
By: Senators Hoffman, Kelley, and McFadden

Introduced and read first time: January 31, 1997

Assigned to: Select Committee No. 11

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: April 1, 1997

CHAPTER ____

1 AN ACT concerning

2 **Baltimore City - Community Benefits Districts - Periodic Review - Continuation of**
3 **Authority**

4 FOR the purpose of requiring the General Assembly to review the desirability of
5 continuing the existence of certain community benefits district management
6 authorities under certain circumstances; providing for the termination of a
7 community benefits district management authority that the General Assembly does
8 not approve under certain circumstances; extending the termination date on certain
9 provisions of law that relate to the authority to establish community benefits
10 districts in Baltimore City and the administration of community benefits districts;
11 and generally relating to the periodic review and continuation of authority of
12 community benefits districts in Baltimore City.

13 BY repealing and reenacting, without amendments,

14 The Charter of Baltimore City

15 Article II - General Powers

16 Section (63)

17 (1996 Edition, as amended)

18 BY repealing and reenacting, with amendments,

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

20 Section 3

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

22 MARYLAND, That the Laws of Maryland read as follows:

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1 **The Charter of Baltimore City**

2 Article II - General Powers

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

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

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

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

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

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

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

29 (iii) running east along the center line of 25th Street to the center line
30 of Loch Raven Boulevard; then running northeast along the centerline of Loch Raven
31 Boulevard to the center line of the tracks of the CSX Railroad (approximately 500 feet
32 north of 25th Street); then

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

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

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

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

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

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

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

9 (xi) running west along the center line of 29th Street to the center line
10 of Howard Street; then running south along the center line of Howard Street to the
11 center line of 26th Street; then

12 (xii) running west along the center line of 26th Street to the center line
13 of Huntingdon Avenue; then running south along the center line of Huntingdon Avenue
14 to the center line of 25th Street; then

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

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

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

21 (xvi) running south along the center line of Huntingdon Avenue the
22 center line of 23rd Street; then running west along the center line of 23rd Street to the
23 center line of Huntingdon Avenue; then

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

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

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

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

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

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

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

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

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

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

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

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

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

20 (3) to make contracts;

21 (4) to sue and be sued;

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

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

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

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

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

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

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

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

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

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

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

8 (4) exercise the power of eminent domain;

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

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

12 (7) except as otherwise provided in subsection ~~(I)~~ (J) of this section, revert
13 charges or taxes collected pursuant to this section to the General Fund of the City;

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

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

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

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

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

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

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

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

31 (H) (1) BEGINNING WITH THE REGULAR SESSION OF THE GENERAL
32 ASSEMBLY IN 2000, THE GENERAL ASSEMBLY SHALL REVIEW EVERY 4 YEARS THE
33 DESIRABILITY OF CONTINUING THE EXISTENCE OF EACH COMMUNITY BENEFITS
34 DISTRICT MANAGEMENT AUTHORITY ESTABLISHED UNDER THIS SECTION.

35 (2) SUBJECT TO THE PROVISIONS OF PARAGRAPH (3) OF THIS
36 SUBSECTION, IF THE GENERAL ASSEMBLY DOES NOT APPROVE THE CONTINUING
37 EXISTENCE OF A COMMUNITY BENEFITS DISTRICT MANAGEMENT AUTHORITY, THE

1 COMMUNITY BENEFITS DISTRICT SHALL CEASE TO EXIST AT THE END OF THE CITY'S
2 FISCAL YEAR IN WHICH APPROVAL WAS NOT GRANTED.

3 (3) THE COMMUNITY BENEFITS DISTRICT MANAGEMENT AUTHORITY
4 SHALL CONTINUE ITS EXISTENCE ONLY AS LONG AS NECESSARY TO TERMINATE
5 OPERATIONS IN A REASONABLE FASHION AND TO ARRANGE FOR THE DISPOSITION
6 OF ALL FUNDS NOT NEEDED TO SATISFY OUTSTANDING OBLIGATIONS AND
7 RESERVES FOR UNCERTAIN OBLIGATIONS AND LIABILITIES.

8 ~~(H)~~ (I) The Mayor and City Council of Baltimore may not permit a reduction in
9 the services provided by the City in a district due to the establishment of a community
10 benefits district management authority.

11 ~~(J)~~ (J) In the event of a dissolution of a community benefits district, any
12 unspent funds shall revert back to the City's General Fund.

13 ~~(K)~~ (K) (1) An ordinance adopted pursuant to this section shall take effect
14 only if approved by 58% of the aggregate votes cast in a special election by the affected
15 voters.

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

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

20 **Chapter 732 of the Acts of 1994**

21 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 June 1, 1994. It shall remain effective for a period of [3] ~~7~~ 6 years and, at the end of May
23 31, [1997] ~~2004~~ 2000, with no further action required by the General Assembly, this Act
24 shall be abrogated and of no further force and effect.

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