain effective for a period of 5 years and, at the end of June 30,
12 2001, with no further action required by the General Assembly, this Act shall be
13 abrogated and of no further force and effect.