
By: Delegates McIntosh, Montague, Fulton, Marriott, Rawlings, Campbell, Rosenberg, Curran, Doory, C. Davis, Watson, Dypski, Harrison, and Branch

Introduced and read first time: January 17, 1997

Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City - Community Benefits Districts - Continuation of Authority**

3 FOR the purpose of extending the termination date on certain provisions of law that
4 relate to the authority to establish community benefits districts in Baltimore City
5 and the administration of community benefits districts.

6 BY repealing and reenacting, without amendments,

7 The Charter of Baltimore City

8 Article II - General Powers

9 Section (63)

10 (1996 Edition, as amended)

11 BY repealing and reenacting, with amendments,

12 Chapter 732 of the Acts of the General Assembly of 1994

13 Section 3

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

16 **The Charter of Baltimore City**

17 Article II - General Powers

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

24 (63) (a) (1) To establish, by ordinance, not more than six community benefits
25 district management authorities, including the Charles Village Community Benefits
26 District, within the City to provide services consistent with paragraph (2) of this
27 subsection to the business interests and residents of the proposed district.

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1 (2) To establish community benefits district management authorities to
2 promote and market districts, provide supplemental security and maintenance services,
3 provide amenities in public areas, provide park and recreational programs and functions,
4 and after an authority is established, other services and functions as requested by the
5 authority and approved through an ordinance by the Mayor and City Council.

6 (3) To provide that community benefits district management authorities
7 shall be proposed by the Board of Estimates of Baltimore City and approved through an
8 ordinance by the Mayor and City Council.

9 (b) (1) The ordinance establishing the Charles Village Community Benefits
10 District Management Authority shall specify and modify the boundaries of the district,
11 but in no event shall the district be outside of the lines, as follows:

12 (i) on the south, a line beginning at the intersection of the center lines
13 of 20th Street and Howard Street, running east along the center line of 20th Street to the
14 center line of Guilford Avenue; then

15 (ii) running north along the center line of Guilford Avenue to the
16 center line of 25th Street; then

17 (iii) running east along the center line of 25th Street to the center line
18 of Loch Raven Boulevard; then running northeast along the centerline of Loch Raven
19 Boulevard to the center line of the tracks of the CSX Railroad (approximately 500 feet
20 north of 25th Street); then

21 (iv) running west along the center line of the CSX railroad tracts to the
22 center line of Greenmount Avenue; then

23 (v) running north along the center line of Greenmount Avenue to the
24 center line of Old York Road; then

25 (vi) running north along the center line of Old York Road to the center
26 line of 43rd Street; then

27 (vii) running west along the center line of 43rd Street to the center line
28 of Greenmount Avenue; then

29 (viii) running south along the center line of Greenmount Avenue to the
30 center line of 33rd Street; then

31 (ix) running west along the center line of 33rd Street to the center line
32 of Charles Street; then

33 (x) running south along the center line of Charles Street to the center
34 line of 29th Street; then

35 (xi) running west along the center line of 29th Street to the center line
36 of Howard Street; then running south along the center line of Howard Street to the
37 center line of 26th Street; then

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1 (xii) running west along the center line of 26th Street to the center line
 2 of Huntingdon Avenue; then running south along the center line of Huntingdon Avenue
 3 to the center line of 25th Street; then

4 (xiii) running east along the center line of 25th Street to the center line
 5 of Howard Street;

6 (xiv) running south along the center line of Howard Street to the center
 7 line of 24th Street; then

8 (xv) running west along the center line of 24th Street to the center line
 9 of Huntingdon Avenue; then

10 (xvi) running south along the center line of Huntingdon Avenue the
 11 center line of 23rd Street; then running west along the center line of 23rd Street to the
 12 center line of Huntingdon Avenue; then

13 (xvii) running south along the center line of Huntingdon Avenue the
 14 center line of 21st Street; then

15 (xviii) running east along the center line of 21st Street to the center line
 16 of Howard Street; then

17 (xix) running south along the center line of Howard Street to the center
 18 line of 20th Street (point of origin).

19 (2) Notwithstanding paragraph (1) of this subsection, the Charles Village
 20 Community Benefits District may include properties binding on either side of a street or
 21 the CSX railroad tracks where they comprise part of the boundaries under this
 22 subsection.

23 (c) An ordinance establishing a community benefits district management
 24 authority shall address the following:

25 (1) specify the powers and functions within the limits of this section, which
 26 may be exercised and conducted by the Authority and the amount of taxes or charges
 27 which may be imposed on properties in the district.

28 (2) specify the duration of the Authority and define the boundaries of the
 29 district.

30 (3) provide for the imposition and collection of the taxes or charges and for
 31 disbursement of the revenue therefrom to the Authority. The financial plan of the
 32 Authority, including its annual budget and its tax rate and schedule of charges, shall be
 33 subject to approval by the Board of Estimates. Taxes and charges imposed under this
 34 paragraph may not exceed those proposed by the Authority.

35 (4) determine the organization and method of initial appointment of officers
 36 and board members of the Authority. The majority of the members of the board shall be
 37 owners or representatives of owners of properties in the district that are subject to taxes
 38 or charges under this section. A voting member of the board must be eligible to vote in
 39 the election under subsection (j) of this section.

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1 (5) determine what classes of property in the district owned by public
2 service companies as defined in Article 78 of the Annotated Code of Maryland shall be
3 subject to or exempt from taxes or charges under this section.

4 (d) As provided by ordinance, the Authority may have the power:

5 (1) to be a special tax district and to conduct the functions which are
6 assigned to it by the City;

7 (2) to acquire, hold and use property necessary to achieve its purposes;

8 (3) to make contracts;

9 (4) to sue and be sued;

10 (5) to borrow and accept grants for purposes consistent with the purposes of
11 the Authority;

12 (6) to employ and discharge personnel to carry out its public purposes;

13 (7) to propose in its annual budget the taxes or charges on property within
14 the district. Property that is exempt under State law from ordinary property taxes shall be
15 exempt from taxes or charges assessed to support the Authority. Before adopting its
16 proposed budget and making its recommendations to the City, an Authority shall hold a
17 public hearing on taxes or charges proposed for the district. The Authority shall publish
18 notice of the hearing in a newspaper of general circulation in Baltimore City at least once
19 a week for 3 consecutive weeks before the hearing;

20 (8) to adopt, amend and modify bylaws, all of which shall be subject to the
21 approval of the Board of Estimates;

22 (9) to establish and elect officers and provide for their terms and duties;

23 (10) to contract for and purchase goods and services, without being subject to
24 the City requirements regarding wage scales, competitive bidding or other local
25 procurement laws. However, the Authority shall be subject to City ordinances and City
26 policy requiring achievement of goals regarding minority and women's business
27 enterprises; and

28 (11) to do all things necessary or convenient to carry out its powers.

29 (e) An Authority created under this section may not:

30 (1) exercise any police or general powers other than those authorized by
31 State law and City ordinance;

32 (2) pledge the full faith or credit of the City;

33 (3) impose taxes or charges in excess of those approved by the Board of
34 Estimates;

35 (4) exercise the power of eminent domain;

36 (5) extend its life without the approval of the City Council;

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1 (6) except as otherwise provided by law, engage in competition with the
2 private sector;

3 (7) except as otherwise provided in subsection (i) of this section, revert
4 charges or taxes collected pursuant to this section to the General Fund of the City;

5 (8) be an agency of the Mayor and City Council of Baltimore or the State of
6 Maryland and its officers and employees may not act as agents or employees of the Mayor
7 and City Council of Baltimore or the State of Maryland;

8 (9) employ individuals who reside outside the City of Baltimore; and

9 (10) except as required or appropriate to facilitate its normal operations,
10 incur debt.

11 (f) In adopting an ordinance, the City Council shall:

12 (1) give consideration to the views of the property owners, the retail
13 merchants, the property tenants, and the other members of the business and residential
14 communities within the district;

15 (2) make a determination that a district created under this section will
16 reflect a diverse mix of business and residential properties; and

17 (3) make a determination that a district created under this section will
18 reflect a diverse economic, social, and racial mix.

19 (g) The Mayor and City Council shall review the effectiveness and desirability of
20 continuing the existence of any district established under this section every 4 years from
21 the enactment of the ordinance.

22 (h) The Mayor and City Council of Baltimore may not permit a reduction in the
23 services provided by the City in a district due to the establishment of a community
24 benefits district management authority.

25 (i) In the event of a dissolution of a community benefits district, any unspent
26 funds shall revert back to the City's General Fund.

27 (j) (1) An ordinance adopted pursuant to this section shall take effect only if
28 approved by 58% of the aggregate votes cast in a special election by the affected voters.

29 (2) The ordinance shall provide criteria for the eligibility of voters for
30 purposes of the election required by this subsection.

31 (3) The ordinance shall provide procedures for a special election as
32 required in this subsection, which may be administered by write-in ballots.

33 **Chapter 732 of the Acts of 1994**

34 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
35 June 1, 1994. It shall remain effective for a period of [3] 7 years and, at the end of May
36 31, [1997] 2001, with no further action required by the General Assembly, this Act shall
37 be abrogated and of no further force and effect.

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1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 June 1, 1997.