



Legislation Details (With Text)

File #: 19-0353 **Version:** 0 **Name:** Charter Amendment - Underground Conduit System - Sale, Transfer, or Franchise Prohibited
Type: Mayor and City Council Res. **Status:** Enacted
File created: 3/18/2019 **In control:** City Council
On agenda: **Final action:** 12/2/2020
Enactment date: **Enactment #:** 20-27

Title: Charter Amendment - Underground Conduit System - Sale, Transfer, or Franchise Prohibited
For the purpose of prohibiting the sale, transfer, or franchising of the City's underground conduit system for cables, wires, and similar facilities; excepting this underground conduit system, its operations and uses, from the Charter provisions otherwise authorizing the grant of franchises or rights relating to the operation or use of public property or places; and submitting this amendment to the qualified voters of the City for adoption or rejection.

Sponsors: President Young, Sharon Green Middleton, Isaac "Yitzy" Schleifer, Robert Stokes, Sr., Brandon M. Scott, Zeke Cohen, Kristerfer Burnett, Bill Henry, Leon F. Pinkett, III, Ryan Dorsey, John Bullock, Eric T. Costello, Edward Reisinger, Mary Pat Clarke

Indexes: Charter Amendment, Conduits, Franchise, Sale, Transfer, Underground

Code sections:

Attachments: 1. 19-0353~1st Reader, 2. DOT 19-0353, 3. Agenda 19-0353, 4. Law 19-0353, 5. BDC 19-0353, 6. Finance 19-0353 Update, 7. Minutes - 19-0353, 8. Equity and Structure - Hearing Notes Bill 19-0353 (1), 9. Equity and Structure - 19-0353, 10. BCIT 19-0353, 11. Meeting Agenda - 19-0353, 12. Meeting Minutes - 19-0353, 13. Equity and Structure - Hearing Notes Bill 19-0353 (2), 14. Equity and Structure - 19-0353, 15. Agenda 19-0353 (2), 16. Meeting Minutes - 19-0353, 17. Equity and Structure - Hearing Notes Bill 19-0353 (3), 18. 19-0353~3rd Reader, 19. Signed Ordinance 19-0353

Date	Ver.	Action By	Action	Result
12/7/2020	0	Mayor	Signed by Mayor	
11/16/2020	0	City Council	Approved and Sent to the Mayor	
11/2/2020	0	City Council	3rd Reader, for final passage	
11/2/2020	0	Equity and Structure Committee	Recommended Favorably	
10/30/2020	0	Equity and Structure Committee	Recommended Favorably	Pass
10/8/2020	0	Equity and Structure Committee	Worksession	
9/21/2020	0	Equity and Structure Committee	Scheduled for a Public Hearing	
8/17/2020	0	Equity and Structure Committee	Scheduled for a Public Hearing	
12/16/2019	0	City Council	Reassigned	
7/22/2019	0	City Council	Reassigned	
3/21/2019	0	The City Council	Refer to Baltimore Development Corporation	
3/21/2019	0	The City Council	Refer to Dept. of Finance	
3/21/2019	0	The City Council	Refer to Dept. of Transportation	
3/21/2019	0	The City Council	Refer to Mayor's Office of Information Technology	
3/21/2019	0	The City Council	Refer to City Solicitor	

3/18/2019	0	City Council	Assigned
3/18/2019	0	City Council	Introduced

Explanation: Capitals indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

* **Warning:** This is an unofficial, introductory copy of the bill.
The official copy considered by the City Council is the first reader copy.

Introductory*

City of Baltimore Council Bill (Charter Amendment)

Introduced by: President Young

A Resolution Entitled

A Resolution of the Mayor and City Council concerning
Charter Amendment - Underground Conduit System - Sale, Transfer, or Franchise Prohibited

For the purpose of prohibiting the sale, transfer, or franchising of the City's underground conduit system for cables, wires, and similar facilities; excepting this underground conduit system, its operations and uses, from the Charter provisions otherwise authorizing the grant of franchises or rights relating to the operation or use of public property or places; and submitting this amendment to the qualified voters of the City for adoption or rejection.

By proposing to amend
Article VIII - Franchises
Section 1
Baltimore City Charter
(1996 Edition)

Section 1. Be it resolved by the Mayor and City Council of Baltimore, That the City Charter is proposed to be amended to read as follows:

Baltimore City Charter

Article VIII. Franchises

§ 1. Authority to grant.

The title of the City in and to its waterfront, wharf property, land under water, public landings, wharves and docks, streets, lanes, and parks, [and] its sewer system and water supply system, as described in Article VII, §§ 33 and 34 of this Charter, and its underground conduit system for cables, wires, and similar facilities is hereby declared to be inalienable.

With the exception of the City's sewer system [and], water-supply system, and underground conduit system for cables, wires, and similar facilities, the City may grant for a limited time and subject to the limitations and conditions contained in the Charter, specific franchises or rights in or relating to any of the public property or places mentioned in the preceding sentence; provided that such grant is in compliance with the requirements of the Charter, and that the terms and conditions of the grant shall have first been authorized and set forth in an ordinance duly adopted.

Every such grant shall specifically set forth and define the nature, extent and duration of the franchise or right thereby granted, and no franchise or right shall pass by implication under any such grant; and, notwithstanding any such grant the City shall at all times have and retain the power and right to reasonably

regulate in the public interest the exercise of the franchise or right so granted; and the City shall not have the power by grant or ordinance to divest itself of the right or power so to regulate the exercise of such franchise or right.

Section 2. And be it further resolved, That this proposed amendment to the City Charter be submitted to the legal and qualified voters of Baltimore City, for adoption or rejection, in accordance with Article XI-A, § 5 of the Maryland Constitution, in the form specified by the City Solicitor.