

Honorable Howard W. Jackson, Mayor of Baltimore (cont'd)

In the case of Bond vs. Baltimore, 111 Md. 364, the validity of an ordinance authorizing the creation of a loan and the submission of the same to the voters for their approval was attacked on the ground that the ordinance was introduced in one councilmanic year but was not passed and approved until the following councilmanic year. In that case the journals of the two branches showed that upon the organization of the Council each branch adjourned to a certain day and thereafter upon each adjournment a day certain was fixed for the branch to reconvene. The journals also showed that there was no final adjournment before entering upon the second year and that the session in each year was treated as continuous during the term of the members. The Court of Appeals held that the meetings of the Council during the term of the members constituted but one session within the meaning of the provisions of the Charter requiring that all ordinances shall be read on three different days of the session. However, the Court said that even if a new session began at the beginning of the second councilmanic year it would still have held the ordinance valid as the second councilmanic year was but another session of the same members of the City Council.

The requirement that an ordinance be read on three different days of a session was manifestly adopted to prevent hasty, ill-advised or improper legislation. It is my opinion that the purpose and spirit of this requirement would not be violated by the City Council continuing to consider during its regular session an ordinance introduced and partially disposed of in a special or extra session provided the introduction of the ordinance and its continued consideration all took place during the same term of office of the members of the Council.

Although I am reasonably certain that these ordinances would be valid if passed and approved, nevertheless a prospective purchaser might question their validity as the facts with reference to these ordinances differ slightly from the facts presented to the Court in case of Bond vs. Baltimore. In my opinion the safest course to follow is for the Council to take such action as may be necessary to withdraw pending Ordinances Nos. 500 and 501 from Committee and from the files of the Council and to introduce new ordinances. These new ordinances should be referred after their first reading to the Commission on City Plan in accordance with the provisions of Section 264-d of the City Charter.