
CITY OF BALTIMORE

CATHERINE E. PUGH,
Mayor



DEPARTMENT OF LAW
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BALTIMORE, MD 21202

November 2, 2018

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

Re: City Council Bill 18-0298 – Franchise – 26" OHP Gas Main - Granite Pipeline - Through the Lands of the Mayor and City Council of Baltimore

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 18-0298 for form and legal sufficiency. The bill would grant a franchise to the Baltimore Gas and Electric Company (i) to construct, use, and maintain a new 26" OHP Gas Main (Granite Pipeline); and (ii) to decommission and maintain an existing 26" OHP Gas Main (Granite Pipeline), both running through "Gwynns Falls Leakin Park", owned by the Mayor and City Council of Baltimore located in Baltimore City, Maryland. The bill provides for an immediate effective date.

The Baltimore City Charter requires that any given franchise be granted by ordinance containing the terms and conditions of the grant. City Charter, Art. VIII, § 1. A bill granting a franchise must be referred to the Board of Estimates ("BOE") after first reading. City Charter, Art. VIII, § 2. Thereafter, the BOE is empowered to establish by vote or resolution the compensation paid to the City and may alter the terms and conditions under which a franchise is granted. *Id.* The compensation and the terms and conditions approved by the BOE must be attached to the bill before the bill can be enacted. *Id.*

Assuming the above procedural requirements are met, the Law Department will approve the bill for form and legal sufficiency.

Sincerely,

Victor K. Tervala
Chief Solicitor

**cc: Andre M. Davis, City Solicitor
Karen Stokes, Director, Mayor's Office of Government Relations
Kyron Banks, Mayor's Legislative Liaison
Elena DiPietro, Chief Solicitor, General Counsel Division
Hilary Ruley, Chief Solicitor
Jennifer Landis, Assistant Solicitor**