

HOUSE BILL 1152

Unofficial Copy  
L2

2003 Regular Session  
(31r2574)

**ENROLLED BILL**

-- *Environmental Matters/Education, Health, and Environmental Affairs* --

Introduced by **Delegates McIntosh and Marriott**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_ M.

\_\_\_\_\_  
Speaker.

CHAPTER 475

1 AN ACT concerning

2 **Baltimore City - Community Benefits Districts - Charles Village Community**  
3 **Benefits District, Management Authority - ~~Continuation of Continued~~**  
4 **Authority**

5 FOR the purpose of declaring that the intent of the General Assembly is to affirm that  
6 the Charles Village Community Benefits District, Management Authority has  
7 been in continuous effect since a certain year and ~~will remain in effect unless the~~  
8 ~~Mayor and City Council of Baltimore expressly terminate the continuing~~  
9 ~~existence of the District~~ that the Mayor and City Council of Baltimore City had  
10 the authority in 2002 to renew and extend the existence of the Charles Village  
11 Community Benefits District, Management Authority through June 30, 2003;  
12 altering the date on which the Mayor and City Council of Baltimore City shall  
13 make a certain review; ratifying and confirming certain acts of the Mayor and  
14 City Council of Baltimore relating to the continued and continuous existence of  
15 community benefits districts and authorities; providing for the ~~application~~  
16 construction of this Act; and generally relating to community benefits districts,  
17 including the Charles Village Community Benefits District, Management

1 Authority.

2 BY repealing and reenacting, with amendments,

3 The Charter of Baltimore City

4 Article II - General Powers

5 Section (63)(h)(1)(i)

6 (1996 Edition and 2000 Supplement, as amended)

7 (As enacted by Chapter 732 of the Acts of the General Assembly of 1994, as

8 amended by Chapter 655 of the Acts of the General Assembly of 1997, as

9 amended by Chapter 89 of the Acts of the General Assembly of 2000)

10 Preamble

11 WHEREAS, Chapter 732 of the Acts of the General Assembly of 1994 authorized  
12 the Mayor and City Council of Baltimore to establish, by ordinance, community  
13 benefits district management authorities, including the Charles Village Community  
14 Benefits District, Management Authority, to provide certain services to the ~~business~~  
15 ~~interests and residents of the Charles Village Community~~ property owners, residents,  
16 and business owners within the District's boundaries; and

17 WHEREAS, Chapter 732 of the Acts of 1994, by adding to the Baltimore City  
18 Charter Article II - General Powers, Section ~~63~~(63)(g), required the Mayor and City  
19 Council of Baltimore to review the effectiveness and desirability of continuing the  
20 existence of ~~the District~~ any community benefits district created under the Act every 4  
21 years from the enactment of the ordinance and provided that the Act take effect June  
22 1, 1994, and terminate at the end of May 31, 1997, with no further action required by  
23 the General Assembly; and

24 WHEREAS, The Mayor and City Council of Baltimore did establish the Charles  
25 Village Community Benefits District, Management Authority by Ordinance No. 414  
26 (Council Bill No. 891), effective July 1, 1994; and

27 WHEREAS, Chapter 655 of the Acts of the General Assembly of 1997 ~~required~~  
28 amended Chapter 732 of the Acts of the General Assembly of 1994, by adding to the  
29 Baltimore City Charter Article II - General Powers, Section (63)(h), to require the  
30 General Assembly to review and determine the desirability of continuing the  
31 existence, or allowing the expiration of each community benefit district, including the  
32 Charles Village Community Benefits District, Management Authority, every 4 years  
33 beginning with the regular legislative session of 2000, and extended the termination  
34 date of Chapter 732 of the Acts of 1994 until the end of May 31, 2000; and

35 WHEREAS, Pursuant to the power contained in Baltimore City Charter Article  
36 II - General Powers, Section (63)(g), the Mayor and City Council did renew and  
37 continue the Charles Village Community Benefits District, Management Authority for  
38 4 additional years by Resolution No. 98-10 (Council Bill 97-589), effective July 1,  
39 1998; and

1 WHEREAS, Chapter 89 of the Acts of the General Assembly of 2000 amended  
2 the provision requiring the General Assembly to review and determine the  
3 desirability of continuing the existence, or allowing the expiration of the Charles  
4 Village Community Benefits District, Management Authority to require the Mayor  
5 and City Council to review and determine the desirability of continuing the existence,  
6 or allowing the expiration of the Charles Village Community Benefits District,  
7 Management Authority every 4 years beginning with the first meeting of the Mayor  
8 and City Council in December 2002; and

9 ~~WHEREAS, Pursuant to the power contained in Baltimore City Charter Article~~  
10 ~~II - General Powers, Section 63(g), the Mayor and City Council did renew and~~  
11 ~~continue the Charles Village Community Benefits District Management Authority for~~  
12 ~~4 additional years by Resolution No. 98-10 (Council Bill 97-589), effective July 1,~~  
13 ~~1998; and~~

14 WHEREAS, Chapter 89 of the Acts of 2000 repealed the termination date of  
15 Chapter 732 of the Acts of 1994, as amended by Chapter 655 of the Acts of 1997,  
16 thereby effectively continuing the authority for the Charles Village Community  
17 Benefits District, Management Authority since 1994; and

18 ~~WHEREAS, The Office of Counsel to the General Assembly concluded in a letter~~  
19 ~~of advice to Delegate McIntosh dated February 3, 2003, that the Charles Village~~  
20 ~~Community Benefits District has been in continuous effect since June 1, 1994; now,~~  
21 ~~therefore,~~

22 WHEREAS, In passing Chapter 89 of the Acts of 2000, the General Assembly  
23 intended the Charles Village Community Benefits District, Management Authority to  
24 continue in existence until June 30, 2002 unless renewed and continued for 4  
25 additional years by the Mayor and City Council, but the General Assembly did not  
26 intend to interrupt the 4-year 4-year review cycle under Baltimore City Charter  
27 Article II - General Powers, Section (63)(g) that had existed since 1994; and

28 WHEREAS, Pursuant to the power still contained in Baltimore City Charter  
29 Article II - General Powers, Section 63(63)(g), the Mayor and City Council did renew  
30 and continue the Charles Village Community Benefits District, Management  
31 Authority effective July 1, 2002 by Resolution No. 02-28 (Council Bill 02-0760); but,  
32 because of the conflict between Section 63(63)(g) and Chapter 89's the revision by  
33 Chapter 89 of the Acts of 2000 to Section 63(63)(h)(1)(i), the Mayor and City Council  
34 renewed and continued the Charles Village Community Benefits District,  
35 Management Authority for only 1 year; and

36 WHEREAS, The Attorney General's office advised in a letter of February 27,  
37 2003, that at no time has there been a lapse or hiatus in the authority conferred by  
38 State law on the Mayor and City Council to continue the existence of community  
39 benefits districts, including the Charles Village Community Benefits District,  
40 Management Authority; and

41 WHEREAS, The Mayor and City Council have lawfully exercised the authority  
42 conferred by State law to continue the existence of community benefits districts or to

1 allow them to expire, including the Charles Village Community Benefits District,  
 2 Management Authority; and

3 WHEREAS, The General Assembly wishes to retroactively clarify the authority  
 4 conferred on the Mayor and City Council to continue community benefits districts or  
 5 to allow them to expire, including the Charles Village Community Benefits District,  
 6 Management Authority, and to ratify and confirm the acts of the Mayor and City  
 7 Council in continuing the existence of such districts, including the Charles Village  
 8 Community Benefits District, Management Authority; now, therefore,

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

11 **The Charter of Baltimore City**

12 Article II - General Powers

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

19 (63)

20 (h) (1) The Mayor and City Council shall review and determine the  
 21 desirability of continuing the existence of each community benefits district  
 22 established under this section every 4 years;

23 (i) beginning with the first meeting of the Mayor and City Council  
 24 in December [2002] 2001 for the Charles Village Community Benefits District,  
 25 Management Authority;

26 ~~SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF~~  
 27 ~~MARYLAND 2. AND BE IT FURTHER ENACTED,~~ That it is the intent of the  
 28 General Assembly of Maryland that this Act affirms that the Charles Village  
 29 Community Benefits District, *Management Authority* has been in continuous effect  
 30 since 1994 and will remain in effect unless the Mayor and City Council of Baltimore  
 31 expressly terminate the continuing existence of the *Benefits* District or allow the  
 32 Benefits District to expire.

33 ~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect~~  
 34 ~~October 1, 2003.~~

35 SECTION 3. AND BE IT FURTHER ENACTED, That all acts of the Mayor and  
 36 City Council of Baltimore relating prior to January 1, 2003 that relate to the  
 37 continued and continuous existence of community benefits districts and authorities,  
 38 including the Charles Village Community Benefits District, Management Authority,  
 39 are hereby ratified and confirmed.

1 SECTION 4. AND BE IT FURTHER ENACTED, ~~This~~ That this Act:

2 (1) shall be construed to apply retroactively and shall be applied to and  
3 interpreted to affect the authority conferred on the Mayor and City Council to  
4 continue community benefits districts or to allow them to expire, including the  
5 Charles Village Community Benefits District, Management Authority on or after  
6 December 1, 2001; and

7 (2) may not be construed to impact the 4-year review required under  
8 Baltimore City Charter Article II - General Powers, Section (63)(g).

9 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect  
10 June 1, 2003.