

DODARO, CAMBEST & ASSOCIATES, P.C.
ATTORNEYS AT LAW

1001 Ardmore Boulevard, Suite 100
Pittsburgh, Pennsylvania 15221-5233

John Mascio, Chief Clerk
Allegheny County Council
119 County Courthouse
436 Grant Street
Pittsburgh, PA. 15219

Tel: (412) 243-1600 Fax: (412) 243-1643
E-Mail: office@dodarocambest.com

November 23, 2005

Re: Legal Opinion – Bill No. 2215-05

Dear John:

At your request, I have reviewed Council Bill No. 2215-05 which purports to set forth a policy of Allegheny County regarding the sale of naming rights for the Greater Pittsburgh International Airport. It is my understanding that Councilman Edward Kress has requested that my office provide him with a legal opinion regarding the legality of Bill No. 2215-05. In that respect, I have reviewed the Home Rule Charter of the County of Allegheny, its Administrative Code, the Second-Class County Code and other relevant statutes that may be applicable. I have also researched the caselaw of the Commonwealth of Pennsylvania to determine whether or not there has been any legal precedent set in regard to the legality of naming rights. Based upon my review of the caselaw in the Commonwealth of Pennsylvania, I could find no relevant caselaw in regard to the legality of naming rights by a governmental body. In addition, there does not seem to be any prohibition under the Home Rule Charter of the County of Allegheny and its Administrative Code in regard to the naming rights for public facilities in the County of Allegheny. However, as you are aware, the County of Allegheny did enter into an Agreement with the Allegheny County Airport Authority in which it transferred almost all of its rights in regard to the Airport to the Airport Authority. Based upon my previous review of the Agreement as requested by Councilman Gastgeb, I believe that the naming rights to the Greater Pittsburgh International Airport may have been conveyed to the Airport Authority by way of the Transfer Agreement. I would strongly suggest that we have either Jarred or Stephanie pull the Agreement between the County and the Airport Authority for review of this matter.

Please forward this preliminary opinion to Councilman Edward Kress

If you have any questions or comments, please do not hesitate to contact me.

Very truly yours,

DODARO, CAMBEST & ASSOCIATES, P.C.


John F. Cambest

JFC/jg

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