



OFFICE OF THE PRESIDENT

October 15, 2024

The Honorable Anthony G. Brown
Attorney General
Office of the Attorney General
200 St. Paul Place
Baltimore, Maryland

Dear Attorney General Brown:

We are writing to request an official Attorney General opinion related to a question as to whether, and under what conditions, Montgomery College (the "College"), a community college organized and existing under Title 16 of the Education Article of the Annotated Code of Maryland, has the authority under Title 16 to enter into a public-private partnership agreement to finance, construct, and maintain buildings.

State Finance and Procurement Article 10A-101 *et seq.* provides a detailed framework for the authorization and implementation of public-private partnership agreements by State agencies, but is not applicable to community colleges other than Baltimore City Community College. A prior opinion of the Attorney General has noted that, although community colleges are "state agencies" for some purposes, it depends on the context, and that community colleges are generally not subject to the provisions of the State Finance and Procurement Article since they have their own statutory provisions in Title 16 of the Education Article (92 Op. Attorney Gen. 154). Having the ability to enter into agreements with private partners to finance, construct, and maintain new facilities needed by our students would be a valuable tool for community colleges, but there is currently uncertainty as to whether community colleges have authority under the provisions in Subtitle 3 of Title 16 to enter into public-private partnership agreements, or whether enabling legislation is necessary.

Therefore, the College requests that you provide an official opinion that addresses whether and/or under what circumstances the College has the authority under Title 16 of the Education Article to enter into a public-private partnership agreement on a multi-year basis to finance, construct, and maintain facilities.

Sincerely,

Dr. Jermaine F. Williams
President

Gloria Aparicio Blackwell
Chair, Board of Trustees