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1997 Regular Session
7lr0859

CF 7lr0860

By: Senators Hoffman, Kelley, and McFadden

Introduced and read first time: January 31, 1997

Assigned to: Select Committee No. 11

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.

28 (2) To establish community benefits district management authorities to
29 promote and market districts, provide supplemental security and maintenance services,

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1 provide amenities in public areas, provide park and recreational programs and functions,
2 and after an authority is established, other services and functions as requested by the
3 authority and approved through an ordinance by the Mayor and City Council.

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

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

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

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

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

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

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

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

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

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

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

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

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

36 (xii) running west along the center line of 26th Street to the center line
37 of Huntingdon Avenue; then running south along the center line of Huntingdon Avenue
38 to the center line of 25th Street; then

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

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

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

7 (xvi) running south along the center line of Huntingdon Avenue the
8 center line of 23rd Street; then running west along the center line of 23rd Street to the
9 center line of Huntingdon Avenue; then

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

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

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

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

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

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

25 (2) specify the duration of the Authority and define the boundaries of the
26 district.

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

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

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

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

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

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

5 (3) to make contracts;

6 (4) to sue and be sued;

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

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

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

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

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

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

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

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

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

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

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

32 (4) exercise the power of eminent domain;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31 **Chapter 732 of the Acts of 1994**

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

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