

Public Hearing June 18, 2012
Introduced June 7, 2012
Council Action July 3, 2012
Executive Action July 4, 2012
Effective Date Sept 3, 2012

County Council Of Howard County, Maryland

2012 Legislative Session

Legislative Day No. 8

Bill No. 24 -2012

Introduced by: The Chairperson at the request of the County Executive

AN ACT creating the Downtown Columbia Partnership; defining certain terms; establishing the Downtown Columbia Management District; setting forth the composition, qualifications and term of the Partnership's Board of Directors; establishing the powers and duties of the Board; requiring that the Board adopt bylaws and that the bylaws contain certain provisions, including ethical standards and disclosure requirements; requiring the Partnership to perform certain duties; setting forth the powers and duties of the Partnership; providing for certain funding and certain payments required by the Downtown Columbia Plan; providing ~~that the Partnership serves as the Downtown Columbia Housing Foundation and that certain funds shall be used to make affordable housing more available;~~ requiring certain transportation initiatives; requiring that the Partnership prepare certain reports and keep certain records; allowing the Partnership to use certain methods of procurement; requiring Partnership compliance with the State Open Meetings Act and Public Information Act laws; setting forth the Partnership's legal advisor; providing a method to terminate the existence of the Downtown Columbia Partnership; providing for the recognition of a nonprofit entity as the Downtown Columbia Housing Foundation, setting standards and procedures for recognition and withdrawal of recognition; specifying the duties of the Foundation; providing for staggered terms for the initial members of the Board; and generally relating to the Downtown Columbia Partnership and the Downtown Columbia Housing Foundation.

Introduced and read first time June 4, 2012. Ordered posted and hearing scheduled.

By order Stephen LeGendre
Stephen LeGendre, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on June 18, 2012.

By order Stephen LeGendre
Stephen LeGendre, Administrator

This Bill was read the third time on July 2, 2012 and Passed , Passed with amendments , Failed .

By order Stephen LeGendre
Stephen LeGendre, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 3rd day of July, 2012 at 2:00 a.m./p.m.

By order Stephen LeGendre
Stephen LeGendre, Administrator

Approved Vetoed by the County Executive July 4, 2012

Ken Ulman
Ken Ulman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment

1 **WHEREAS**, The Downtown Columbia Plan (the “Plan”), adopted by the County
2 Council, amended the County’s General Plan and proposes the establishment of a Downtown
3 Columbia Partnership (the “Partnership”) to carry out important services and community
4 functions in Downtown Columbia; and

5
6 **WHEREAS**, CEPPA-Community Enhancements, Programs, and Public Amenities
7 (CEPPA) number 6 of the Plan requires that General Growth Properties and Howard County
8 jointly determine the functions, organizational structure, implementation phasing schedule
9 consistent with the redevelopment phasing schedule, potential funding sources and projected
10 funding needs of the Partnership; and

11
12 **WHEREAS**, at the time this Act is considered and adopted by the County Council, the
13 Howard Hughes Corporation is acting as the successor, assign or the purchaser of equity interest
14 or assets of General Growth Properties and is therefore the “community developer” as that term
15 imposes certain obligations and requirements pursuant to the Plan and in the establishment of the
16 Partnership.

17
18 **NOW, THEREFORE,**

19
20 *Section 1. Be It Enacted by the County Council of Howard County, Maryland that the Howard*
21 *County Code is amended as follows:*

22
23 1. *By adding Title 28. Downtown Columbia Partnership.*

24
25 **TITLE 28. DOWNTOWN COLUMBIA PARTNERSHIP.**

26 **Subtitle 1. Downtown Columbia Partnership.**

27 **SECTION 28.100. LEGAL AUTHORITY, FINDINGS, PURPOSE, AND LEGISLATIVE INTENT.**

28 (A) *AUTHORITY.* ~~THIS TITLE~~ THIS SUBTITLE IS ENACTED IN ACCORDANCE WITH ARTICLE 25A, § 5(F) OF
29 THE MARYLAND CODE AND THE DOWNTOWN COLUMBIA PLAN, A GENERAL PLAN AMENDMENT.

30 (B) *FINDINGS.* THE HOWARD COUNTY COUNCIL FINDS THAT A DOWNTOWN COLUMBIA
31 PARTNERSHIP IS REQUIRED TO CARRY OUT PORTIONS OF THE DOWNTOWN COLUMBIA PLAN.

- 1 (C) *PURPOSES*. THE PURPOSES OF THE DOWNTOWN COLUMBIA PARTNERSHIP ARE:
- 2 (1) PROMOTION;
 - 3 (2) MARKETING; AND
 - 4 (3) THE PROVISION OF SECURITY, MAINTENANCE, OR AMENITIES WITHIN THE DISTRICT.
- 5 (D) *INTENT*. THE POWERS CONFERRED ON THE DOWNTOWN COLUMBIA PARTNERSHIP ARE
6 INTENDED TO BE BROADLY CONSTRUED SO THAT THE DOWNTOWN COLUMBIA PARTNERSHIP CAN
7 CARRY OUT ITS PURPOSES UNDER THE DOWNTOWN COLUMBIA PLAN AND THIS TITLE.

8

9 **SECTION 28.101. DEFINITIONS.**

10 IN THIS TITLE, THE FOLLOWING WORDS HAVE THE MEANING INDICATED:

- 11 (A) *BOARD OF DIRECTORS*. BOARD OF DIRECTORS MEANS THE BOARD OF DIRECTORS OF THE
12 DOWNTOWN COLUMBIA PARTNERSHIP.
- 13 (B) *CEPPA*. CEPPA MEANS THE COMMUNITY ENHANCEMENTS, PROGRAMS, AND PUBLIC
14 AMENITIES SPECIFIED IN THE DOWNTOWN COLUMBIA PLAN.
- 15 (C) *COMMUNITY DEVELOPER*. COMMUNITY DEVELOPER MEANS THE ENTITY OR GROUP OF ENTITIES
16 SERVING IN THE CAPACITY OF COMMUNITY DEVELOPER OF DOWNTOWN COLUMBIA AS DESCRIBED
17 IN THE DOWNTOWN COLUMBIA PLAN.
- 18 (D) *COUNTY*. COUNTY MEANS HOWARD COUNTY, MARYLAND.
- 19 (E) *DISTRICT*. DISTRICT MEANS THE DOWNTOWN COLUMBIA MANAGEMENT DISTRICT SPECIFIED IN
20 THIS TITLE.
- 21 (F) *DOWNTOWN COLUMBIA HOUSING FUND*. DOWNTOWN COLUMBIA HOUSING FUND MEANS A
22 SEPARATE, NONLAPSING FUND RECEIVED FROM VARIOUS SOURCES BY THE DOWNTOWN COLUMBIA
23 PARTNERSHIP AND MADE AVAILABLE TO ~~THE HOWARD COUNTY HOUSING COMMISSION FOR THE~~
24 ~~PURPOSE OF PROVIDING~~ PROVIDE AFFORDABLE HOUSING ASSISTANCE AS AN AMENITY WITHIN THE
25 DISTRICT AS DESCRIBED IN THE DOWNTOWN COLUMBIA PLAN, THE DOWNTOWN CEPPA
26 IMPLEMENTATION CHART, AND THIS TITLE.
- 27 (G) *DOWNTOWN COLUMBIA PARTNERSHIP*. DOWNTOWN COLUMBIA PARTNERSHIP MEANS THE
28 DOWNTOWN COLUMBIA PARTNERSHIP CREATED IN THIS TITLE AND DESCRIBED IN THE
29 DOWNTOWN COLUMBIA PLAN.
- 30 (H) *DOWNTOWN COLUMBIA PLAN*. DOWNTOWN COLUMBIA PLAN MEANS THE DOWNTOWN
31 COLUMBIA PLAN ENACTED BY COUNCIL BILL 58-2009.

1 **SECTION 28.102. DOWNTOWN COLUMBIA MANAGEMENT DISTRICT ESTABLISHED.**

2 (A) *ESTABLISHED.* THERE IS A DOWNTOWN COLUMBIA MANAGEMENT DISTRICT.

3 (B) *JURISDICTIONAL BOUNDARIES.* THE DISTRICT CONSISTS OF THE AREA SPECIFIED IN SECTION
4 103A.(41) OF THE HOWARD COUNTY ZONING REGULATIONS AND THE PATHWAYS REQUIRED BY
5 CEPPA 12 AND CEPPA 18.

6
7 **SECTION 28.103. DOWNTOWN COLUMBIA PARTNERSHIP ESTABLISHED.**

8 (A) *ESTABLISHED.* THERE IS A DOWNTOWN COLUMBIA PARTNERSHIP.

9 (B) *STATUS.* THE DOWNTOWN COLUMBIA PARTNERSHIP:

10 (1) IS AN INDEPENDENT ENTITY THAT IS NOT WITHIN THE EXECUTIVE OR LEGISLATIVE
11 BRANCHES OF COUNTY GOVERNMENT;

12 (2) IS A PUBLIC INSTRUMENTALITY OF THE COUNTY;

13 (3) IS THE COMMERCIAL DISTRICT MANAGEMENT AUTHORITY FOR DOWNTOWN
14 COLUMBIA;

15 (4) MAY EXERCISE ITS POWERS TO THE EXTENT NOT INCONSISTENT WITH ARTICLE 25A,
16 SECTION 5(F) OF THE MARYLAND CODE OR THIS TITLE; AND

17 (5) PERFORMS TASKS OF BENEFIT TO THE DOWNTOWN COLUMBIA MANAGEMENT
18 DISTRICT.

19
20 **SECTION 28.104. CHARTER PROVISIONS INAPPLICABLE.**

21 ~~PROVISIONS OF THE HOWARD COUNTY CHARTER THAT ARE INCONSISTENT WITH THIS TITLE ARE~~
22 ~~INAPPLICABLE TO THE DOWNTOWN COLUMBIA PARTNERSHIP.~~

23 IN ACCORDANCE WITH THE AUTHORITY GRANTED TO THE COUNTY BY ARTICLE 25A, § 5(F) OF
24 THE ANNOTATED CODE OF MARYLAND, PROVISIONS OF THE HOWARD COUNTY CHARTER THAT
25 ARE INCONSISTENT WITH THIS TITLE SUBTITLE ARE INAPPLICABLE TO THE DOWNTOWN COLUMBIA
26 PARTNERSHIP.

27 **SECTION 28.105. BOARD OF DIRECTORS OF THE DOWNTOWN COLUMBIA PARTNERSHIP.**

28 (A) *COMPOSITION.* THE DOWNTOWN COLUMBIA PARTNERSHIP SHALL HAVE A BOARD OF
29 DIRECTORS THAT CONSISTS OF 7 MEMBERS. FOUR MEMBERS SHALL BE EX OFFICIO MEMBERS AND
30 THREE MEMBERS SHALL BE AS SET FORTH IN SUBSECTION (D) OF THIS SECTION.

31 (B) *QUALIFICATIONS.* EACH MEMBER OF THE BOARD OF DIRECTORS SHALL:

- 1 (1) RESIDE OR WORK IN HOWARD COUNTY; AND
- 2 (2) HAVE KNOWLEDGE, TRAINING, OR EXPERIENCE RELATED TO THE RESPONSIBILITIES
- 3 OF THE DOWNTOWN COLUMBIA PARTNERSHIP.

4 (C) *EX OFFICIO MEMBERS.*

- 5 (1) THE FOLLOWING PERSONS OR THEIR DESIGNEES ARE EX OFFICIO MEMBERS OF THE
- 6 BOARD OF DIRECTORS:
 - 7 (I) THE HIGHEST RANKING OFFICER OF THE COMMUNITY DEVELOPER THAT IS
 - 8 RESPONSIBLE FOR DOWNTOWN COLUMBIA AND INITIAL OPERATING
 - 9 FUNDING OF THE PARTNERSHIP;
 - 10 (II) THE GENERAL MANAGER OF THE MALL IN COLUMBIA;
 - 11 (III) THE PRESIDENT OF THE COLUMBIA ASSOCIATION; AND
 - 12 (IV) THE COUNTY EXECUTIVE.
- 13 (2) THE DOWNTOWN COLUMBIA PARTNERSHIP BYLAWS SHALL PROVIDE THAT EACH
- 14 MEMBER OF THE BOARD OF DIRECTORS, INCLUDING EACH EX-OFFICIO MEMBER, HAS
- 15 THE SAME VOTING RIGHTS.
- 16 (3) EXCEPT FOR THE COMMUNITY DEVELOPER, IF A PRIVATE ENTITY DECLINES TO HAVE
- 17 A REPRESENTATIVE TO SERVE AS AN EX OFFICIO MEMBER OF THE BOARD OF
- 18 DIRECTORS, A REPLACEMENT SHALL BE APPOINTED BY THE COUNTY EXECUTIVE
- 19 AND CONFIRMED BY THE COUNTY COUNCIL.

20 (D) *ADDITIONAL MEMBERS.* THE THREE ADDITIONAL MEMBERS SHALL BE AS FOLLOWS:

- 21 (1) UNTIL 500,000 SQUARE FEET GROSS LEASABLE AREA OF NEW COMMERCIAL USES
- 22 ARE DEVELOPED, THREE REPRESENTATIVES FROM THE COMMUNITY DEVELOPER
- 23 SHALL SERVE ON THE BOARD OF DIRECTORS.
- 24 (2) UPON THE DEVELOPMENT OF 500,001 SQUARE FEET GROSS LEASABLE AREA OF NEW
- 25 COMMERCIAL USES:
 - 26 (I) ONE MEMBER OF THE BOARD OF DIRECTORS SHALL REPRESENT THE
 - 27 MEMBERSHIP REQUIRED BY CEPPA 25 OF THE DOWNTOWN COLUMBIA
 - 28 PLAN; AND
 - 29 (II) TWO MEMBERS OF THE BOARD OF DIRECTORS SHALL BE APPOINTED BY THE
 - 30 COUNTY EXECUTIVE, CONFIRMED BY THE COUNTY COUNCIL, AND SHALL:
 - 31 A. OWN OR OPERATE A BUSINESS LOCATED IN THE DISTRICT;

- 1 B. OWN COMMERCIAL PROPERTY LOCATED IN THE DISTRICT; OR
2 C. RESIDE IN OR IN CLOSE PROXIMITY TO THE DISTRICT.

3 (E) *TERM.*

- 4 (1) THE TERM OF AN APPOINTED MEMBER OF THE BOARD OF DIRECTORS IS THREE
5 YEARS BUT A MEMBER SHALL SERVE UNTIL A SUCCESSOR IS APPOINTED AND
6 QUALIFIES.
- 7 (2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, AN APPOINTED
8 MEMBER MAY BE REAPPOINTED AT THE END OF A TERM.
- 9 (3) AN APPOINTED MEMBER WHO HAS SERVED TWO CONSECUTIVE TERMS MAY BE
10 REAPPOINTED IF AT LEAST ONE YEAR HAS ELAPSED SINCE THE END OF THE
11 MEMBER'S SECOND TERM.
- 12 (4) THERE IS NO LIMIT ON THE TOTAL NUMBER OF TERMS THAT AN APPOINTED MEMBER
13 MAY SERVE.
- 14 (5) A MEMBER APPOINTED PURSUANT TO SUBSECTION 28.105(D)(2)(II) OF THIS
15 SECTION MAY BE REMOVED FOR ANY REASON BY:
- 16 (i) THE COUNTY EXECUTIVE, SUBJECT TO THE APPROVAL OF THE COUNTY
17 COUNCIL; OR
- 18 (ii) THE COUNTY COUNCIL, SUBJECT TO APPROVAL OF THE COUNTY
19 EXECUTIVE.
- 20 (6) AN APPOINTED MEMBER WHO IS ABSENT FOR 3 CONSECUTIVE REGULAR MEETINGS
21 OF THE BOARD OF DIRECTORS, UNLESS EXCUSED BY VOTE OF THE BOARD OF
22 DIRECTORS, SHALL BE DEEMED TO HAVE RESIGNED.

23 (F) *COMPENSATION.* THE MEMBERS OF THE BOARD OF DIRECTORS SHALL SERVE WITHOUT
24 COMPENSATION BUT MAY BE ENTITLED TO REIMBURSEMENT FOR EXPENSES IN ACCORDANCE WITH
25 THE BYLAWS OF THE DOWNTOWN COLUMBIA PARTNERSHIP.

26 (G) *QUORUM; MEETINGS.*

- 27 (1) ~~FOUR~~ SIX MEMBERS OF THE BOARD OF DIRECTORS IS A QUORUM.
- 28 (2) THE BOARD OF DIRECTORS SHALL MEET AT LEAST SIX TIMES A YEAR AT THE TIMES
29 AND PLACES IT DESIGNATES.

30 (H) *PROCEDURES.* -THE BOARD OF DIRECTORS MAY ESTABLISH RULES OF PROCEDURE.

31 (I) *DUTIES.* THE BOARD OF DIRECTORS SHALL DIRECT THE PROGRAM, MANAGEMENT, AND

1 FINANCES OF THE DOWNTOWN COLUMBIA PARTNERSHIP.

2
3 **SECTION 28.106. BYLAWS.**

4 (A) (1) WITHIN SIX MONTHS OF ITS ESTABLISHMENT, THE BOARD OF DIRECTORS SHALL
5 ADOPT BYLAWS FOR THE DOWNTOWN COLUMBIA PARTNERSHIP.

6 (2) THE BOARD OF DIRECTORS SHALL SUBMIT THE BYLAWS TO THE COUNTY COUNCIL
7 FOR APPROVAL.

8 (3) BY RESOLUTION, THE COUNTY COUNCIL MAY APPROVE THE BYLAWS WITH OR
9 WITHOUT AMENDMENTS.

10 (4) IF THE COUNTY COUNCIL FAILS TO TAKE ACTION ON THE BYLAWS WITHIN 120 DAYS
11 OF RECEIVING THEM, THE FAILURE TO TAKE ACTION CONSTITUTES APPROVAL OF
12 THE BYLAWS.

13 (B) THE BYLAWS MAY CONTAIN ANY LEGAL PROVISION NOT INCONSISTENT WITH THIS TITLE TO
14 MANAGE THE AFFAIRS OF THE DOWNTOWN COLUMBIA PARTNERSHIP.

15 (C) THE BYLAWS SHALL:

16 (1) SET ETHICAL STANDARDS AND DISCLOSURE REQUIREMENTS FOR MEMBERS OF THE
17 BOARD OF DIRECTORS, MEMBERS OF ADVISORY COMMITTEES, AND EMPLOYEES OF
18 THE DOWNTOWN COLUMBIA PARTNERSHIP IN ORDER TO PROTECT AGAINST ANY
19 CONFLICT OF INTEREST OR OTHER IMPROPRIETY. THE ETHICAL STANDARDS AND
20 DISCLOSURE REQUIREMENTS SHALL INCLUDE:

21 (i) A PROVISION PROHIBITING SELF-DEALING AND COLLUSIVE PRACTICES;

22 (ii) A PROVISION FOR THE DISCLOSURE OF A FINANCIAL OR SIMILAR INTEREST
23 OF ANY PERSON IN ANY MATTER BEFORE THE PARTNERSHIP INCLUDING THE
24 ESTABLISHMENT OF CONDITIONS UNDER WHICH THAT PERSON IS
25 DISQUALIFIED FROM PARTICIPATING IN DECISIONS OR OTHER ACTIONS IN
26 WHICH THERE IS A CONFLICT BETWEEN THE PERSON'S OFFICIAL DUTIES AND
27 PRIVATE INTERESTS; AND

28 (iii) APPROPRIATE REMEDIES AGAINST VIOLATION, INCLUDING REMOVAL OF
29 BOARD MEMBERS OR TERMINATION OF EMPLOYMENT.

30 (2) PROVIDE FOR SURETY BONDS OR SIMILAR INSTRUMENTS TO PROTECT AGAINST
31 MISAPPROPRIATION OF FUNDS;

1 (3) PROVIDE FOR REASONABLE AND APPROPRIATE INSURANCE FOR THE ACTIVITIES OF
2 THE DOWNTOWN COMMUNITY PARTNERSHIP; AND

3 (4) PROVIDE FOR TRANSPARENCY IN ACCORDANCE WITH SECTION 28.120 OF THIS
4 TITLE.

5
6 **SECTION 28.107.DUTIES.**

7 THE DOWNTOWN COLUMBIA PARTNERSHIP SHALL:

8 ~~(1) FULFILL ITS RESPONSIBILITIES UNDER THE CEPPAS AND OTHER RESPONSIBILITIES IN-~~
9 ~~THE DOWNTOWN COLUMBIA PLAN;~~

10 (1) FULFILL THE RESPONSIBILITIES ASSIGNED TO IT BY THE DOWNTOWN COLUMBIA
11 PLAN, INCLUDING THE RESPONSIBILITIES ASSIGNED TO IT BY THE CEPPAS;

12 (2) MARKET THE DISTRICT AS A VIBRANT, ECONOMICALLY ROBUST, AND DESIRABLE
13 PLACE TO LIVE, WORK, AND PLAY;

14 (3) BEAUTIFY THE DISTRICT AND MAINTAIN OPEN SPACES AND AMENITY AREAS
15 INCLUDING THE PATHWAYS REQUIRED BY CEPPA 12 AND CEPPA 18;

16 (4) ~~SERVE AS CONTRACT WITH THE DOWNTOWN COLUMBIA HOUSING FOUNDATION AS~~
17 ~~DESCRIBED IN THIS TITLE AND TO PROVIDE AFFORDABLE HOUSING ASSISTANCE AS~~
18 ~~AN AMENITY WITHIN THE DISTRICT IN ACCORDANCE WITH THE DOWNTOWN~~
19 ~~COLUMBIA PLAN, THE DOWNTOWN CEPPA IMPLEMENTATION CHART AND~~
20 ~~SECTION 28.116 OF THIS TITLE;~~

21 (5) UTILIZE AT LEAST FIFTY PERCENT (50%) OF THE REVENUE COLLECTED PURSUANT
22 TO CEPPA 25 FOR THE IMPLEMENTATION OF TRANSPORTATION INITIATIVES IN THE
23 SHUTTLE FEASIBILITY STUDY OR OTHER DIRECT TRANSIT SERVICES WITHIN THE
24 DISTRICT;

25 (6) FACILITATE THE IMPLEMENTATION OF THE COMMUNITY FRAMEWORK FOR
26 ENVIRONMENTAL SUSTAINABILITY IN ACCORDANCE WITH THE ENVIRONMENTAL
27 SUSTAINABILITY PROGRAM AS DESCRIBED IN THE DOWNTOWN COLUMBIA PLAN;

28 (7) COORDINATE WITH THE COLUMBIA ASSOCIATION, THE COUNTY, PROPERTY
29 OWNERS, AND OTHERS FOR PROGRAMMING SPACES THAT ARE INTENDED FOR PUBLIC
30 USE IN THE DISTRICT;

31 (8) PROMOTE AND CONTRACT WITH THE COUNTY OFFICE OF TRANSPORTATION TO

1 IMPLEMENT THE TRANSPORTATION DEMAND MANAGEMENT PLAN IN ACCORDANCE
2 WITH THE DOWNTOWN COLUMBIA PLAN; AND

3 (9) PROMOTE PUBLIC SAFETY AND PROVIDE SECURITY PATROLS.
4

5 **SECTION 28.108. COORDINATION WITH COUNTY UNITS.**

6 WHEN ADDRESSING AN ISSUE WITHIN AN AREA SUBJECT TO COUNTY GOVERNMENT OVERSIGHT,
7 THE PARTNERSHIP SHALL COORDINATE WITH THE APPROPRIATE UNIT OF COUNTY GOVERNMENT.
8

9 **SECTION 28.109. ADVISORY COMMITTEES TO THE DOWNTOWN COLUMBIA PARTNERSHIP.**

10 ~~(A) IN GENERAL. THE BOARD OF DIRECTORS MAY CREATE ADVISORY COMMITTEES.~~

11 ~~(B) COMPOSITION. THE BOARD OF DIRECTORS SHALL DETERMINE THE NUMBER OF MEMBERS OF AN~~
12 ~~ADVISORY COMMITTEE.~~

13 ~~(C) APPOINTMENT.~~

14 ~~(1) THE BOARD OF DIRECTORS SHALL APPOINT MEMBERS TO ADVISORY COMMITTEES.~~

15 ~~(2) A MEMBER OF THE BOARD OF DIRECTORS MAY BE APPOINTED TO AN ADVISORY~~
16 ~~COMMITTEE.~~

17 ~~(3) THE BOARD OF DIRECTORS SHALL DESIGNATE THE CHAIRPERSON OF AN ADVISORY~~
18 ~~COMMITTEE.~~

19 ~~(D) TERM. THE BOARD OF DIRECTORS SHALL SET THE TERM OF A MEMBER OF AN ADVISORY~~
20 ~~COMMITTEE.~~

21 ~~(E) COMPENSATION. THE MEMBERS OF AN ADVISORY COMMITTEE SHALL SERVE WITHOUT~~
22 ~~COMPENSATION BUT MAY BE ENTITLED TO REIMBURSEMENT FOR EXPENSES IN ACCORDANCE WITH~~
23 ~~THE BYLAWS OF THE DOWNTOWN COLUMBIA PARTNERSHIP.~~

24 ~~(F) DUTIES. AN ADVISORY COMMITTEE SHALL ADVISE THE BOARD OF DIRECTORS ON THE MATTERS~~
25 ~~SPECIFIED BY THE BOARD OF DIRECTORS.~~

26 (A) DOWNTOWN COLUMBIA PARTNERSHIP ADVISORY COMMITTEE.

27 (1) THERE IS A DOWNTOWN COLUMBIA PARTNERSHIP ADVISORY COMMITTEE.

28 (2) THE DOWNTOWN COLUMBIA PARTNERSHIP ADVISORY COMMITTEE SHALL HAVE 11
29 MEMBERS. SIX MEMBERS SHALL BE EX OFFICIO MEMBERS AND FIVE MEMBERS SHALL BE SELECTED
30 BY THE COUNTY COUNCIL AS SET FORTH IN SUBSECTION (A) (2) (II) OF THIS SECTION.

1 (I) THE FOLLOWING PERSONS OR THEIR DESIGNEES ARE EX OFFICIO MEMBERS OF
2 THE DOWNTOWN COLUMBIA PARTNERSHIP ADVISORY COMMITTEE:

3 A. THE PRESIDENT OF HOWARD COMMUNITY COLLEGE;

4 B. THE CHIEF EXECUTIVE OFFICER OF HOWARD COUNTY GENERAL
5 HOSPITAL;

6 C. THE CHIEF EXECUTIVE OFFICER OF HOWARD COUNTY ECONOMIC
7 DEVELOPMENT AUTHORITY;

8 D. THE CHAIRPERSON OF HOWARD COUNTY REVENUE AUTHORITY;

9 E. THE PRESIDENT OF THE HOWARD COUNTY CHAMBER OF COMMERCE;

10 AND

11 F. THE CHAIR OF THE TOWN CENTER VILLAGE BOARD.

12 (II) TO SERVE AS MEMBERS OF THE DOWNTOWN COLUMBIA PARTNERSHIP
13 ADVISORY COMMITTEE, THE COUNTY COUNCIL SHALL SELECT THE FOLLOWING
14 ADDITIONAL MEMBERS:

15 A. TWO INDIVIDUALS FROM A LIST OF FOUR RESIDENTS LIVING IN OR IN
16 CLOSE PROXIMITY TO THE DISTRICT SUBMITTED BY THE COUNTY EXECUTIVE;

17 B. ONE OWNER OR GENERAL MANAGER OF A BUSINESS LOCATED WITHIN THE
18 DISTRICT HAVING FEWER THAN 25 EMPLOYEES; AND

19 C. ONE OWNER OF PROPERTY LOCATED IN THE DISTRICT WHO HAS OBTAINED
20 A BUILDING PERMIT FOR DOWNTOWN REVITALIZATION PURSUANT TO SECTION 125
21 OF THE HOWARD COUNTY ZONING REGULATIONS; AND

22 D. ONE INDIVIDUAL REPRESENTING THE MEMBERSHIP REQUIRED BY CEPPA
23 25 OF THE DOWNTOWN COLUMBIA PLAN.

24 (3) COMMITTEE MEMBERS SELECTED PURSUANT TO PARAGRAPH (2)(II) OF THIS
25 SUBSECTION SHALL SERVE FOR A PERIOD OF TWO YEARS. THE COUNTY COUNCIL MAY REAPPOINT

1 COMMITTEE MEMBERS.

2 (4) THE DOWNTOWN COLUMBIA PARTNERSHIP ADVISORY COMMITTEE SHALL ADVISE THE
3 BOARD OF DIRECTORS OF THE DOWNTOWN COLUMBIA PARTNERSHIP ON ALL MATTERS
4 CONCERNING THE MANAGEMENT AND OPERATION OF THE DOWNTOWN COLUMBIA PARTNERSHIP.
5 BY APRIL 1ST OF EACH YEAR, THE COMMITTEE SHALL ADVISE THE COUNTY COUNCIL ON THE
6 PARTNERSHIP'S PREVIOUS CALENDAR YEAR'S ACTIVITIES.

7 (5) MEMBERS OF THE DOWNTOWN COLUMBIA PARTNERSHIP ADVISORY COMMITTEE
8 SHALL SERVE WITHOUT COMPENSATION.

9 (6) (I) ADVISORY COMMITTEE MEMBERS SHALL BE GIVEN THE SAME NOTICE OF THE PLACE,
10 DAY, AND TIME OF BOARD MEETINGS PROVIDED TO MEMBERS OF THE BOARD OF DIRECTORS
11 PURSUANT TO THE PARTNERSHIP'S BYLAWS.

12 (II) DURING EVERY MEETING OF THE BOARD OF DIRECTORS, A REPRESENTATIVE OF
13 THE DOWNTOWN COLUMBIA PARTNERSHIP ADVISORY COMMITTEE SHALL BE PROVIDED
14 WITH AN OPPORTUNITY TO COMMENT ON ALL MATTERS PENDING BEFORE THE BOARD.

15 (7) THE BOOKS AND RECORDS OF THE DOWNTOWN COLUMBIA PARTNERSHIP ARE SUBJECT
16 TO EXAMINATION AND INSPECTION AT ANY REASONABLE TIME BY THE DOWNTOWN COLUMBIA
17 PARTNERSHIP ADVISORY COMMITTEE.

18 (B) ADDITIONAL ADVISORY COMMITTEES.

19 (1) THE BOARD OF DIRECTORS MAY CREATE ADDITIONAL ADVISORY COMMITTEES.

20 (2) THE BOARD OF DIRECTORS SHALL DETERMINE THE NUMBER OF MEMBERS OF EACH
21 ADDITIONAL ADVISORY COMMITTEE.

22 (3) (I) THE BOARD OF DIRECTORS SHALL APPOINT MEMBERS TO ADDITIONAL ADVISORY
23 COMMITTEES.

24 (II) A MEMBER OF THE BOARD OF DIRECTORS MAY BE APPOINTED TO AN
25 ADDITIONAL ADVISORY COMMITTEE.

1 (III) THE BOARD OF DIRECTORS SHALL DESIGNATE THE CHAIRPERSON OF AN
2 ADDITIONAL ADVISORY COMMITTEE.

3 (4) THE BOARD OF DIRECTORS SHALL SET THE TERM OF EACH MEMBER OF AN ADDITIONAL
4 ADVISORY COMMITTEE.

5 (5) THE MEMBERS OF AN ADDITIONAL ADVISORY COMMITTEE SHALL SERVE WITHOUT
6 COMPENSATION.

7 (6) AN ADDITIONAL ADVISORY COMMITTEE SHALL ADVISE THE BOARD OF DIRECTORS ON
8 THE MATTERS SPECIFIED BY THE BOARD OF DIRECTORS.

9
10 **SECTION 28.110. STAFF TO THE DOWNTOWN PARTNERSHIP.**

11 (A) *EXECUTIVE DIRECTOR.* THE BOARD OF DIRECTORS SHALL HIRE AN EXECUTIVE DIRECTOR FOR
12 THE DOWNTOWN COLUMBIA PARTNERSHIP WHO HAS TRAINING OR EXPERIENCE IN MANAGING A
13 DOWNTOWN DISTRICT OR SIMILAR ENTITY.

14 (B) *OTHER EMPLOYEES.* THE DOWNTOWN COLUMBIA PARTNERSHIP MAY EMPLOY OR CONTRACT
15 WITH THE COUNTY OR OTHER PERSONS AS NECESSARY TO CARRY OUT THE ACTIVITIES OF THE
16 DOWNTOWN COLUMBIA PARTNERSHIP.

17 (C) *STATUS.* EMPLOYMENT WITH THE DOWNTOWN COLUMBIA PARTNERSHIP DOES NOT MAKE THE
18 EXECUTIVE DIRECTOR OR AN EMPLOYEE:

19 (1) A COUNTY EMPLOYEE; OR

20 (2) A MEMBER OF A COUNTY RETIREMENT OR PENSION SYSTEM.

21 (D) *COMPENSATION.* THE BOARD OF DIRECTORS SHALL SET THE COMPENSATION OF THE EXECUTIVE
22 DIRECTOR AND THE OTHER EMPLOYEES OF THE DOWNTOWN COLUMBIA PARTNERSHIP, AND SHALL
23 ESTABLISH SUCH CONDITIONS OF EMPLOYMENT IT CONSIDERS APPROPRIATE.

24
25 **SECTION 28.111. ETHICS.**

26 THE BOARD OF DIRECTORS, THE EXECUTIVE DIRECTOR OF THE DOWNTOWN COLUMBIA
27 PARTNERSHIP, AND EMPLOYEES OF THE DOWNTOWN COLUMBIA PARTNERSHIP ARE NOT SUBJECT
28 TO THE HOWARD COUNTY PUBLIC ETHICS LAW.

1 **SECTION 28.112. POWERS OF THE DOWNTOWN COLUMBIA PARTNERSHIP.**

2 (A) *PROPERTY.* THE DOWNTOWN COLUMBIA PARTNERSHIP MAY ACQUIRE, HOLD, USE, ENCUMBER,
3 AND DISPOSE OF BOTH REAL AND PERSONAL PROPERTY AND OTHER PROPERTY RIGHTS NECESSARY
4 TO ACHIEVE ITS PURPOSE, INCLUDING ACQUISITION BY PURCHASE OR LEASE.

5 (B) *CONTRACTS.* THE DOWNTOWN COLUMBIA PARTNERSHIP MAY MAKE CONTRACTS FOR ANY
6 PURPOSE RELATED TO ITS DUTIES SET FORTH IN SECTION 28.107 OF THIS TITLE.

7 (C) *SUITS.* THE DOWNTOWN COLUMBIA PARTNERSHIP MAY SUE AND BE SUED.

8 (D) *CONTRIBUTIONS.* THE DOWNTOWN COLUMBIA PARTNERSHIP MAY ACCEPT GRANTS, GIFTS, OR
9 OTHER CONTRIBUTIONS.

10 (E) *BANK ACCOUNTS.* THE DOWNTOWN COLUMBIA PARTNERSHIP MAY ESTABLISH COMMERCIAL
11 BANK ACCOUNTS, WITH ANY EARNINGS ON FUNDS ACCRUING TO THE DOWNTOWN COLUMBIA
12 PARTNERSHIP.

13 (F) *BORROW FUNDS.* THE DOWNTOWN COLUMBIA PARTNERSHIP MAY BORROW FUNDS IN ORDER
14 TO CARRY OUT ITS PURPOSES UNDER THE DOWNTOWN COLUMBIA PLAN AND THIS TITLE.

15 (G) *PUBLICITY.* THE DOWNTOWN COLUMBIA PARTNERSHIP MAY PUBLICIZE ITS ACTIVITIES AND
16 SELL ADVERTISING.

17 (H) *OTHER ACTIONS.* THE DOWNTOWN PARTNERSHIP MAY TAKE OTHER NECESSARY OR
18 CONVENIENT ACTIONS TO:

- 19 (1) PERFORM TASKS THAT BENEFIT THE DISTRICT; AND
20 (2) CARRY OUT THIS ~~TITLE~~ TITLE SUBTITLE AND THE DOWNTOWN COLUMBIA PLAN.

21
22 **SECTION 28.113. LIMITATIONS.**

23 THE DOWNTOWN COLUMBIA PARTNERSHIP MAY NOT:

- 24 (1) CONDEMN PROPERTY OR EXERCISE ANY POWER OF EMINENT DOMAIN;
25 (2) ISSUE BONDS;
26 (3) PLEDGE THE FAITH OR CREDIT OF THE COUNTY;
27 (4) EXERCISE ANY POLICE OR GENERAL GOVERNMENTAL POWERS;
28 (5) EXCEPT AS PROVIDED IN SECTION 28.112(A) OF THIS TITLE, PURCHASE, SELL, OR
29 CONSTRUCT OR, AS A LANDLORD, LEASE OFFICE OR RETAIL SPACE;
30 (6) COMPETE WITH THE PRIVATE SECTOR EXCEPT AS AUTHORIZED IN THIS TITLE; OR
31 (7) SUE THE COUNTY OR ITS EMPLOYEES AND OFFICIALS.

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SECTION 28.114. FUNDING.

(A) *IN GENERAL.* THE DOWNTOWN COLUMBIA PARTNERSHIP IS FUNDED BY:

- (1) THE PAYMENTS THAT IT RECEIVES FOR PROVIDING GOODS OR SERVICES;
- (2) ASSESSMENTS OR TAXES AS PROVIDED BY LAW;
- (3) PAYMENTS REQUIRED BY THE CEPPAS; AND
- (4) PAYMENTS FROM ANY OTHER SOURCE.

(B) *USES.* MONEY THAT THE DOWNTOWN PARTNERSHIP RECEIVES UNDER THIS SECTION SHALL BE USED ONLY FOR THE PURPOSES OF THIS ~~TITLE~~ SUBTITLE.

(C) *BUDGET PROCESS.*

(1) THE ANNUAL OPERATING BUDGET FOR THE COMING YEAR FOR THE DOWNTOWN COLUMBIA PARTNERSHIP MUST BE APPROVED BY A MAJORITY OF THE MEMBERS OF THE BOARD OF DIRECTORS PRIOR TO DECEMBER 1 OF EACH YEAR.

(2) EACH YEAR BY DECEMBER 1, THE BOARD OF DIRECTORS SHALL SUBMIT THE DOWNTOWN COLUMBIA PARTNERSHIP'S APPROVED OPERATING BUDGET FOR THE COMING CALENDAR YEAR TO THE COUNTY EXECUTIVE, THE COUNTY COUNCIL, AND THE COMMUNITY DEVELOPER.

(3) (I) SUBJECT TO THE AUTOMATIC TERMINATION SET FORTH IN PARAGRAPH (3)(II) OF THIS SUBSECTION, THE COMMUNITY DEVELOPER, IN ACCORDANCE WITH CEPPA 6, SHALL SUBMIT QUARTERLY PAYMENTS TO THE DOWNTOWN COLUMBIA PARTNERSHIP BY JANUARY 1, APRIL 1, JULY 1, AND OCTOBER 1, RESPECTIVELY, OF EACH YEAR TO COVER THE PARTNERSHIP'S INITIAL OPERATING EXPENSES. ~~THE COMMUNITY DEVELOPER'S PAYMENT SHALL BE THE DIFFERENCE BETWEEN THE TOTAL APPROVED OPERATING BUDGET AND OTHER OPERATING REVENUE. IN EACH YEAR THE COMMUNITY DEVELOPER IS REQUIRED TO MAKE QUARTERLY PAYMENTS, THE TOTAL OF THE PAYMENTS SHALL BE THE HIGHER OF \$125,000 OR THE DIFFERENCE BETWEEN THE TOTAL APPROVED OPERATING BUDGET AND OTHER OPERATING REVENUE. THE QUARTERLY PAYMENTS ARE IN ADDITION TO THE CEPPAS AND OTHER OBLIGATIONS IMPOSED ON THE COMMUNITY DEVELOPER BY THE DOWNTOWN COLUMBIA PLAN, AND DO NOT CONSTITUTE COMPLIANCE BY~~

1 THE COMMUNITY DEVELOPER WITH THE CEPPAs AND OTHER OBLIGATIONS,
2 EXCEPT FOR THE OBLIGATION TO FUND THE INITIAL OPERATING EXPENSES OF
3 THE DOWNTOWN COLUMBIA PARTNERSHIP. THE COMMUNITY DEVELOPER IS
4 STILL REQUIRED TO FULLY COMPLY WITH THE REQUIREMENTS OF THE
5 DOWNTOWN COLUMBIA PLAN.

6 (ii) THE COMMUNITY DEVELOPER'S OBLIGATION TO FUND THE INITIAL
7 OPERATING EXPENSES OF THE DOWNTOWN COLUMBIA PARTNERSHIP UNDER
8 CEPPA 6 AND PARAGRAPH (3)(i) OF THIS SUBSECTION AUTOMATICALLY
9 TERMINATES ON THE DATE THE PARTNERSHIP RECEIVES THE FIRST PAYMENT
10 UNDER SECTION 28.115(E) OF THIS TITLE FROM THE OWNER OF THE
11 PROPERTY FOR WHICH THE COUNTY ISSUES A BUILDING PERMIT FOR THE
12 500,000TH SQUARE FOOT OF GROSS LEASABLE AREA OF NEW COMMERCIAL
13 USES.

14 (d) THE COMMUNITY DEVELOPER'S OBLIGATION TO FUND THE INITIAL OPERATING
15 EXPENSES OF THE DOWNTOWN COLUMBIA PARTNERSHIP UNDER CEPPA 6
16 AND PARAGRAPH (3)(i) SHALL NOT BE REQUIRED OF ANY OTHER OWNER OF
17 PROPERTY IN THE DISTRICT WHO DOES NOT DEVELOP COMMERCIAL USES
18 PURSUANT TO SECTION 125A.9 OF THE HOWARD COUNTY ZONING
19 REGULATIONS.

20 **SECTION 28.115. PAYMENTS REQUIRED BY CEPPAs.**

21 (A) THE DOWNTOWN COLUMBIA PLAN PROVIDES FOR CERTAIN PAYMENTS BY THE COMMUNITY
22 DEVELOPER, OWNERS OF PROPERTY DEVELOPED WITH COMMERCIAL USES, AND DEVELOPERS OF
23 RESIDENTIAL PROPERTY. THE COMMUNITY DEVELOPER AND THE COUNTY AGREED TO THE NATURE
24 AND AMOUNTS OF THESE PAYMENTS DURING THE DOWNTOWN COLUMBIA PLAN APPROVAL
25 PROCESS, AND THE PAYMENTS ARE DEDICATED TO FUNDING THE DOWNTOWN COLUMBIA
26 PARTNERSHIP, WHICH IS TASKED WITH DUTIES DESCRIBED IN THE DOWNTOWN COLUMBIA PLAN
27 AND THIS ~~TITLE~~ SUBTITLE. THE PURPOSE OF THIS SECTION IS TO IMPLEMENT THE PAYMENT
28 REQUIREMENTS OF THE DOWNTOWN COLUMBIA PLAN. IN NO CASE SHALL THE OBLIGATION TO
29 MAKE SUCH PAYMENT BE TRIGGERED:

30 (1) BY THE DEVELOPMENT OR CONSTRUCTION OF DOWNTOWN ARTS, CULTURAL AND
31 COMMUNITY USES, DOWNTOWN COMMUNITY COMMONS, OR DOWNTOWN PARKLAND; OR

1 (2) WHEN THE DEVELOPMENT OF AN INDIVIDUAL PARCEL OF LAND SHOWN ON A PLAT
2 OR DEED RECORDED AMONG THE COUNTY LAND RECORDS AS OF APRIL 6, 2010 CONSISTS ONLY OF
3 UP TO A TOTAL OF 10,000 SQUARE FEET OF COMMERCIAL FLOOR AREA AND NO OTHER
4 DEVELOPMENT.

5 (B) *INITIAL OPERATING FUNDING OF THE DOWNTOWN COLUMBIA PARTNERSHIP.* THE COMMUNITY
6 DEVELOPER SHALL FUND THE INITIAL START-UP COSTS OF THE DOWNTOWN COLUMBIA
7 PARTNERSHIP.

8 (C) *INITIAL FUNDING FOR DOWNTOWN COLUMBIA HOUSING FUND; ADDITIONAL FUNDING.*

9 (1) THE COMMUNITY DEVELOPER SHALL PROVIDE \$1,500,000 IN INITIAL FUNDING FOR
10 THE DOWNTOWN COLUMBIA HOUSING FUND UPON:

11 (i) THE ISSUANCE OF THE FIRST BUILDING PERMIT; AND

12 (ii) THE EXPIRATION OF ALL APPLICABLE APPEAL PERIODS ASSOCIATED WITH
13 THE BUILDING PERMIT OR, IF AN APPEAL WAS FILED, UPON THE ISSUANCE OF
14 A FINAL DECISION OF A COURT UPHOLDING THE ISSUANCE OF THE BUILDING
15 PERMIT.

16 (2) THE COMMUNITY DEVELOPER SHALL PROVIDE \$1,500,000 IN ADDITIONAL FUNDING
17 FOR THE DOWNTOWN COLUMBIA HOUSING FUND UPON:

18 (i) THE ISSUANCE OF THE BUILDING PERMIT FOR THE 400TH RESIDENTIAL UNIT;
19 AND

20 (ii) THE EXPIRATION OF ALL APPLICABLE APPEAL PERIODS ASSOCIATED WITH
21 THE BUILDING PERMIT OR, IF AN APPEAL WAS FILED, UPON THE ISSUANCE OF
22 A FINAL DECISION OF A COURT UPHOLDING THE ISSUANCE OF THE BUILDING
23 PERMIT.

24 (D) *DOWNTOWN CIRCULATOR SHUTTLE.* AS REQUIRED BY CEPPA 23, PRIOR TO ISSUANCE OF A
25 BUILDING PERMIT FOR THE 5,000,000TH SQUARE FOOT OF GROSS BUILDING AREA OF DEVELOPMENT,
26 THE COMMUNITY DEVELOPER SHALL PROVIDE \$1,000,000 TOWARDS THE INITIAL FUNDING OF THE
27 DOWNTOWN CIRCULATOR SHUTTLE AS DESCRIBED IN THE DOWNTOWN COLUMBIA PLAN.

28 (E) *COMMERCIAL REVITALIZATION.* PURSUANT TO THE DOWNTOWN COLUMBIA PLAN:

29 (1) IN ACCORDANCE WITH CEPPA 25, OWNERS OF PROPERTY IN THE DISTRICT
30 DEVELOPED WITH COMMERCIAL USES PURSUANT TO SECTION 125A. 9 OF THE

1 HOWARD COUNTY ZONING REGULATIONS SHALL PROVIDE AN ANNUAL PAYMENT
2 OF \$0.25 PER SQUARE FOOT OF GROSS LEASABLE AREA OR NET FLOOR AREA FOR
3 HOTELS CALCULATED IN ACCORDANCE WITH THE BUILDING OWNERS AND
4 MANAGERS ASSOCIATION (BOMA) STANDARDS AS CERTIFIED BY AN ARCHITECT
5 ON PLANS SUBMITTED WITH AN APPLICATION FOR A BUILDING PERMIT AND
6 APPROVED BY THE COUNTY;

7 (2) BEGINNING APRIL 6, 2011, THE PAYMENT REQUIRED BY PARAGRAPH (1) OF THIS
8 SUBSECTION SHALL ANNUALLY ADJUST BASED ON THE CONSUMER PRICE INDEX
9 FOR ALL URBAN CONSUMERS (CPI-U) FOR THE WASHINGTON-BALTIMORE AREA
10 PUBLISHED BY THE BUREAU OF LABOR STATISTICS OF THE UNITED STATES
11 DEPARTMENT OF LABOR; AND

12 (3) (I) THE INITIAL PAYMENT SHALL BE PAID PRIOR TO ISSUANCE OF OCCUPANCY
13 PERMITS FOR THE BUILDINGS AND SHALL BE PRO-RATED MONTHLY BASED
14 ON THE CALENDAR YEAR;

15 (II) SUBSEQUENT PAYMENTS SHALL BE DUE ON OR BEFORE JANUARY 1 OF EACH
16 YEAR FOLLOWING THE YEAR OF INITIAL PAYMENT.

17 (F) *AFFORDABLE HOUSING -RESIDENTIAL UNITS*. PURSUANT TO THE DOWNTOWN COLUMBIA PLAN:

18 (1) EACH DEVELOPER OF RESIDENTIAL PROPERTY IN THE DISTRICT SHALL PROVIDE A
19 ONE-TIME, PER UNIT PAYMENT TO BE IMPOSED ON THE ISSUANCE OF ANY BUILDING
20 PERMIT FOR A BUILDING CONTAINING DWELLING UNITS AS FOLLOWS:

21 (i) \$2,000 PER UNIT FOR EACH UNIT UP TO AND INCLUDING THE 1,500TH UNIT;

22 (ii) \$7,000 PER UNIT FOR EACH UNIT BETWEEN THE 1,501TH UNIT UP TO AND
23 INCLUDING THE 3,500TH UNIT; AND

24 (iii) \$9,000 PER UNIT FOR EACH UNIT BETWEEN THE 3,501ST UNIT UP TO AND
25 INCLUDING THE 5,500TH UNIT.

26 (2) BEGINNING APRIL 6, 2011, THE PAYMENT REQUIRED BY PARAGRAPH (1) OF THIS
27 SUBSECTION SHALL ANNUALLY ADJUST BASED ON THE ENGINEERING NEWS-
28 RECORD BUILDING COST INDEX.

29 (3) A DEVELOPER OF RESIDENTIAL PROPERTY IN THE DISTRICT WHO PROVIDES
30 AFFORDABLE HOUSING UNITS IN THE DISTRICT AS AN ALTERNATIVE SATISFACTION
31 OF THE AFFORDABLE HOUSING REQUIREMENT AS PROVIDED IN THE ZONING

1 REGULATIONS, IS NOT REQUIRED TO MAKE THE PAYMENTS PROVIDED IN
2 SUBSECTION (F)(1) ABOVE.

3 (G) *AFFORDABLE HOUSING-COMMERCIAL USES. PURSUANT TO THE DOWNTOWN COLUMBIA PLAN:*

4 (1) IN ACCORDANCE WITH CEPPA 27, OWNERS OF PROPERTY IN THE DISTRICT
5 DEVELOPED WITH COMMERCIAL USES PURSUANT TO SECTION 125A. 9 OF THE
6 HOWARD COUNTY ZONING REGULATIONS SHALL PROVIDE AN ANNUAL PAYMENT
7 OF \$0.05 PER-SQUARE FOOT OF GROSS LEASABLE AREA OR NET FLOOR AREA FOR
8 HOTELS CALCULATED IN ACCORDANCE WITH THE BUILDING OWNERS AND
9 MANAGERS ASSOCIATION (BOMA) STANDARDS AS CERTIFIED BY AN ARCHITECT
10 ON PLANS SUBMITTED WITH AN APPLICATION FOR A BUILDING PERMIT AND
11 APPROVED BY THE COUNTY;

12 (2) BEGINNING APRIL 6, 2011, THE PAYMENT REQUIRED BY PARAGRAPH (1) OF THIS
13 SUBSECTION SHALL ANNUALLY ADJUST BASED ON THE ENGINEERING NEWS-
14 RECORD BUILDING COST INDEX; AND

15 (3) (I) THE INITIAL PAYMENT SHALL BE PAID PRIOR TO ISSUANCE OF OCCUPANCY
16 PERMITS FOR THE BUILDINGS AND SHALL BE PRO-RATED MONTHLY BASED
17 ON THE CALENDAR YEAR;

18 (II) SUBSEQUENT PAYMENTS SHALL BE DUE ON OR BEFORE JANUARY 1 OF EACH
19 YEAR FOLLOWING THE YEAR OF INITIAL PAYMENT.

20 (H) *COLLECTION; ENFORCEMENT.*

21 (1) (I) BEFORE THE COUNTY ISSUES AN OCCUPANCY PERMIT FOR A BUILDING
22 SUBJECT TO SUBSECTIONS (E) AND (G) OF THIS SECTION, THE OWNER SHALL
23 SATISFY THE DEPARTMENT OF INSPECTIONS, LICENSES AND PERMITS THAT
24 PAYMENTS REQUIRED BY THOSE SUBSECTIONS HAVE BEEN MADE.

25 (II) PAYMENTS UNDER SUBSECTION (F) OF THIS SECTION ARE CONTINGENT UPON
26 THE EXPIRATION OF ALL APPLICABLE APPEAL PERIODS ASSOCIATED WITH
27 EACH BUILDING PERMIT WITHOUT AN APPEAL BEING FILED, OR IF AN APPEAL
28 IS FILED UPON THE ISSUANCE OF A FINAL DECISION OF THE COURTS
29 UPHOLDING THE-ISSUANCE-OF THE PERMIT.

30 (2) FAILURE TO MAKE PAYMENTS REQUIRED BY THIS TITLE:

31 (I) SHALL BE CERTIFIED TO THE DIRECTOR OF FINANCE OF THE COUNTY;

- 1 (II) SHALL BE A LIEN ON PROPERTY BELONGING TO THE PERSON OR BUSINESS
2 REQUIRED TO MAKE PAYMENT;
3 (III) SHALL BE COLLECTIBLE IN THE SAME MANNER AS ANY CIVIL MONEY
4 JUDGMENT OR DEBT MAY BE COLLECTED; AND
5 (IV) SHALL ACCRUE PENALTIES AT THE SAME RATE AND IN THE SAME MANNER
6 AS THE ACCRUAL OF INTEREST AND PENALTIES FOR UNPAID REAL PROPERTY
7 TAXES.

8 (I) PAYMENTS REQUIRED BY THIS SECTION SHALL BE MADE TO THE DOWNTOWN COLUMBIA
9 PARTNERSHIP.

10 (J) AS PROVIDED IN THE DOWNTOWN COLUMBIA PLAN, THE OWNER OF COMMERCIAL PROPERTY
11 LOCATED IN THE DISTRICT IS NOT REQUIRED TO MAKE THE PAYMENTS IMPLEMENTED BY
12 SUBSECTIONS (E) AND (G) OF THIS SECTION UNLESS THE OWNER DEVELOPS OR REDEVELOPS THE
13 PROPERTY IN ACCORDANCE WITH THE DOWNTOWN REVITALIZATION PROVISIONS OF SECTION 125
14 OF THE ZONING REGULATIONS.

15 **SECTION 28.116. AFFORDABLE HOUSING.**

16 (A) *AFFORDABLE HOUSING TERMS DEFINED.* FOR PURPOSES OF THIS SECTION, THE FOLLOWING
17 WORDS HAVE THE MEANINGS INDICATED:

18 (1) *AFFORDABLE HOUSING UNIT.* AFFORDABLE HOUSING UNIT MEANS A DWELLING UNIT
19 THAT IS MADE AVAILABLE FOR SALE OR RENT BELOW MARKET RATE TO
20 HOUSEHOLDS OF ELIGIBLE INCOME.

21 (2) "HOUSEHOLDS OF ELIGIBLE INCOME" MEANS:

22 (I) AS TO DWELLING UNITS THAT ARE STATE OR FEDERALLY FUNDED,
23 INDIVIDUALS OR HOUSEHOLDS WHO MEET THE INCOME REQUIREMENTS OF
24 THE STATE OR FEDERAL PROGRAM INVOLVED; OR

25 (II) AS TO OTHER DEVELOPMENTS, INDIVIDUALS, OR HOUSEHOLDS WHO LACK
26 SUFFICIENT INCOME OR ASSETS TO ENABLE THEM TO PURCHASE OR RENT
27 DECENT, SAFE, AND SANITARY DWELLINGS WITHOUT OVERCROWDING.

28 (III) THE DETERMINATION OF INCOME LEVELS MAY VARY WITH RESPECT TO THE
29 ELDERLY, THE DISABLED, OTHER PERSONS WITH SPECIAL NEEDS, OR
30 PARTICULAR UNITS OR PROGRAMS.

1 ~~(B) FOUNDATION. THE DOWNTOWN COLUMBIA PARTNERSHIP SERVES AS THE DOWNTOWN~~
2 ~~COLUMBIA HOUSING FOUNDATION DESCRIBED IN THE DOWNTOWN COLUMBIA PLAN.~~

3 (B) FOUNDATION. THE DOWNTOWN COLUMBIA HOUSING FOUNDATION IS THE ENTITY SELECTED AS
4 THE FOUNDATION UNDER SUBTITLE 2 OF THIS TITLE.

5 (C) *FUND.*

6 (1) THERE IS A DOWNTOWN COLUMBIA COMMUNITY HOUSING FUND.

7 (2) THE FUND CONSISTS OF:

8 (I) MONEY COLLECTED UNDER SECTION 28.115(C)(F), AND (G) OF THIS TITLE;

9 (II) MONEY RECEIVED FROM ANY PUBLIC OR PRIVATE SOURCE, INCLUDING A
10 GIFT, GRANT, OR LEGACY;

11 (III) INVESTMENT EARNINGS OF THE FUND; AND

12 (IV) REPAYMENTS OF PRINCIPAL OR INTEREST ON LOANS MADE FROM THE FUND.

13 (3) THE FUND IS A SEPARATE, NONLAPSING FUND THAT MAY NOT BE COMMINGLED
14 WITH ANY OTHER DOWNTOWN COLUMBIA PARTNERSHIP FUND.

15 (4) THE DOWNTOWN COLUMBIA PARTNERSHIP, ~~IN ITS CAPACITY AS THE DOWNTOWN~~
16 ~~COLUMBIA HOUSING FOUNDATION,~~ SHALL CONTRACT WITH THE ~~HOWARD COUNTY~~
17 ~~HOUSING COMMISSION~~ DOWNTOWN COLUMBIA HOUSING FOUNDATION TO
18 ADMINISTER THE FUND FOR THE PURPOSE OF PROVIDING AFFORDABLE HOUSING
19 ASSISTANCE AS AN AMENITY WITHIN THE DISTRICT AS DESCRIBED IN THE
20 DOWNTOWN COLUMBIA PLAN, THE DOWNTOWN CEPPA IMPLEMENTATION
21 CHART, AND THIS TITLE.

22 (5) THE ~~HOWARD COUNTY HOUSING COMMISSION~~ DOWNTOWN COLUMBIA HOUSING
23 FOUNDATION IS RESPONSIBLE FOR DECISIONS CONCERNING THE USE OF THE FUND
24 AND SHALL ADMINISTER THE FUND ~~AT NO COST~~ FOR A REASONABLE FEE, WHICH
25 SHALL NOT EXCEED 5% OF THE FUND OR \$100,000, WHICHEVER IS LESS.

26 (D) *USES OF FUND.* THE ~~HOWARD COUNTY HOUSING COMMISSION~~ DOWNTOWN COLUMBIA
27 HOUSING FOUNDATION SHALL USE THE FUND TO MAKE AFFORDABLE HOUSING MORE AVAILABLE IN
28 DOWNTOWN COLUMBIA BY MAKING AWARDS FROM THE FUND TO:

29 (1) ASSIST FOR-PROFIT AND NONPROFIT DEVELOPERS TO ACQUIRE, BUILD,
30 REHABILITATE, OR PRESERVE AFFORDABLE HOUSING UNITS;

31 (2) CONTRIBUTE TO THE PAYMENT OF PREDEVELOPMENT OR OPERATING EXPENSES OF

- 1 AFFORDABLE HOUSING UNITS;
- 2 (3) ASSIST NONPROFIT ENTITIES TO ACQUIRE, BUILD, REHABILITATE, OR PRESERVE
- 3 SPECIAL NEEDS HOUSING;
- 4 (4) PROVIDE RENTAL ASSISTANCE ENABLING A HOUSEHOLD OF ELIGIBLE INCOME TO
- 5 PAY RENT FOR THE FAMILY'S PRIMARY RESIDENCE;
- 6 (5) MAKE LOANS ENABLING A HOUSEHOLD OF ELIGIBLE INCOME TO PURCHASE THE
- 7 FAMILY'S PRIMARY RESIDENCE; AND
- 8 (6) PROVIDE EVICTION PREVENTION AND FORECLOSURE ASSISTANCE.

9 (E) WITHDRAWAL OF RECOGNITION OF FOUNDATION.

10 THE CONTRACT UNDER SUBSECTION (C)(4) OF THIS SECTION SHALL PROVIDE THAT IF THE

11 DOWNTOWN COLUMBIA HOUSING FOUNDATION'S RECOGNITION UNDER SUBTITLE 2 OF THIS TITLE

12 IS TERMINATED FOR ANY REASON:

13 (1) THE FOUNDATION SHALL PRESERVE ALL MONEY IN THE FUND AND IMMEDIATELY

14 TRANSFER IT TO THE DOWNTOWN COLUMBIA PARTNERSHIP;

15 (2) THE FOUNDATION SHALL PROVIDE A FULL ACCOUNTING OF THE FUND TO THE

16 DOWNTOWN COLUMBIA PARTNERSHIP; AND

17 (3) THE DOWNTOWN COLUMBIA PARTNERSHIP SHALL HAVE IMMEDIATE ACCESS TO ALL BOOKS

18 AND RECORDS OF THE FOUNDATION.

19 **SECTION 28.117. TRANSPORTATION.**

20 (A) *IN GENERAL.* THE DOWNTOWN COLUMBIA PARTNERSHIP:

21 (1) SHALL SUPPORT THE TRANSPORTATION INITIATIVES OUTLINED IN THE SHUTTLE

22 FEASIBILITY STUDY CALLED FOR IN THE DOWNTOWN COLUMBIA PLAN; AND

23 (2) SHALL PROMOTE AND IMPLEMENT THE TRANSPORTATION DEMAND MANAGEMENT

24 PLAN CALLED FOR IN THE DOWNTOWN COLUMBIA PLAN.

25 (3) ~~MAY~~ SHALL CONTRACT WITH THE COUNTY OFFICE OF TRANSPORTATION OR OTHER

26 TRANSIT PROVIDER TO CARRY OUT THIS SECTION.

27 (B) *USE OF FUNDS.* THE DOWNTOWN COLUMBIA PARTNERSHIP SHALL USE AT LEAST 50% OF THE

28 REVENUE COLLECTED PURSUANT TO SECTION 28.115(E) OF THIS TITLE TO IMPLEMENT:

29 (1) TRANSPORTATION INITIATIVES IN THE SHUTTLE FEASIBILITY STUDY; OR

30 (2) OTHER DIRECT TRANSIT SERVICES IN DOWNTOWN COLUMBIA.

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2 **SECTION 28.118. REPORTS AND RECORDS.**

3 (A) *REPORTS.* BY APRIL 1 OF EACH YEAR, THE DOWNTOWN COLUMBIA PARTNERSHIP SHALL SEND
4 THE COUNTY EXECUTIVE AND THE COUNTY COUNCIL AN ANNUAL REPORT INCLUDING:

5 (1) THE ACTIVITIES OF THE DOWNTOWN COLUMBIA PARTNERSHIP FOR THE PREVIOUS
6 CALENDAR YEAR;

7 ~~(2) THE DOWNTOWN COLUMBIA PARTNERSHIP'S FINANCIAL STANDING FOR THE~~
8 ~~PREVIOUS CALENDAR YEAR;~~

9 (2) THE RESULTS OF AN ANNUAL INDEPENDENT AUDIT CONDUCTED BY A CERTIFIED PUBLIC
10 ACCOUNTANT, INCLUDING A COPY OF ANY ACCOMPANYING MANAGEMENT LETTER;

11 (3) THE EFFORTS OF THE DOWNTOWN COLUMBIA PARTNERSHIP TO INCLUDE
12 MINORITIES AND LOCAL BUSINESSES WHEN PROCURING GOODS AND SERVICES; AND

13 (4) RECOMMENDATIONS FOR THE IMPROVEMENT AND ADVANCEMENT OF THE
14 DISTRICT; AND.

15 ~~(5) THE AUDIT REPORT REQUIRED UNDER SUBSECTION (B) OF THIS SECTION. ; AND~~

16 (6) INFORMATION ABOUT ANY DETERMINATION OF INCOME LEVELS UNDER § 28.116(A)(2)
17 OF THIS TITLE.

18 (B) *RECORDS; AUDIT:*

19 ~~(1) THE DOWNTOWN COLUMBIA PARTNERSHIP SHALL KEEP RECORDS CONSISTENT~~
20 ~~WITH SOUND BUSINESS PRACTICES AND KEEP ACCOUNTING RECORDS USING~~
21 ~~GENERALLY ACCEPTED ACCOUNTING PRINCIPLES.~~

22 ~~(2) THE DOWNTOWN COLUMBIA PARTNERSHIP SHALL HAVE ITS BOOKS AND RECORDS~~
23 ~~AUDITED BY THE COUNTY AUDITOR AT THE END OF EACH CALENDAR YEAR.~~

24 (C) *COUNTY AUDIT.*

25 (1) THE BOOKS AND RECORDS OF THE DOWNTOWN COLUMBIA PARTNERSHIP ARE
26 SUBJECT TO AUDIT, EXAMINATION, AND INSPECTION AT ANY REASONABLE TIME BY
27 THE COUNTY EXECUTIVE OR COUNTY COUNCIL OR THEIR DESIGNEES.

28 (2) IN ADDITION TO ANY FINANCIAL AUDIT REQUIRED BY THIS SECTION, THE COUNTY
29 MAY CONDUCT PERFORMANCE OR MANAGEMENT AUDITS.

30
31 **SECTION 28.119. PROCUREMENT.**

1 (A) *IN GENERAL*. EXCEPT AS OTHERWISE PROVIDED IN ARTICLE 25A, SECTION 5(F) OF THE
2 MARYLAND CODE, THE DOWNTOWN COLUMBIA PARTNERSHIP IS NOT SUBJECT TO THE COUNTY
3 PURCHASING CODE.

4 (B) *COOPERATION WITH COUNTY*. TO THE EXTENT PRACTICAL, THE DOWNTOWN COLUMBIA
5 PARTNERSHIP SHALL PURCHASE GOODS AND SERVICES COOPERATIVELY WITH THE COUNTY UNDER
6 TITLE 4 OF THE HOWARD COUNTY CODE.

7 (C) *COOPERATION WITH COMMUNITY DEVELOPER*. TO THE EXTENT PRACTICAL, THE DOWNTOWN
8 COLUMBIA PARTNERSHIP SHALL COOPERATE WITH THE COMMUNITY DEVELOPER TO ACHIEVE
9 BUDGET EFFICIENCIES INCLUDING STAFFING, OFFICE SPACE, AND OTHER RESOURCES. THE
10 DOWNTOWN COLUMBIA PARTNERSHIP SHALL NOT COMPENSATE THE COMMUNITY DEVELOPER OR
11 ANY OF ITS EMPLOYEES UNTIL THE COMMUNITY DEVELOPER'S OBLIGATION TO FUND THE INITIAL
12 OPERATING EXPENSES OF THE DOWNTOWN COLUMBIA PARTNERSHIP IN ACCORDANCE WITH
13 CEPPA 6 AND SECTION 28.114(C)(3)(II) OF THIS TITLE TERMINATES.

14

15 **SECTION 28.120. MARYLAND OPEN MEETINGS AND PUBLIC INFORMATION ACTS.**

16 (A) *OPEN MEETINGS ACT*. THE DOWNTOWN PARTNERSHIP SHALL COMPLY WITH THE MARYLAND
17 OPEN MEETINGS ACT IN THE SAME MANNER THAT A POLITICAL SUBDIVISION IS REQUIRED TO
18 COMPLY.

19 (B) *PUBLIC INFORMATION ACT*. THE DOWNTOWN PARTNERSHIP SHALL PROVIDE ACCESS TO ITS
20 RECORDS AND DOCUMENTS IN THE SAME MANNER THAT A POLITICAL SUBDIVISION IS REQUIRED TO
21 PROVIDE ACCESS UNDER THE MARYLAND PUBLIC INFORMATION ACT.

22 **SECTION 28.121. LEGAL ADVISOR.**

23 (A) *IN GENERAL*. ~~THE ONCE 500,001 SQUARE FEET OF GROSS LEASABLE AREA OF NEW~~
24 ~~COMMERCIAL USES IN THE DISTRICT HAS BEEN DEVELOPED, THE COUNTY SOLICITOR IS THE LEGAL~~
25 ~~ADVISOR TO THE DOWNTOWN COLUMBIA PARTNERSHIP AND.~~

26 ~~(B) NOTIFICATION. THE COUNTY SOLICITOR SHALL BE NOTIFIED OF ANY LEGAL ACTION BROUGHT~~
27 ~~BY OR AGAINST THE DOWNTOWN COLUMBIA PARTNERSHIP.~~

28 ~~(B)(C) OUTSIDE COUNSEL. THIS SECTION DOES NOT PROHIBIT THE DOWNTOWN COLUMBIA~~
29 ~~PARTNERSHIP FROM HIRING ADDITIONAL LEGAL COUNSEL APPROVED BY THE COUNTY SOLICITOR.~~

30

1 **SECTION 28.122. LIABILITY.**

2 THE COUNTY IS NOT LIABLE IN CONTRACT OR TORT FOR ACTS OR OMISSIONS OF THE DOWNTOWN
3 COLUMBIA PARTNERSHIP OR ITS AGENTS AND EMPLOYEES. EACH CONTRACT EXECUTED BY THE
4 DOWNTOWN COLUMBIA PARTNERSHIP SHALL SO PROVIDE THAT THE COUNTY IS NOT LIABLE.

5
6 **SECTION 28.123. LOCAL GOVERNMENT TORT CLAIMS ACT.**

7 AS A COMMERCIAL DISTRICT MANAGEMENT AUTHORITY, THE DOWNTOWN COLUMBIA
8 PARTNERSHIP IS A "LOCAL GOVERNMENT" AS THAT PHRASE IS USED IN THE LOCAL GOVERNMENT
9 TORT CLAIMS ACT. THE DOWNTOWN COLUMBIA PARTNERSHIP IS THE REAL PARTY IN INTEREST
10 UNDER THE MARYLAND RULES OF PROCEDURE AND FOR PURPOSES OF THE LOCAL GOVERNMENT
11 TORT CLAIMS ACT.

12
13 **SECTION 28.124. TERMINATION OF DOWNTOWN COLUMBIA PARTNERSHIP.**

14 (A) *PERPETUAL EXISTENCE.* EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE DOWNTOWN
15 COLUMBIA PARTNERSHIP HAS PERPETUAL EXISTENCE.

16 (B) *TERMINATION.* BY ORDINANCE ADOPTED BY THE COUNTY COUNCIL AND APPROVED BY THE
17 COUNTY EXECUTIVE, THE DOWNTOWN COLUMBIA PARTNERSHIP MAY BE TERMINATED.

18 (C) *CONTRACTS; SERVICES.* IF THE DOWNTOWN COLUMBIA PARTNERSHIP TERMINATES, ALL OF ITS
19 CONTRACTS AND SERVICES TERMINATE UNLESS EXPRESSLY ASSUMED AND MAINTAINED BY THE
20 COUNTY.

21 (D) *ASSETS.* IF THE PARTNERSHIP IS TERMINATED AS PROVIDED IN THIS SECTION, ANY ASSETS
22 REMAINING AFTER ALL LIABILITIES AND OBLIGATIONS OF THE CORPORATION ARE SATISFIED SHALL
23 BE DISTRIBUTED TO THE COUNTY.

24
25 **SECTION 28.125. SEVERABILITY.**

26 IF ANY PROVISION OF THIS TITLE OR THE APPLICATION THEREOF TO ANY PERSON OR
27 CIRCUMSTANCE IS HELD INVALID FOR ANY REASON IN A COURT OF COMPETENT JURISDICTION, THE
28 INVALIDITY SHALL NOT AFFECT OTHER PROVISIONS OR ANY OTHER APPLICATION OF THIS TITLE
29 THAT CAN BE GIVEN EFFECT WITHOUT THE INVALID PROVISION OR APPLICATION, AND FOR THIS
30 PURPOSE THE PROVISIONS OF THIS TITLE ARE SEVERABLE.

1 **SUBTITLE 2. DOWNTOWN COLUMBIA HOUSING FOUNDATION.**

2 **SEC. 28.200. - PURPOSES.**

3 THE COUNTY COUNCIL OF HOWARD COUNTY, MARYLAND, DECLARES THAT:

4 (1) A DOWNTOWN COLUMBIA HOUSING FOUNDATION IS NEEDED TO FULFILL THE VISION OF
5 THE DOWNTOWN COLUMBIA PLAN, A GENERAL PLAN AMENDMENT, FOR A FULL-SPECTRUM AND
6 DIVERSE MIX OF HOUSING, ENSURING THAT LOW-, MODERATE- AND MIDDLE-INCOME FAMILIES
7 HAVE AN OPPORTUNITY TO LIVE IN DOWNTOWN COLUMBIA;

8 (2) IT IS NECESSARY AND APPROPRIATE FOR THE COUNTY GOVERNMENT TO COMPLEMENT,
9 ASSIST, ENCOURAGE AND PROMOTE THE ESTABLISHMENT AND RECOGNITION OF AN ENTITY TO
10 SERVE AS THE DOWNTOWN COLUMBIA HOUSING FOUNDATION DESCRIBED IN THE DOWNTOWN
11 COLUMBIA PLAN; AND

12 (3) DEVELOPMENT OF ADDITIONAL HOUSING UNITS IN DOWNTOWN COLUMBIA MUST
13 PROVIDE INCREASED HOUSING OPPORTUNITIES FOR RESIDENTS AT DIFFERENT INCOME LEVELS AND
14 SHOULD PROVIDE A RANGE OF HOUSING CHOICES.

15 **SEC. 28.201. – “FOUNDATION” DEFINED.**

16 IN THIS SUBTITLE, “FOUNDATION” MEANS THE DOWNTOWN COLUMBIA HOUSING
17 FOUNDATION RECOGNIZED BY THE COUNTY COUNCIL UNDER THIS SUBTITLE.

18 **SEC. 28.202. – FOUNDATION - ASSISTANCE.**

19 THE COUNTY GOVERNMENT MAY AND SHOULD PROVIDE ASSISTANCE TO A FOUNDATION
20 AS A NOT-FOR-PROFIT ENTITY ORGANIZED FOR THE PURPOSE OF PROVIDING AFFORDABLE HOUSING
21 UNDER § 28.116 OF THIS TITLE.

22 **SEC. 28.203. - MEMBERSHIP AND ORGANIZATION.**

23 (A) IN GENERAL.

24 THE FOUNDATION:

25 (1) SHALL BE A NOT-FOR-PROFIT; AND

26 (2) SHOULD INCLUDE REPRESENTATION FROM PRIVATE ENTITIES, COUNTY AND OTHER

1 PUBLIC AGENCIES, THE COMMUNITY DEVELOPER, ORGANIZATIONS, AND INDIVIDUALS WHO ARE
2 GENERALLY ABLE TO PROMOTE THE PURPOSES SPECIFIED IN THIS SUBTITLE.

3 (B) CONFLICT OF INTEREST.

4 TO AVOID CONFLICTS OF INTEREST, OR THE APPEARANCE THEREOF, THE BYLAWS OF THE
5 FOUNDATION SHALL PROVIDE THAT ANY OF ITS MEMBERS WHO ARE CONNECTED WITH, OR ARE
6 OFFICERS OF, AN ENTITY REQUESTING FUNDING FROM THE FOUNDATION SHALL ABSTAIN FROM
7 VOTING ON FUNDING FOR SUCH ORGANIZATIONS.

8 **SEC. 28.204. - RECOGNITION; EFFECT OF RECOGNITION; WITHDRAWAL OF RECOGNITION.**

9 (A) APPLICATION FOR RECOGNITION.

10 AN ORGANIZATION SEEKING RECOGNITION AS THE FOUNDATION UNDER THIS SUBTITLE
11 SHALL SUBMIT TO THE COUNTY COUNCIL AN APPLICATION THAT INCLUDES:

12 (1) A COPY OF ITS ARTICLES OF INCORPORATION AND BYLAWS;

13 (2) A LISTING OF ITS OFFICERS AND DIRECTORS;

14 (3) A SUMMARY OF THE RELEVANT BACKGROUND AND EXPERIENCE OF THE BOARD OF
15 DIRECTORS OF THE ORGANIZATION THAT DEMONSTRATES SUCCESS IN FINANCING AFFORDABLE
16 HOUSING AND MANAGING HOUSING ASSISTANCE PROGRAMS;

17 (4) A STATEMENT OF THE GENERAL NATURE OF, AND THE MANNER IN WHICH THE
18 FOUNDATION PROPOSES TO PROVIDE AFFORDABLE HOUSING IN DOWNTOWN COLUMBIA;

19 (5) A DESCRIPTION OF THE METHODS TO BE FOLLOWED TO CARRY OUT THE PROGRAM
20 DESCRIBED IN § 28.205 OF THIS SUBTITLE, INCLUDING PROCEDURES FOR ADVISORY
21 COMMITTEES AND PUBLIC PARTICIPATION.

22 (B) RECOGNITION.

23 BY RESOLUTION, THE COUNTY COUNCIL MAY RECOGNIZE, WITH OR WITHOUT CONDITIONS,
24 THE APPLICANT AS THE DOWNTOWN COLUMBIA HOUSING FOUNDATION:

25 (1) BASED ON THE SUBMISSIONS MADE UNDER THIS SECTION;

26 (2) AFTER RECEIVING THE RECOMMENDATIONS OF THE COUNTY EXECUTIVE; AND

1 (3) AFTER A PUBLIC HEARING.

2 (C) ANNUAL PROGRESS.

3 (1) AS A CONDITION OF CONTINUED RECOGNITION UNDER THIS SUBTITLE, THE
4 FOUNDATION SHALL:

5 (i) ESTABLISH AN ADEQUATE SYSTEM FOR MAINTAINING AND UPDATING ITS
6 PROGRAM IN ACCORDANCE WITH THIS TITLE AND THE DOWNTOWN COLUMBIA PLAN, WITH
7 REASONABLE ANNUAL GOALS AND PRIORITIES;

8 (ii) SUBMIT AN ANNUAL WRITTEN REPORT TO THE COUNTY COUNCIL, THE COUNTY
9 EXECUTIVE, AND THE DOWNTOWN COLUMBIA PARTNERSHIP THAT DESCRIBES PROGRESS
10 AND PROBLEMS IN CARRYING OUT THE PROGRAM REQUIRED BY THIS SUBTITLE; AND

11 (iii) INCLUDE IN THE REPORT THE FINANCIAL STANDING OF THE FUND, THE WAYS
12 THE FUND HAS BEEN USED IN THE PAST YEAR, AND THE PROJECTED USES OF THE FUND.

13 (2) THE REPORT REQUIRED BY THIS SUBSECTION SHALL BE AVAILABLE TO THE PUBLIC.

14 (D) EFFECT OF RECOGNITION.

15 (1) WHILE IT IS ENVISIONED THAT THE DOWNTOWN COLUMBIA PARTNERSHIP SHALL
16 CONTRACT WITH THE FOUNDATION TO PROVIDE AFFORDABLE HOUSING UNDER THE DOWNTOWN
17 COLUMBIA PLAN, NEITHER THE CONTRACTUAL ARRANGEMENT NOR RECOGNITION OF THE
18 FOUNDATION RELIEVES THE PARTNERSHIP OF ANY RESPONSIBILITY UNDER THE DOWNTOWN
19 COLUMBIA PLAN.

20 (2) RECOGNITION OF THE FOUNDATION AS PROVIDED IN THIS SUBTITLE DOES NOT MAKE
21 THE FOUNDATION A PUBLIC INSTRUMENTALITY OF THE COUNTY.

22 (E) WITHDRAWAL OF RECOGNITION.

23 BY RESOLUTION AND AFTER A PUBLIC HEARING, THE COUNTY COUNCIL MAY WITHDRAW
24 ITS RECOGNITION OF THE FOUNDATION IF THE COUNTY COUNCIL DETERMINES THAT THE
25 FOUNDATION HAS CEASED TO MEET THE REQUIREMENTS OF THIS SUBTITLE OR CONDITIONS
26 IMPOSED BY THE COUNCIL IN THE RESOLUTION RECOGNIZING THE APPLICANT AS THE FOUNDATION.

1 **SEC. 28.205. PROGRAM.**

2 THE FOUNDATION SHALL DEVELOP AND CARRY OUT A PROGRAM OF SERVICES AND
3 FINANCIAL ASSISTANCE THAT MAY INCLUDE BUT IS NOT LIMITED TO:

4 (1) CREATING A FLEXIBLE MODEL THAT ASPIRES TO MAKE NEW HOUSING IN THE DISTRICT
5 AFFORDABLE TO INDIVIDUALS EARNING ACROSS ALL INCOME LEVELS;

6 (2) CREATING AN EFFECTIVE, FLEXIBLE MEANS OF PROVIDING A FULL SPECTRUM OF
7 HOUSING FOR DOWNTOWN COLUMBIA;

8 (3) CONDUCTING MEANINGFUL DISCUSSIONS WITH LAND PURCHASERS IN DOWNTOWN
9 COLUMBIA TO ENCOURAGE FULL SPECTRUM HOUSING IN EACH AND EVERY NEIGHBORHOOD;

10 (4) FUNDING NEW CONSTRUCTION;

11 (5) ACQUIRING HOUSING UNITS;

12 (6) PRESERVING EXISTING HOMES;

13 (7) FINANCING REHABILITATION OF RENTAL HOUSING;

14 (8) DEVELOPING SENIOR, FAMILY OR SPECIAL NEEDS HOUSING;

15 (9) PROVIDING PREDEVELOPMENT, BRIDGE, ACQUISITION AND PERMANENT FINANCING; AND

16 (10) OFFERING EVICTION PREVENTION AND FORECLOSURE ASSISTANCE.

17 **SEC. 28.206. AUDIT.**

18 THE FUND IS SUBJECT TO AUDIT AND THE BOOKS AND RECORDS OF THE FOUNDATION ARE
19 SUBJECT TO INSPECTION AND EXAMINATION AT ANY REASONABLE TIME BY THE COUNTY AUDITOR.

20 **SEC. 28.207. SUPPORT FROM COUNTY GOVERNMENT.**

21 WITHIN THE LIMITS OF AVAILABLE FUNDS, THE COUNTY GOVERNMENT MAY PROVIDE
22 ADMINISTRATIVE AND FINANCIAL SUPPORT TO THE FOUNDATION.

23
24
25 *Section 2. And be it further enacted by the County Council of Howard County Maryland, that, in*

1 order to create staggered terms for the Board of Directors, upon the development of 500,001
2 square feet gross leasable area of new commercial uses the County Executive shall appoint one
3 member for a term of 1 year and one member for a term of 2 years.

4 **Section 3.** And be it further enacted by the County Council of Howard County Maryland, that, as
5 it considers appropriate and with consent of the community developer, the Board of Directors
6 may designate a qualified employee of the community developer as the executive director of the
7 Downtown Columbia Partnership until the issuance of a building permit for the 500,000th
8 square foot gross leasable area of new commercial uses.

9 **Section 4. And Be It Further Enacted** by the County Council of Howard County, Maryland,
10 that this Act shall become effective 61 days after its enactment.