



April 14, 2010

The Honorable President and Members
of the Baltimore City Council
Attn: Karen Randle, Executive Secretary
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

Re: City Council Bill 10-0470 – Energy Tax Rates

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 10-0470, as introduced, for form and legal sufficiency. The bill repeals and reordains, with amendments, Article 28, section 25-14 of the Baltimore City Code (“Code”) by modifying the basic rate of the energy tax, curtailing the tax reduction for certain users, and providing for a special effective date.

Article II, section 40 of the Baltimore City Charter (“Charter”) gives the City a general taxing power and the authority “to provide by ordinance for the imposition, assessment, levy and collection of any tax or taxes authorized by this subsection; and from time to time to grant exemptions, and to modify or repeal existing or future exemptions...” *Id.* Pursuant to this authority the City provided for an Energy Tax on “artificial or natural gas, electricity, coal, fuel oil, liquefied petroleum gas, or steam delivered for consumption in Baltimore City.” BALT. CODE, art. 28, § 25-11(c). Pursuant to the Charter provision granting a general taxing power, the City is authorized to increase the rate of tax on energy, as defined in Article 28, section 25-11(c) of the Code.

The Law Department approves Bill 10-0470 for form and legal sufficiency.

Very truly yours,

Terese M. Brown
Assistant Solicitor

cc: George Nilson, City Solicitor
Angela C. Gibson, Mayor’s Legislative Liaison

