

FILE NO. 70278

September 23, 1940

Honorable Howard W. Jackson
Mayor of Baltimore
City Hall
Baltimore, Maryland

Dear Mr. Mayor:

As requested by you, I have considered the question of whether or not pending Ordinance No. 500 (Paving Loan Ordinance) and pending Ordinance No. 501 (Sewer Loan Ordinance) would be valid if passed and approved.

The Journal of the City Council shows that on August 6, 1940, Your Honor called a special session of the City Council of Baltimore to be held on August 9, 1940, for the purpose of considering and acting upon a Five Million Dollar Paving Loan Ordinance and a Five Million Dollar Sewer Loan Ordinance, as well as certain other ordinances. At the meeting held on August 9, 1940, there were introduced in the City Council both of the above mentioned ordinances. Each of these ordinances was read the first time and referred to the Commission on City Plan, the Board of Estimates and the Committee on Ways and Means. Thereafter the City Council adjourned in special session to meet on August 26, 1940, on which date the Council, without taking any further action on these Loan Ordinances, adjourned to meet on August 27, 1940. On August 27, 1940, the Council took no action with reference to the Loan Ordinances and adjourned *sine die*.

Section 298 of the Baltimore City Charter provides that the City Council shall meet annually on the Thursday next after the third Monday in May and may continue in session for 120 days and no longer in each year. This section also authorizes the Mayor to convene the City Council in extra session.

Section 303 of the Baltimore City Charter provides that "no ordinance shall become effective until it be read on three different days of the session . . ."

The question, therefore, arises as to whether or not the special or extra session above referred to and the regular session constitute but one session of the City Council within the meaning of the provisions of Section 303 requiring that all ordinances be read on three different days "of the session"; particularly in view of the fact that the special or extra session has been terminated by an adjournment *sine die*.