
CITY OF BALTIMORE

BRANDON M. SCOTT
Mayor



DEPARTMENT OF LAW

JAMES L. SHEA
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November 8, 2021

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 21-0123– Franchise – Underground Conduit and Fiber Optic Cable

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 21-0123 for form and legal sufficiency. The bill would grant a franchise to the State of Maryland (Maryland Transit Administration) to construct, use, and maintain an underground conduit and fiber optic cable, subject to certain terms, conditions, and reservations. 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
Victor K. Tervala
Chief Solicitor

cc: James L. Shea, City Solicitor
Nina Themelis, Mayor’s Office of Government Relations
Nikki Thompson, Director of Legislative Affairs
Matthew Stegman, Director of Fiscal and Legislative Services
Elena DiPietro, Chief Solicitor, General Counsel Division
Hilary Ruley, Chief Solicitor
Ashlea Brown, Assistant Solicitor