
CITY OF BALTIMORE

BERNARD C. "JACK" YOUNG
Mayor



DEPARTMENT OF LAW
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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 19-0407 – Franchise – New Cingular Wireless PCS

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 19-0407 for form and legal sufficiency. The bill would grant a franchise to New Cingular Wireless PCS, Inc., to construct, install, maintain, repair, operate, relocate, replace and remove facilities relating to the provision of certain Communication Facilities in and across certain streets and public ways, and park properties, subject to certain terms and conditions; and providing for a special effective date.

This franchise ordinance and the attached franchise agreement, which is made part of the ordinance, allows New Cingular Wireless to use the City rights-of-way and park properties to conduct a business in which wireless antenna will be attached to poles to provide certain communication services. The exercise of this franchise ordinance is conditioned on New Cingular Wireless executing a separate attachment agreement with the City. The attachment agreement governs the actual attachments that will be used on City poles. In contrast, and pursuant to Article VIII of the City Charter, Council Bill 19-407 concerns matters pertaining to New Cingular Wireless' use of City rights-of-way and park properties.

Article VIII of the Baltimore City Charter requires that a bill granting a franchise to be referred to the Board of Estimates after first reading. City Charter, Art. VIII, § 2. The BOE is empowered to determine the proposed compensation to be paid the City and the conditions under which the franchise is granted. *Id.*

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