



**ANNE ARUNDEL COUNTY
OFFICE OF THE COUNTY AUDITOR**

To: Members of the County Council

From: Susan L. Smith, County Auditor

Date: May 6, 2020

Subject: Legislation eligible for vote on May 11, 2020: Bill Nos. 10-20, 11-20, and 12-20.

Bill No. 10-20: Boards, Commissions, and Similar Bodies – Commission on Disability Issues (as stated in our March 12, 2020 letter for the March 16, 2020 Council Meeting that was canceled)

This bill amends the membership, powers and duties, and certain terms in the law regarding the Commission on Disability Issues (Commission). Specifically, this bill:

1. Replaces the term “persons with disabilities” with “individuals with disabilities”;
2. Reduces the minimum number of members from 28 to 22, and reduces the number of voting members from 21 to 15;
3. Establishes a maximum of two consecutive terms for voting members;
4. Provides that a member may be removed by the County Executive for cause, including the absence from 25% or more of scheduled meetings and hearings during any 12 months; and
5. Updates the law to agree with current practices as follows:
 - a. States that the Americans with Disabilities Act (ADA) Coordinator in the Department of Aging and Disabilities will serve as the liaison between the Commission and the Administration and shall provide administrative support to the Commission;
 - b. Eliminates from their powers and duties “to recommend ways to maximize the use of facilities and services available to individuals with disabilities”;
 - c. Provides that certain powers and duties are to be performed only upon request by the Department of Aging and Disabilities;
 - d. Provides that they are to identify common barriers for individuals with disabilities as opposed to identifying barriers to service delivery and advocate for services for individuals with disabilities;
 - e. Provides that they are to advise the County Executive on the coordination of services as opposed to promoting the coordination of services; and
 - f. Changes their powers and duties to only make recommendations to the County Executive, and not make recommendations to the County Council or County delegation to the State legislature, regarding their review of County, State, and federal legislation.

Since the ADA coordinator is already acting as a liaison and providing administrative support to the Commission, this bill has no fiscal impact. However, the County Council should consider whether they want to receive recommendations directly from the Commission regarding County, State, and federal legislation that may impact individuals with disabilities.

Bill No. 11-20: Public Safety – Speed Monitoring Systems (updated for new information obtained after the issuance of our March 12, 2020 letter for the March 16, 2020 Council Meeting that was canceled)

This bill authorizes the use of speed monitoring systems in accordance with § 21-809 of the Transportation Article of the Annotated Code of Maryland. This State law allows local jurisdictions to use speed monitoring cameras **in school zones** if authorized by the local governing body. The County is already authorized to use speed monitoring systems in work zones under § 21-810 of the Transportation Article of the Annotated Code of Maryland which does not require authorization by the local governing body.

The Anne Arundel County Code § 1014 states that powers or duties of the local governing body require action by the County Executive and confirmation by the County Council. Since this bill was not at the request of the County Executive we asked the Office of Law if that would be an issue. According to the Office of Law, the County Executive does need to set forth his action in a written document that is in the legislative record to validate this bill. The County Executive is not opposed to this bill and provided a written document of his support for the record.

To implement this bill, the Police Department could hire a vendor to install speed monitoring systems to perform the initial reviews for violations and send the required documentation to the Police Department sufficient to meet requirements for a violation. The Police Department would then verify and validate violations. The citations could be issued by the vendor who could collect the fines. The method for paying the vendor fee would be determined during the procurement process. However, Annotated Code of Maryland Transportation Article § 21-809 states that the contractor that operates a speed monitoring system or administers or processes citations generated by a speed monitoring system may not receive a fee contingent on a per-ticket basis on the number of citations issued or paid. The maximum fine for citations based on speed monitoring systems per the Annotated Code of Maryland Transportation Article § 21-809 is \$40 per violation.

This State law also requires additional approvals and notifications to place a speed monitoring system on a State road within a municipal corporation, requires signage prior to placing a speed monitoring system into operation, and requires State training by both the speed monitoring operator and program administrator. Lastly, State law requires the County to submit an annual report to the Maryland Police Training and Standards Commission. This report must include specific information regarding their program, such as the revenues and expenditures of the program, payments to vendors, number of citations issued, how the funds collected were spent, and locations and start and stop dates of speed monitoring systems.

The revenue generated will be based on the quantity of the citations issued. Annotated Code of Maryland Courts and Judicial Proceedings Article § 7-302 (e) (4) allows local jurisdictions to recover the costs of implementing and administering the speed monitoring system and spend remaining revenue collected for public safety initiatives. The County's revenue from the program is capped at 10% of the County's total revenue per fiscal year. Any revenue beyond 10% must be remitted to the State.

In addition to vendor fees, the Police Department would initially require an Office Support Assistant II position to facilitate this program. The cost of one Office Support Assistant II would be approximately \$45,000 for the first year for salary and benefits. It is the intention that this position would be able to facilitate all three programs (previously approved traffic control signal monitoring, previously

approved school bus monitoring, and proposed speed monitoring). However, they would reevaluate their needs based on workload after implementation as the additional workload would be dependent on the number of monitoring systems and results of those systems. There might also be training costs if there are fees associated with the State mandated training.

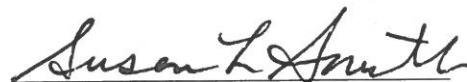
Bill No. 12-20: Subdivision and Development – Adequate School Facilities – Workforce Housing (updated for new information obtained after the issuance of our March 12, 2020 letter for the March 16, 2020 Council meeting that was canceled)

This bill exempts certain residential developments that meet the conditions for workforce housing from the test for adequate school facilities and adds the conditions for the exemption. For residential development projects that meet the conditions for workforce housing under Anne Arundel County Code § 18-10-158, they will be exempt from having to pass the test for adequate school facilities if the following conditions are met:

1. The project consists of 50 dwelling units or less;
2. Funding for the development includes an award of low-income housing tax credits from the Maryland Department of Housing and Community Development and, as of the date of the application, all schools serving the project were designated as open on the School Utilization Chart; or, at the time of testing for adequate school facilities, enrollment for each elementary and middle school is no more than 3% above the percentage of State-rated capacity and enrollment for each high school is no more than 5% above the percentage of State-rated capacity in Anne Arundel Code § 17-5-502(A); and
3. The provisions of this County law are not varied, modified, or reduced.

Adjusting the test for adequate school facilities for workforce housing applications for elementary and middle schools from 95% to 98%, and high schools from 100% to 105%, would open 2 elementary schools (Four Seasons and Rippling Woods), 3 middle schools (Central, Meade, and Severna Park), and 1 high school (Old Mill) that are currently closed as the result of the Bill No. 84-19 School Utilization Chart to allow workforce housing applications that meet the aforementioned conditions to pass the adequate school facilities test.

According to the Department of Planning and Zoning, there is one project that has been received but not yet reviewed, which could be impacted by this legislation. The Department of Planning and Zoning does not anticipate a fiscal impact because they will continue to review all development projects with existing staff. However, the Department is currently understaffed, and they anticipate increased delays because of the potential for additional projects.



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