
CITY OF BALTIMORE

BERNARD C. "JACK" YOUNG
Mayor



DEPARTMENT OF LAW
ANDRE M. DAVIS, CITY SOLICITOR
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SUITE 101, CITY HALL
BALTIMORE, MD 21202

August 16, 2019

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 19-0408 – Amending Ordinance 15-428 – Crown Castle [NG
Atlantic] Fiber LLC

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 19-0408 for form and legal sufficiency. The bill would amend Ordinance 15-428, to reflect the name change of the franchisee since the Ordinance was enacted. It would also add Park Properties to those areas where the Distributed Antenna services are provided and provide for a special effective date.

This franchise ordinance allows Crown Castle the use of park properties in addition to the use of City rights-of-way to conduct a business in which telecommunication facilities will be attached to poles to provide certain communication services. The existing franchise grants Crown Castle access only to City right-of-way. An amendment to the franchise is needed to allow its access to park property. Article VIII of the City Charter requires the grant of a franchise whenever a private company is permitted use of public right-of-way or the use of park property for a profit-making venture. City Charter, Art. VIII, § 2.

Article VIII of the Baltimore City Charter also requires that a bill granting a franchise be referred to the Board of Estimates after first reading. *Id.* The BOE is empowered to determine the proposed compensation to be paid the City and the conditions under which the franchise is granted. *Id.* It is the Law Department's view that this provision of the City Charter requires both the grant of a new franchise and an amendment to an existing franchise to be submitted to the Board.

If the above procedural requirements are met, the bill shall be in accordance with Article VIII of the Baltimore City Charter and the Law Department will approve the bill for form and legal sufficiency.

Sincerely,

A handwritten signature in black ink, appearing to read "Victor K. Tervala".

Victor K. Tervala
Chief Solicitor

cc: Andre M. Davis, City Solicitor
Jeffrey Amoros, Mayor's Legislative Liaison
Elena DiPietro, Chief Solicitor, General Counsel Division
Hilary Ruley, Chief Solicitor
Ashlea Brown, Assistant Solicitor