
CITY OF BALTIMORE

BERNARD C. "JACK" YOUNG
Mayor



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

October 10, 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: Supplemental Report - City Council Bill 19-0406 – Franchise – Cellco Partnership,
d/b/a Verizon Wireless

Dear President and City Council Members:

The Law Department wishes to supplement its bill report dated August 16, 2019 to explain and provide a proposed amendment to Council Bill 19-0406.

When the legislation was drafted, the City and Cellco were unaware that Cellco may be required to construct certain conduit in order to service the small wireless facilities permitted by Council Bill 19-0406. The legislation as drafted is silent on this matter. To accommodate Cellco's potential need for conduit, the attached amendment therefore is needed.

Sincerely,

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

Victor K. Terval
Chief Solicitor

cc: Andre M. Davis, City Solicitor
Nicholas Blendy, MOGR
Matt Stegman, Mayor's Legislative Liaison
Caylin Young, President's Legislative Director
Elena DiPietro, Chief Solicitor, General Counsel Division
Hilary Ruley, Chief Solicitor
Ashlea Brown, Assistant Solicitor

**AMENDMENTS TO COUNCIL BILL 19-0406
(1st Reader Copy)**

By: Department of Law
{To be offered to the Housing and Urban Affairs Committee}

Amendment No. 1

On page 7, after line 15, insert

“7.1 Conduit

For the deployment of new fiber optic cable in the Public Way and on Park Properties to support the Communications Facilities, Franchisee may use existing City-owned Conduit. In the event there is no available City-owned Conduit to meet Franchisee’s requirements, and in the absence of any suitable conduit owned by a Third Party, Franchisee may, in coordination with the City, cause the construction of additional Conduit in the Public Way or on Park Properties. Any construction performed pursuant to this Section shall be consistent with City specification and include at least two additional spare ducts for future City use for fiber installation. Franchisee agrees that title in such property shall transfer to the City upon its substantial completion. Notwithstanding the foregoing, in the event that the Franchisee elects to use a Third Party for the installation of fiber and conduit, the City acknowledges and agrees that if the Third Party possesses a valid franchise agreement with the City, the Third Party’s franchise agreement with the City takes precedence over the above requirements for causing construction of new conduit in the Public Way or on Park Properties.”;

and, on the same page, in line 16, strike “7.1” and substitute “7.2”.