
By: **Delegate Taylor**

Introduced and read first time: February 26, 2001

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Canal Place Preservation and Development Authority**

3 FOR the purpose of renaming the Canal Place Historic Preservation District to be the
4 Canal Place Heritage Area and expanding the purposes and areas covered by
5 the Heritage Area; expanding the purposes and altering the authority of the
6 Canal Place Preservation and Development Authority; repealing certain
7 condemnation powers of the Authority; granting to jurisdictions newly covered
8 by the Heritage Area the authority to issue parking citations and providing for
9 the amount of the fines which may be imposed under those citations;
10 authorizing local jurisdictions within the Heritage Area to lease, lend, grant, or
11 otherwise convey property or property interests to the Authority; transferring
12 certain approval authority and duties from the Maryland Historical Trust to the
13 Maryland Heritage Areas Authority; authorizing the Canal Place Preservation
14 and Development Authority to provide or contract to provide tourism marketing
15 and promotional services for the Heritage Area, the City of Cumberland, and
16 Allegany County under certain circumstances; narrowing a certain personnel
17 exemption applicable to the Canal Place Preservation and Development
18 Authority; clarifying that the terms of Authority members are staggered;
19 making provisions of this Act severable; and generally relating to the Canal
20 Place Heritage Area, the Canal Place Preservation and Development Authority,
21 and the Maryland Heritage Areas Authority.

22 BY repealing and reenacting, with amendments,
23 Article - Financial Institutions
24 Section 13-1001, 13-1002, 13-1005, 13-1007, 13-1008, 13-1008.1 through
25 13-1016, 13-1027, 13-1029, and 13-1030
26 Annotated Code of Maryland
27 (1998 Replacement Volume and 2000 Supplement)

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

Article - Financial Institutions

13-1001.

(a) In this subtitle the following words have the meanings indicated.

(b) "Authority" means the Canal Place Preservation and Development Authority.

(c) "Bonds" means taxable or tax-exempt bonds, including refunding bonds, bond anticipation notes, notes in the nature of commercial paper, certificates, or any other evidence of obligation issued by the Authority.

(d) "Fund" means the Canal Place Preservation and Development Authority Financing Fund established under § 13-1017 of this subtitle.

(E) "HERITAGE AREA" MEANS THE CANAL PLACE HERITAGE AREA, INITIALLY KNOWN AS THE CANAL PLACE HISTORIC PRESERVATION DISTRICT, THE BOUNDARIES OF WHICH ARE DESCRIBED:

(1) IN THE ADDENDUM OF JANUARY 1993, ENTITLED "THE CANAL PLACE HISTORIC PRESERVATION DISTRICT", TO THE REPORT OF MAY 1992 OF THE MARYLAND STATE HIGHWAY ADMINISTRATION ENTITLED "THE CANAL PARKWAY DEVELOPMENT - STATION SQUARE PROJECT"; AND

(2) IN ANY REVISIONS THAT ARE:

(I) MADE BY THE AUTHORITY UNDER § 13-1008(8) OF THIS SUBTITLE; AND

(II) APPROVED BY THE MARYLAND HERITAGE AREAS AUTHORITY IN ACCORDANCE WITH § 13-1111 OF THIS TITLE.

(F) "LOCAL JURISDICTION" MEANS:

(1) ANY OF THE 23 COUNTIES OF THE STATE;

(2) THE CITY OF BALTIMORE; OR

(3) ANY MUNICIPAL CORPORATION SUBJECT TO THE PROVISIONS OF ARTICLE XI-E OF THE MARYLAND CONSTITUTION.

(G) "MARYLAND HERITAGE AREAS AUTHORITY" MEANS THE MARYLAND HERITAGE AREAS AUTHORITY CREATED UNDER TITLE 13, SUBTITLE 11 OF THIS ARTICLE.

[(e)] (H) "Park corridor" means the land area within the [Preservation District] HERITAGE AREA the boundaries of which are described:

1 (1) In the report of May 1992 of the Maryland State Highway
2 Administration entitled "The Canal Parkway Development - Station Square Project";
3 and

4 (2) In any revision that the Authority makes under § 13-1008(8) of this
5 subtitle to the report of May 1992 of the Maryland State Highway Administration
6 entitled "The Canal Parkway Development - Station Square Project".

7 [(f) "Preservation District" or "District" means the Canal Place Historic
8 Preservation District the boundaries of which are described:

9 (1) In the addendum of January 1993, entitled "The Canal Place Historic
10 Preservation District", to the report of May 1992 of the Maryland State Highway
11 Administration entitled "The Canal Parkway Development - Station Square Project";
12 and

13 (2) In any revisions that the Authority makes under § 13-1008(8) of this
14 subtitle to the addendum of January 1993, entitled "The Canal Place Historic
15 Preservation District", to the report of May 1992 of the Maryland State Highway
16 Administration entitled "The Canal Parkway Development - Station Square
17 Project".]

18 13-1002.

19 The General Assembly makes the following findings:

20 (1) The Chesapeake and Ohio Canal is one of the great historic
21 waterways of the United States extending 185 miles from Georgetown in the District
22 of Columbia to its western terminus in Cumberland, Maryland;

23 (2) The current physical condition of the Chesapeake and Ohio Canal in
24 the City of Cumberland is one of severe deterioration with the last mile of the canal
25 buried under a flood control project during the 1950s;

26 (3) An opportunity now exists to rediscover the value of this waterway by
27 transforming the canal and adjacent areas [in the City of Cumberland] to a
28 showpiece of historic preservation that will enhance recreational, commercial, civic,
29 transportation, educational, and ecological values;

30 (4) It is in the interest of the State, Allegany County, the City of
31 Cumberland, and the United States that [an area in the City of Cumberland to be
32 known as "The Canal Place Historic Preservation District"] AREAS IN ALLEGANY
33 COUNTY be preserved, developed, maintained, and used in a manner suitable to [its]
34 THEIR significance, INCLUDING THE HISTORIC AND CULTURAL SIGNIFICANCE OF
35 [as] the western terminus of the historic Chesapeake and Ohio Canal;

36 (5) To ensure suitable preservation, development, maintenance, and use
37 of the [Preservation District] HERITAGE AREA, it is essential that there be developed
38 and carried out [as an entirety] a management plan for the [Preservation District]
39 HERITAGE AREA AS AN ENTIRETY that will specify:

1 (i) The uses, both public and private, for the buildings, structures,
2 and other property in the [Preservation District] HERITAGE AREA AND ANY
3 NECESSARY ACQUISITIONS, CONSTRUCTION, RECREATION, AND OTHER ACTIVITIES;
4 and

5 (ii) The programming and financing for the rewatering of the
6 Chesapeake and Ohio Canal [and for necessary acquisitions, construction,
7 reconstruction, and other activities];

8 (6) The responsibility for developing and implementing a management
9 plan for the [Preservation District] HERITAGE AREA can best be carried out by
10 vesting the requisite powers in a public corporation that can take maximum
11 advantage of the public and private resources necessary to ensure success of the
12 management plan; and

13 (7) Any management plan for the development of the [Preservation
14 District] HERITAGE AREA should be prepared and implemented in cooperation with
15 the United States Department of the Interior.

16 13-1005.

17 (a) The Authority consists of:

18 (1) Six members appointed by the Governor with the advice and consent
19 of the Senate;

20 (2) One representative of the United States Department of the Interior,
21 as designated by the Department of the Interior;

22 (3) One representative of the Maryland Historical Trust; and

23 (4) One representative of the Mayor and City Council of the City of
24 Cumberland.

25 (b) The Governor shall designate one of the members of the Authority as
26 chairman.

27 (c) (1) The term of a member is 4 years.

28 (2) The terms of members appointed by the Governor are staggered as
29 required by the terms provided for members on [June 1, 1993] JULY 1, 2001.

30 (3) At the end of a term, a member continues to serve until a successor is
31 appointed and qualifies.

32 (4) A member who is appointed after a term has begun serves only for
33 the rest of the term and until a successor is appointed and qualifies.

34 (5) At the end of the term of a member or on the resignation or removal
35 of a member, the Governor shall appoint a member to the Authority with the advice
36 and consent of the Senate.

1 (d) The Governor may remove a nonfederal member for incompetence,
2 misconduct, or failure to perform the duties of the position.

3 13-1007.

4 (a) With the approval of the Governor, the Authority shall appoint an
5 Executive Director, who is the Chief Administrative Officer and Secretary of the
6 Authority.

7 (b) The Executive Director serves at the pleasure of the Authority, subject to
8 the concurrence of the Governor.

9 (c) The Executive Director shall:

10 (1) Direct and supervise the administrative affairs and activities of the
11 Authority in accordance with its regulations and policies;

12 (2) Attend all meetings of the Authority;

13 (3) Keep minutes of all proceedings of the Authority;

14 (4) Approve:

15 (i) All accounts for salaries, per diem payments, and allowable
16 expenses of the Authority and its employees and consultants; and

17 (ii) All expenses incidental to the operation of the Authority;

18 (5) Report and make recommendations to the Authority on the merits
19 and status of any management plan for the [Preservation District] HERITAGE AREA;
20 and

21 (6) Perform any other duty that the Authority requires for carrying out
22 the provisions of this subtitle.

23 13-1008.

24 In addition to the powers set forth elsewhere in this subtitle, the Authority may:

25 (1) Adopt and alter an official seal;

26 (2) Sue and be sued, plead, and be impleaded;

27 (3) Adopt bylaws to regulate its affairs and the conduct of its business;

28 (4) In accordance with Title 10, Subtitle 1 of the State Government
29 Article, adopt regulations to carry out the provisions of this subtitle;

30 (5) Maintain an office at a place that the Authority designates;

1 (6) Employ, either as regular employees or as independent contractors,
2 and fix the compensation of, accountants, architects, attorneys, construction experts
3 and personnel, consultants, engineers, financial experts, managers, superintendents,
4 and other professional personnel, personnel, and agents;

5 (7) Appoint advisory committees composed of local officials,
6 representatives of the business community, and such other interests as may be
7 appropriate;

8 (8) Subject to the requirements of this subtitle, adopt and implement a
9 management plan for the [Preservation District] HERITAGE AREA;

10 (9) Determine the locations of, develop, establish, construct, erect,
11 acquire, own, repair, remodel, add to, extend, improve, equip, rewater, operate,
12 regulate, and maintain, and contribute to the maintenance and operating costs of
13 land, water, buildings, and structures to accomplish the purposes of the Authority;

14 (10) By publishing a revised drawing or other boundary description in the
15 Maryland Register, revise the boundaries of the [Preservation District] HERITAGE
16 AREA or the park corridor with the consent of:

17 (i) The [Mayor and City Council of the City of Cumberland]
18 GOVERNING BODY OF EACH LOCAL JURISDICTION WHICH IN WHOLE OR IN PART IS
19 TO BE ADDED TO OR DELETED FROM THE HERITAGE AREA; and

20 (ii) The Maryland [Historical Trust] HERITAGE AREAS
21 AUTHORITY;

22 (11) Subject to § 13-1009 of this subtitle, acquire, hold, lease, use,
23 encumber, transfer, or dispose of real and personal property;

24 (12) PROVIDE OR CONTRACT TO PROVIDE TOURISM MARKETING AND
25 PROMOTIONAL SERVICES FOR THE CANAL PLACE HERITAGE AREA, AND PROVIDE
26 FINANCIAL ASSISTANCE FOR TOURISM MARKETING AND PROMOTION IN ALLEGANY
27 COUNTY AND ITS MUNICIPAL JURISDICTIONS, IF THE EXPENDITURES BY THE
28 AUTHORITY FOR THOSE PURPOSES ARE MATCHED EQUALLY WITH NONSTATE
29 FUNDS;

30 (13) Enter into contracts of any kind and execute all instruments
31 necessary or convenient to carry out its powers under this subtitle;

32 [(13)] (14) Make and participate in making loans or grants, or otherwise
33 provide financial assistance for any project that serves to preserve, develop, maintain,
34 or protect the [Preservation District] HERITAGE AREA;

35 [(14)] (15) Through covenants, regulations, agreements, or otherwise,
36 establish restrictions, standards, and requirements necessary to assure preservation,
37 development, maintenance, and protection of the [Preservation District] HERITAGE
38 AREA in accordance with a management plan that the Authority adopts;

1 [(15)] (16) Fix and revise from time to time and charge and collect rates,
2 rents, fees, or other charges for the use of, or for services rendered in connection with,
3 buildings, structures, land, and water to accomplish the purposes of the Authority;

4 [(16)] (17) (i) Borrow money from any source for any corporate purpose,
5 including working capital for its operations, reserve funds, or interest;

6 (ii) Mortgage, pledge, or otherwise encumber the property and
7 funds of the Authority; and

8 (iii) Contract with or engage the services of any person for any
9 financing, including underwriters, placement agents, financial institutions, issuers of
10 letters of credit, or insurers;

11 [(17)] (18) Subject to Part III of this subtitle, issue bonds;

12 [(18)] (19) Receive and accept from any public or private source
13 contributions, gifts, or grants of money or property;

14 [(19)] (20) Exercise all the corporate powers granted Maryland
15 corporations under the Maryland General Corporation Law; and

16 [(20)] (21) Do all things necessary or convenient to carry out the powers
17 granted by this subtitle.

18 13-1008.1.

19 (a) The Authority may adopt and enforce regulations for the parking of motor
20 vehicles in and on any facilities or property the Authority owns or controls.

21 (b) The regulations shall:

22 (1) Be reasonably necessary for the efficient operation of facilities or
23 property owned or controlled by the Authority;

24 (2) Provide for a uniform system for accessible parking for individuals
25 with disabilities, to enhance the safety of individuals with disabilities in conformity
26 with the federal Uniform System for Parking for Persons with Disabilities and the
27 federal Americans with Disabilities Act accessibility guidelines for buildings and
28 facilities; and

29 (3) Include procedures for the voluntary payment of fines directly to the
30 Authority in uncontested parking cases.

31 (c) The Maryland State Police or the Police Department of the [City of
32 Cumberland] LOCAL JURISDICTION IN WHICH THE FACILITY OR PROPERTY IS
33 LOCATED may issue citations for violations of the regulations adopted under this
34 section.

35 (d) The issuance of citations under this section shall comply with the
36 requirements of Title 26, Subtitle 3 of the Transportation Article.

1 (e) (1) A person who violates a parking regulation under this section is
2 subject to a fine established by the Authority in accordance with paragraph (2) of this
3 subsection.

4 (2) The Authority shall adopt regulations to establish fines that are
5 equal to the fines that the [City of Cumberland] LOCAL JURISDICTION IN WHICH
6 THE FACILITY OR PROPERTY IS LOCATED, by ordinance, may impose for similar
7 parking violations.

8 (f) All regulations adopted under this section shall be posted conspicuously in
9 a public place on facilities or property owned or controlled by the Authority.

10 (g) The Executive Director of the Authority may designate employees of the
11 Authority or security personnel under contract with the Authority to issue citations,
12 to the extent authorized by the Executive Director of the Authority, for violations of
13 motor vehicle parking regulations adopted under this section.

14 (h) The Executive Director of the Authority, in consultation with the chief
15 police officer of the Maryland State Police and the Maryland Police Training
16 Commission, shall adopt regulations establishing:

17 (1) Qualifications for individuals appointed under subsection (g) of this
18 section, which may include prerequisites of character, training, experience, and
19 education; and

20 (2) Standards for the performance of the duties assigned to individuals
21 appointed under subsection (g) of this section.

22 13-1009.

23 (a) This section does not affect the right of the Authority to acquire an option
24 or institute any condemnation proceeding for later acquisition of property once the
25 approval required by this section occurs.

26 (b) (1) Subject to annual appropriations and this subtitle, the Authority may
27 acquire in its own name, by gift, purchase, or condemnation, any real or personal
28 property, or interests in property, necessary or convenient to carry out its
29 responsibilities under this subtitle.

30 (2) When acquiring in its own name any real or personal property, or
31 interests in property as specified in paragraph (1) of this subsection, the Authority
32 shall first attempt to acquire the property through negotiation and purchase.

33 (3) If it is not able to acquire property through negotiation and purchase,
34 the Authority may exercise the powers of condemnation for private property, as
35 provided in subsection (c) of this section.

36 [(4) If it determines that action under paragraphs (2) and (3) of this
37 subsection is inappropriate, the Authority may exercise the powers of condemnation
38 for private property under subsection (d) of this section.]

1 (c) Subject to subsection (b) of this section, prior approval of the Board of
2 Public Works, and review by the Legislative Policy Committee, the Authority may
3 exercise the power of ordinary condemnation for any private property for any purpose
4 of the Authority:

5 (1) In accordance with Title 12 of the Real Property Article; and

6 (2) In the park corridor only.

7 (d) [Subject to subsection (b) of this section, prior approval of the Board of
8 Public Works, and review by the Legislative Policy Committee, the Authority may
9 exercise the power conferred by Article III, § 40 of the State Constitution to acquire in
10 the City of Cumberland for this State by quick take condemnation any private
11 property for any purpose of the Authority:

12 (1) In accordance with §§ 8-334 through 8-339 of the Transportation
13 Article and applicable provisions of Title 12 of the Real Property Article; and

14 (2) In the park corridor only.

15 (e)] (1) Subject to the prior approval of the Board of Public Works:

16 (i) The State, its agencies, [Allegany County, and the City of
17 Cumberland] AND ANY LOCAL JURISDICTION WITHIN THE HERITAGE AREA may
18 lease, lend, grant, or otherwise convey to the Authority, at its request, any property or
19 interest therein, including property devoted to public use, that is necessary or
20 convenient for the purposes of this subtitle; or

21 (ii) The State may lease or sublease any property or interest
22 therein from or to the Authority, whether or not any building or structure is
23 constructed or usable thereon.

24 (2) Lease payments appropriated by the State to the Authority shall be
25 transferred to the Fund.

26 [(f)] (E) For any acquisition of real or personal property or interest in
27 property in the City of Cumberland or in Allegany County, other than in the park
28 corridor, the Authority shall comply with any applicable local planning, zoning, and
29 development regulations to the same extent as a private commercial or industrial
30 enterprise.

31 13-1010.

32 The Authority shall:

33 (1) Administer the [Preservation District] HERITAGE AREA in
34 accordance with this subtitle;

35 (2) Subject to § 13-1011 of this subtitle, develop a management plan for
36 the [Preservation District] HERITAGE AREA;

1 (3) Preserve or assist in the preservation of buildings, structures, and
2 settings of historic value in the [Preservation District] HERITAGE AREA;

3 (4) Conduct activities to educate the public about the history and
4 significance of the [Preservation District] HERITAGE AREA;

5 (5) Provide for recreational uses of the [Preservation District]
6 HERITAGE AREA for both active and passive pursuits;

7 (6) Facilitate economic development in the [Preservation District]
8 HERITAGE AREA through public and private investment in adaptive reuse,
9 interpretative attractions, or other activities;

10 (7) To the extent practicable, consult and coordinate its activities with
11 the [State] STATES of West Virginia AND PENNSYLVANIA and appropriate regional
12 entities;

13 (8) Keep records consistent with sound business practices and
14 accounting records consistent with generally accepted accounting principles;

15 (9) Cause an audit by an independent licensed certified public
16 accountant to be made of the accounts and transactions of the Authority at the
17 conclusion of each fiscal year;

18 (10) Be subject to audit and examination at any reasonable time by the
19 Office of Legislative Audits of the Department of Legislative Services concerning the
20 accounts and transactions of the Authority; and

21 (11) For inclusion for informational purposes in the State budget book,
22 submit annually to the Department of Budget and Management a budget reflecting
23 the operating and capital program of the Authority.

24 13-1011.

25 Subject to § 13-1012 of this subtitle, within 18 months after the date on which
26 the Authority conducts its first meeting, the Authority shall develop and submit to the
27 Maryland [Historical Trust] HERITAGE AREAS AUTHORITY a management plan that:

28 (1) Specifies the goals and objectives for the preservation, development,
29 and management of the [Preservation District] HERITAGE AREA;

30 (2) Provides an inventory of the significant resources in the
31 [Preservation District] HERITAGE AREA, including its cultural, historic, and natural
32 resources;

33 (3) Identifies the types of public and private uses to be accommodated in
34 the [Preservation District] HERITAGE AREA;

35 (4) Describes the educational, interpretative, and recreational programs
36 and projects concerning the [Preservation District] HERITAGE AREA;

1 (5) Describes plans for encouraging and accommodating visitation to and
2 economic development of the [Preservation District] HERITAGE AREA;

3 (6) Provides an economic assessment of the long and short term costs
4 and benefits related to the implementation of the management plan, including an
5 identification of expected sources of funding;

6 (7) Describes the specific techniques or means for the long term
7 preservation and protection of the significant resources in the [Preservation District]
8 HERITAGE AREA, including its cultural, historic, and natural resources;

9 (8) Describes the public and private organizational structure to be
10 utilized for planning, development, and management of the [Preservation District]
11 HERITAGE AREA; and

12 (9) Provides a schedule for the planning, development, and management
13 of the [Preservation District] HERITAGE AREA.

14 13-1012.

15 (a) At least 30 days before submitting a management plan to the Maryland
16 [Historical Trust] HERITAGE AREAS AUTHORITY under § 13-1011 of this subtitle, the
17 Authority shall:

18 (1) Hold a public hearing in the City of Cumberland for the purpose of
19 soliciting public comment; and

20 (2) Submit the management plan to, and obtain the preliminary
21 approval of, the Mayor and City Council of the City of Cumberland.

22 (b) (1) At least 30 days before the public hearing required by subsection
23 (a)(1) of this section, the Authority shall notify the Mayor and City Council of the City
24 of Cumberland of the hearing and advertise the notice in a newspaper of general
25 circulation in the City of Cumberland.

26 (2) The notice shall include:

27 (i) A description of the management plan for the [Preservation
28 District] HERITAGE AREA; and

29 (ii) The date, time, and location of the public hearing.

30 13-1013.

31 (a) Within 90 days after receipt from the Authority of a management plan, the
32 Maryland Historical Trust shall approve or disapprove the plan.

33 (b) (1) Unless the Maryland Historical Trust determines that a
34 management plan would adequately carry out the purposes of this subtitle, it may not
35 approve the management plan.

1 (2) In considering whether to approve a management plan, the Maryland
2 Historical Trust shall consult with appropriate units of the State government,
3 including the Department of Business and Economic Development, the Department of
4 Natural Resources, and the Department of Planning.

5 (c) If the Maryland Historical Trust disapproves a management plan, the
6 Trust shall advise the Authority of the reason for the disapproval and provide
7 recommendations for a revision of the plan.

8 (d) The Maryland [Historical Trust] HERITAGE AREAS AUTHORITY shall
9 approve or disapprove any revisions to an existing management plan FOR THE
10 HERITAGE AREA in [the same manner as specified in subsections (a) through (c) of
11 this section] ACCORDANCE WITH § 13-1111(M) OF THIS TITLE.

12 13-1014.

13 (a) Except as provided in subsection (b) of this section and notwithstanding
14 any power vested in the Authority by this subtitle, the Authority may not make any
15 expenditure until:

16 (1) The Maryland Historical Trust approves a management plan for the
17 [Preservation District] HERITAGE AREA;

18 (2) The management plan has been adopted by the Authority;

19 (3) The Mayor and City Council of the City of Cumberland:

20 (i) Adopt the management plan through formal amendment of the
21 City's comprehensive plan; and

22 (ii) Enact an ordinance that:

23 1. Consistent with §§ 8.01 through 8.17 of Article 66B of the
24 Code, creates a Historic District Commission for [the Preservation District]
25 PORTIONS OF THE HERITAGE AREA WITHIN THE CITY OF CUMBERLAND;

26 2. Provides for membership on the Historic District
27 Commission in accordance with the minimum professional requirements of the
28 United States Department of the Interior for certifying local governments under 36
29 C.F.R. Part 61;

30 3. To the extent necessary to meet the requirements of items
31 1 and 2 of this subparagraph, provides for the appointment of members of the Historic
32 District Commission who are not residents of the City of Cumberland;

33 4. Requires that within 18 months after the Historic District
34 Commission conducts its first meeting, the Commission shall develop and submit for
35 approval to the Maryland Historical Trust design standards and criteria applicable to
36 all construction, preservation, rehabilitation, and restoration within the

1 [Preservation District] PORTIONS OF THE HERITAGE AREA WITHIN THE CITY OF
2 CUMBERLAND; and

3 5. Provides that the Historic District Commission review and
4 approve the design of all projects that the City of Cumberland conducts, assists,
5 licenses, or permits that affect properties within the [Preservation District]
6 HERITAGE AREA; and

7 (4) The Authority and the Mayor and City Council of the City of
8 Cumberland execute a memorandum of agreement that specifies detailed policies and
9 procedures for mutual notification and review and consultation regarding their
10 respective actions and undertakings in the [Preservation District] HERITAGE AREA.

11 (b) Before the requirements of subsection (a) of this section occur, the
12 Authority may make expenditures only to:

13 (1) Support the basic administrative operations of the Authority;

14 (2) Develop the management plan for the [Preservation District]
15 HERITAGE AREA and related preliminary plans; and

16 (3) Acquire complete or partial interests in, or preserve or assist in the
17 preservation of, properties within the park corridor that:

18 (i) Are listed on or determined to be eligible for listing on the
19 Maryland Register of Historic Properties; and

20 (ii) Would be subject to demolition or major alteration in a manner
21 that is inconsistent with the purposes of this subtitle, unless acquired, preserved, or
22 assisted by the Authority.

23 13-1015.

24 The City of Cumberland shall submit to the Authority for review and approval
25 any plan for any activity the City proposes to conduct, assist, license, or permit that
26 will affect property within the park corridor:

27 (1) After the Authority's adoption of a management plan for the
28 [Preservation District] HERITAGE AREA in accordance with this subtitle; and

29 (2) Before the City implements its plan for the activity.

30 13-1016.

31 For the purpose of reviewing the development of the management plan for the
32 [Preservation District] HERITAGE AREA, the Authority shall appoint a task force that
33 includes:

34 (1) Members of the General Assembly who reside in Allegany County;

35 (2) A representative of each of:

- 1 (i) The Board of County Commissioners of Allegany County;
- 2 (ii) The Chesapeake and Ohio Canal National Historical Park
- 3 Commission;
- 4 (iii) The Department of Natural Resources;
- 5 (iv) The Maryland Historical Trust;
- 6 (v) The Mayor of the City of Cumberland;
- 7 (vi) The United States Department of the Interior, as designated by
- 8 the Department of the Interior;
- 9 (vii) The Department of Planning; and
- 10 (viii) The State Highway Administration of the Department of
- 11 Transportation;
- 12 (3) Residents and business representatives from the area within and
- 13 adjacent to the [Preservation District] HERITAGE AREA; and
- 14 (4) Other representatives as the Authority deems appropriate.

15 13-1027.

16 The Authority is exempt:

- 17 (1) From the payment of taxes or assessments of any kind;
- 18 (2) Except as provided in Title 14, Subtitle 3 of the State Finance and
- 19 Procurement Article, from the provisions of Division II of the State Finance and
- 20 Procurement Article; and
- 21 (3) From the provisions of DIVISION I OF the State Personnel and
- 22 Pensions Article THAT GOVERN THE STATE PERSONNEL MANAGEMENT SYSTEM.

23 13-1029.

24 (a) Any unit of the State government that conducts or supports activities

25 affecting the [Preservation District] HERITAGE AREA shall:

- 26 (1) Consult, cooperate, and, to the maximum extent possible, coordinate
- 27 its activities with the Authority; and
- 28 (2) Conduct or support the activities of the unit in a manner that:
- 29 (i) To the maximum extent practicable, is consistent with the
- 30 management plan established under § 13-1011 of this subtitle; and

1 (ii) As determined under Article 83B, §§ 5-617 and 5-618 of the
2 Code, does not have an adverse effect on the historic resources of the [Preservation
3 District] HERITAGE AREA.

4 (b) A unit of the State government may not issue any license or permit to any
5 person to conduct any activity within the [Preservation District] HERITAGE AREA
6 unless the unit determines that the proposed activity:

7 (1) Will be conducted in a manner that is consistent with the
8 management plan established under § 13-1011 of this subtitle; and

9 (2) As determined under Article 83B, §§ 5-617 and 5-618 of the Code,
10 does not have an adverse effect on the historic resources of the [Preservation
11 District] HERITAGE AREA.

12 13-1030.

13 If the Board of Public Works finds that the Authority or the City of Cumberland
14 has failed to make good faith efforts to implement any responsibility under this Act or
15 a management plan for the [Preservation District] HERITAGE AREA, the Board may
16 refuse to obligate, expend, or approve any financial commitment on behalf of the
17 Authority.

18 SECTION 2. AND BE IT FURTHER ENACTED, That if any provision of this
19 Act or the application thereof to any person or circumstances is held invalid for any
20 reason in a court of competent jurisdiction, the invalidity does not affect other
21 provisions or any other application of this Act which can be given effect without the
22 invalid provision or application, and for this purpose the provisions of this Act are
23 declared severable.

24 SECTION 3. AND BE IT FURTHER ENACTED, That the members of the
25 Canal Place Preservation and Development Authority appointed by the Governor
26 under this Act shall serve terms staggered such that no more than two appointments
27 expire each year.

28 SECTION 4. AND BE IT FURTHER ENACTED, That notwithstanding any
29 other provision of this Act, the members of the Authority whose terms have not
30 expired as of July 1, 2001, shall continue as members of the Authority until their then
31 current terms expire.

32 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 July 1, 2001.