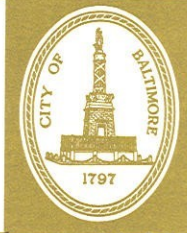


CITY OF BALTIMORE

STEPHANIE RAWLINGS-BLAKE, Mayor



DEPARTMENT OF LAW

GEORGE A. NILSON, City Solicitor
101 City Hall
Baltimore, Maryland 21202

February 14, 2011

Honorable President and Members
of the City Council of Baltimore
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

Attn: Karen Randle
Executive Secretary

Re: City Council Bill No. 11-0247R – Informational Hearing –
Real Property Account – Disposition of City Owned Property

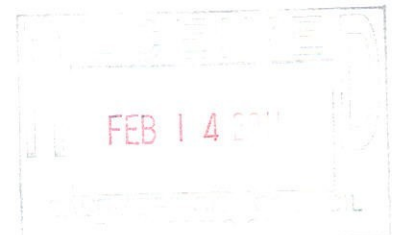
Dear President and City Council Members:

You have requested the advice of the Law Department to review City Council Bill 11-0247R for form and sufficiency. The bill requests the Comptroller and the Director of Finance to report to the City Council on the status of the Real Property Account; the amount of money deposited in the account in the last two fiscal years; the amount of money appropriated from the account in the same time period, and the extent to which the account is self-sustaining or requires contributions from the General Fund or other revenue sources; and requesting the City Solicitor to define possible exceptions to the provisions of Article 5, § 6 of the Baltimore City Charter.

A sentence in the “Recitals” is of concern. On page 1, in lines 20 and 21, the sentence reads: “Funds in this account can be used for other purposes only if specifically authorized by ordinance.” The language conveys the idea that funds in the Real Property Account can, by the passage of an ordinance, be used for purposes other than those specifically provided for in Article 5, § 6 of the Baltimore City Charter; namely, the purchase of land, the purchase or construction of buildings, or other construction work and projects, and to carry out the industrial and economic development powers of the Mayor and City Council. The sentence in question does not correctly state the law. It should be deleted and, in the context in which it appears, no substitute for it is recommended or necessary. Pursuant to the request embodied in this resolution, the City Solicitor will address the possible exceptions to the provisions of Article 5, § 6 in remarks to the City Council.

Except for the problem noted above, Council Bill 11-0247R is an appropriate expression of the Council’s decision to hold informational hearings on matters involving the Real Property Account. See *Inlet Assocs. v. Assateague House Condominium Assoc.*,

F/A



The Honorable President and Members
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545 A.2d 1296, 1303 (Md. 1988) (explaining that a resolution is “an expression of opinion or mind concerning some particular item of business coming within the legislative body’s official cognizance...””) (quoting McQuillin Mun. Corp. § 15:2 (3rd Ed.)). Furthermore, Section 9 of Article III of the City Charter states “The heads of departments ... shall appear before the City Council if requested by a majority vote of its members ...and shall be entitled to participate in the discussion of matters relating to their respective departments.”

With the deletion of the sentence noted above, the Law Department will approve Council Bill Council Bill 11-0247R for form and legal sufficiency.

Sincerely yours,



Victor K. Tervala
Assistant Solicitor

cc: George Nilson, City Solicitor
Angela C. Gibson, Mayor’s Legislative Liaison
Elena DiPietro, Chief Solicitor
Hillary Ruley, Assistant Solicitor
Ashlea Brown, Assistant Solicitor