



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

To: Members of the County Council

From: Susan L. Smith, County Auditor

Date: October 14, 2020

Subject: Legislation to be heard or eligible for vote on October 19, 2020: Bill Nos. 69-20, 72-20, 75-20, 76-20, 77-20, 78-20, 79-20, 80-20, 81-20, 82-20, and 83-20; and Resolution Nos. 35-20, 36-20, and 37-20.

Bill No. 69-20: Zoning – Farm or Agricultural Heritage Site Stays and Special Events (As Amended)

This bill defines and provides zoning requirements regarding agricultural heritage site, farm or agricultural heritage site special event, and farm or agricultural heritage site stay, and expands the definition of agritourism. We commented on this bill in our letter dated September 30, 2020.

At the October 5, 2020 Council meeting, this bill was amended to provide additional requirements for temporary uses for farm or agricultural heritage site special events. Specifically, the amendment requires that any outdoor assembly areas are located and designed to shield surrounding residential properties from the effects of noise, hazards, or other offensive conditions; and to limit the maximum capacity for an event to not exceed 25 attendees per acre. We have no further comments regarding this bill.

Bill No. 72-20: Licenses and Registrations – Unattended Donation Boxes (As Amended)

This bill establishes application, registration, expiration, renewal, and maintenance requirements for unattended donation boxes throughout the County. We commented on this bill in our letter dated September 30, 2020. At the October 5, 2020 Council meeting, this bill was amended as follows:

1. Requires the application to include proof of the operator's § 501(c)(3) non-profit status;
2. Assesses a \$40 registration fee, unless the operator is a non-profit organization exempt from taxes under § 501(c)(3) of the Internal Revenue Code;
3. Removes the requirements for the property owner's contact information and requires the operators' telephone number have recording capability;
4. Clarifies the vicinity map showing the location of the unattended donation box is to show the box on the property;
5. Subjects the location of the unattended donation box to the Department of Inspections and Permits' (I&P) approval;

6. Clarifies that the open citations, unpaid fines, unresolved violations, or complaints that require I&P to deny the renewal of a registration are those related to the unattended donation box;
7. Limits the prohibition of blight to that on or around an unattended donation box, and removes reference “or within 20 feet of the box;” and
8. Amends the requirements for servicing the box to the removal of collected donated material to state it includes material “in or around the unattended donation box.”

Fiscal Impact: According to I&P, they do not know the number of unattended donation boxes in the County, nor do they know how many are operated by non-profit entities, therefore the fiscal impact is not readily available. However, I&P expects the increase in their workload to be covered by the revenue generated from the \$40 registration fee.

Bill No. 75-20: Conveyance of Surplus Property – Unimproved County-Owned Property

This bill approves the County’s sale of 0.27 acres of surplus property located near Furnace Branch Road in Glen Burnie, Maryland. Resolution No. 4-20 designated this property as surplus property. Bill No. 50-20 previously requested the conveyance of this property, but it was withdrawn. This property is part of a 0.706 acre parcel acquired by the County in 1976. According to the Maryland State Department of Assessments of Taxation (SDAT), the assessed value for the total parcel acquired by the County is \$384,600. Upon the sale, the property sold will be assessed by SDAT.

As required by Anne Arundel County Code § 8-3-203, the value was set at the average of two independent real estate appraisals, for a total of \$103,000. As required by § 8-3-204, a notice of the method of sale and an invitation to bid was given to each adjacent property owner, and a notice of an invitation to purchase the property was advertised for three successive weeks, requiring bids be submitted by September 5, 2020. Only one bid was received for \$105,000.

Fiscal Impact: The County will receive \$105,000 for the sale of the surplus property. The County will also receive annual property tax at a rate of \$0.934 per \$100 of assessed value from the purchaser, for a total of \$981 if the assessed value is set at \$105,000.

Bill No. 76-20: Subdivision and Development – Adequate Public School Facilities – School Utilization Chart

This bill approves the 2022 School Utilization Chart. We have reviewed the bill, related attachments, and fiscal note, and agree with the information presented. It has no direct fiscal impact but could allow or limit development within the related feeder systems. The Council approved the 2021 School Utilization Chart in Bill No. 84-19.

The following schools were closed in 2020 and are now open: Hilltop Elementary, Linthicum Elementary, Quarterfield Elementary, Rippling Woods Elementary, South Shore Elementary, and Sunset Elementary. The following schools were open in 2020 and are now closed: Arnold Elementary, Eastport Elementary, High Point Elementary, Maryland City Elementary, Meade Heights Elementary, Nantucket Elementary, Odenton Elementary, Park Elementary, Ridgeway Elementary, Severna Park Elementary, Tyler Heights Elementary, Old Mill Middle School South, Annapolis High, Broadneck High, Crofton High, and Glen Burnie High.

Bill No. 77-20: Planning and Development – Master Plan for Water Supply and Sewerage Systems

This bill amends the 2017 Master Plan for Water Supply and Sewerage Systems. Specifically, the bill amends Sewer Map S-4 to move the boundary of the Broadneck Sewer Service Area to include four parcels within the Cox Creek Sewer Service Area. According to the Administration, these four parcels are currently in the Broadneck Sewer Service Area, and the intent of this bill is to include them in the Cox Creek Sewer Service Area. This change is the result of a request from the owner of two of the parcels (#6 and #102). One of the remaining two parcels is between the existing sewer connection in the Cox Creek Sewer Service Area and parcel no. 6, and the final parcel is a MAA airport marker.

The owner pays the costs for connection and, once connected to the system, would pay for their water and sewer usage. Both connection and usage revenue and costs are accounted for in the County's utility enterprise funds. Therefore, there is no fiscal impact to the County. **We noted that one of the parcels listed in the bill (#526) is shown on the map with a different parcel number (#520). We brought this to the attention of the Administration and they plan to introduce an amendment to correct the parcel number. We also brought to the attention of the Administration that the wording in the bill could be read that the parcels are being moved to include the parcels in the Broadneck Sewer Service Area, so the Administration is also introducing an amendment to make their intentions clear.**

Bill No. 78-20: Subdivision and Development – Fees and Security – Use of Development Impact Fee Funds

This bill allows funds collected from development impact fees to be used to fund studies and analysis required to determine the appropriate amount of development impact fees. Local governments in Maryland must have authority from the Maryland General Assembly in order to impose a development impact fee. Development impact fees enable local governments to collect revenue from builders for public facilities necessitated by new residential or commercial development.

Chapter 350, 1986 Laws of Maryland authorized Anne Arundel County “to fix and collect development impact fees for financing, in whole or in part, the capital costs of additional or expanded public works, improvements and facilities required to accommodate new construction or development.” The County has development impact fees for roads, schools, and public safety; these fees are required to be used for the benefit of the district from which the fees were collected. During fiscal year 2019, the County had approximately \$353 million in collected impact fees from developers, \$32.4 million in investment income, and disbursed approximately \$297.5 million of impact fees for construction costs or related debt service. The last major impact fee study was conducted in 2008 for \$39,000, and Bill No. 71-08 phased in a percentage of the calculated cost of the impact derived from this study. Since fiscal year 2013, impact fee rates have been adjusted based on the Gross Domestic Product. The current impact fee for a single-family residential home (2,000-2,499 feet) is \$13,390.

Items to Note: We have asked the Office of Law if the authorization from the Maryland General Assembly is required to use impact fees for impact fee studies since the State authorization was for the capital costs of additional or expanded public works, improvements and facilities required to accommodate new construction or development. We also asked the Office of Law if there are any other counties that use development impact fees for impact fee studies. To date, we have not received a response.

Fiscal impact: The Office of Planning and Zoning (OPZ) estimates a current impact fee study to cost approximately \$200,000. The fiscal year 2021 budget included \$200,000 in the OPZ's general fund budget to conduct an impact fee study. If this bill passes, the funds in OPZ's budget for the impact fee study can be utilized by OPZ for other OPZ general fund expenditures without Council approval, can be transferred to another department with Council approval, or if not used, will fall to the County's general fund balance.

Bill No. 79-20: Public Works – Utilities – Extension of Public Water and Wastewater Systems

This bill modifies the process by which property owners petition the County for public water or wastewater service. The legislative summary provides a very detailed summary of the changes proposed in this bill. We offer the following additional comments:

1. The reference to the Mayo Water Reclamation Subdistrict is obsolete because Mayo is now connected to the Annapolis Water Reclamation Facility.
2. Currently, if the Department of Public Works (DPW) changes the defined area to add or remove properties as necessary for engineering purposes, the community has to obtain new petitions. As stated in the legislative summary, under the revised law, if DPW changes the defined area they must notify the owners of the properties added or removed, and the owners that are in both the original defined area and the revised defined area. Owners added will have 60 days to vote on the petition and if they do not, they will be considered a vote against the petition. Owners that were previously a part of the petition process will have 60 days to change the position on their vote, and if the owner does not respond, their vote will remain unchanged. DPW will then determine if there are a majority of owners in the revised defined area that voted in favor of the petition. It should be noted that the petition process is a very time-consuming endeavor, and having to provide multiple petitions can be aggravating and discouraging to community members.
3. Currently, if the Director of DPW (Director) determines that public health and safety requires it, the Director may treat a petition for either water or wastewater utility service in a project area as a petition for both services. Under this bill, there is no longer a requirement that there be a judgment that public health and safety require it.
4. Currently, the law provides for a preliminary public hearing with preliminary estimates, a final public hearing with detailed plans, engineers' reports and estimates, and allows the Director to dispense with the preliminary public hearing and only have a single final public hearing if it is deemed in the public interest. Under this bill, there will only be one hearing with preliminary cost estimates.
5. This bill removes the requirement that the Director give notice outlining the basis of the decision if he decides not to proceed. This bill also removes the ability for owners to petition to proceed with the detailed engineering, financial survey, and report of proposed facilities at the expense of the owners.
6. This bill updates the law to account for Bill Nos. 90-19 and 95-19, allowing a partial deferral under Anne Arundel County Code § 13-5-815.1 and allowing a County subsidy under § 13-5-815.2 when determining if a project is self-sustaining and when calculating the rate of assessment, and also provides for a forfeit of these deferrals and subsidies when the owner fails to comply with connection requirements.
7. Currently, if the calculated rate of assessment is above a maximum rate as provided in law, the majority of the owners must petition the County Council indicating a desire and ability to pay the estimated assessment to make the project self-sustaining, and the County Council must adopt the estimated rate by ordinance. This petition is similar to an assessment rate

ballot. Under this bill, the majority of owners must sign an assessment rate ballot provided by the Director to proceed with the project, but there is no requirement for County Council approval. **Please noted that currently, when legislation is brought before the County Council to approve an estimated rate of assessment, the Office of the County Auditor ensures that the Administration followed the requirements for notifications and publications, that costs are calculated properly to ensure that the undertaking will be self-sustaining and owners are not over-assessed, and that the required number of valid petitions were obtained. Without requiring County Council approval of the rate by ordinance, there will be no such oversight.**

8. Under this bill, when a project is abandoned and the project costs increase by more than 15%, the Director no longer needs to certify project costs incurred to the County Council. The Director still needs to certify project costs incurred to the County Council for other projects that are abandoned, and assessments are then levied against the owner to cover these costs.
9. This bill makes unlawful connection to the County's water and wastewater service a Class C civil offense and makes the owner liable to the County for any expenses, loss, or damage caused by the illegal connection. This is in addition to past service charges provided for in the current law. Under Anne Arundel County Code § 9-2-101, a class C offense has a fine of \$500 for the first violation and \$1,000 for the second or subsequent violations.

Fiscal Impact: Under both the current law and this bill, the costs of petition projects are paid for by the owners of the properties. Additionally, while this bill simplifies the petition process for homeowners, DPW does not expect any significant change in workload as a result of this bill. Further, DPW does not expect any significant County revenue from making illegal connections a Class C civil offense or requiring the owners pay restitution. According to DPW, finding illegal connections is rare (possibly one every five years or more).

Bill No. 80-20: Public Works – Utilities – Assessments – Water and Wastewater Facilities

This bill replaces the County's front foot assessment method for recovery of the County's cost of constructing certain water and wastewater facilities with an equivalent dwelling unit (EDU) assessment method and provides for the details and requirements of the EDU assessment calculation. An equivalent dwelling unit is defined in Anne Arundel County Code § 13-5-401(4) as a unit of 250 gallons of water. The calculation of the per-EDU assessment will be derived by:

- Establishing the project cost;
- Subtracting costs associated with making service available beyond the area being served and any state aid, federal aid, or other contributions towards the project;
- Adding amounts necessary to reimburse the County for estimated interest expense of County funds invested in the project; and
- Dividing the net cost (referred to as the net assessable amount) by the number of EDUs attributable to all of the lots to be served.

When determining the number of EDUs, each lot will be assigned at least one EDU and the number of EDUs attributable to non-residential lots may not exceed five for industrial uses or three for all other nonresidential uses plus the costs to upgrade, upsize, or improve the water or wastewater facilities to serve specific needs of the nonresidential lot. The assessment for the owner of each lot will be the number of EDUs attributable to that lot multiplied by the per-EDU assessment, and this assessment will be divided by 30 years to arrive at the annual assessment. The law further provides for

a revised calculation to provide for the deferral over 40 years and subsidies provided under Bill Nos. 90-19 and 95-19.

This change to assessment methodology was presented by the Septic Task Force in their Final Report from April 2020 and this bill is a result of that recommendation. DPW uses the per-EDU method of assessment for other utility-related calculations. The Md. Ann. Code § 9-657 “Classifications and Assessment of Property” requires that the County assess property either on a front-foot basis or under uniform rules and regulations adopted and approved by the County. DPW has determined that the per-EDU method sets forth uniform rules and regulations for an assessment method, as required by State law.

This bill removes the Mayo Reclamation Subdistrict assessment exception because Mayo is now connected to the Annapolis Water Reclamation Facility and this provision is now obsolete. This bill adds a requirement that upon subdivision, the remainder of the existing assessment shall be paid in full prior to the approval of the subdivision plat. The Director of DPW (Director) may impose an assessment on any new lots created as a result of a subdivision. The Director can also adjust the per-EDU assessment among the lots.

This bill also adds two exemptions for the per-EDU assessment. The first exemption is for unimproved common areas, recreation areas, or open spaces shown on a plat and owned by a nonprofit community or homeowners’ association. The second exemption is for a lot owned by a nonprofit community or homeowners’ association if no structure on the lot is served by a private water or wastewater system at the time of the calculation of the net assessable amount.

This bill clarifies an appeal should be in writing and increases the length of the deadline for filing an appeal and for requesting a hearing to 30 days after the date of the notice of assessment. This is an increase from 10 days after the notice is issued. This bill also clarifies that if a hearing is requested, the Director shall notify the property owner in writing of the date, time, and location of the hearing. The Director may extend the hearing date upon request of the property owner. The assessment becomes final unless appealed in writing within the new 30-day requirement. This bill removes the provision for undue hardship as a basis for adjustment. The updated language allows the Director to make fair and reasonable adjustments if the Director concludes, based on an appeal of an assessment, the original assessment was incorrect or inequitable based on the use of the lot.

This bill provides a grandfathering provision for any real property to be serviced by the project known as “Coriander Place – Gingerville Water Project, No. W805901” and any real property that was assessed prior to the effective date of this ordinance. This provision was designed to include the only current project that property owners have voted to petition, and the front foot assessment was accepted but has not yet been assessed.

Finally, this bill provides new assessment rates for properties permitted to connect for water and wastewater outside of the petition process. The new rate will be \$343 per EDU for connections to the water system and \$692 per EDU for connections to the sewer system. This rate was calculated by using the current minimum front foot basic rate (\$2.63 for water and \$5.29 for wastewater, as of July 1, 2020), and multiplying by the average lot front foot length of 131. Like the previous rates, these rates will be subject to a CPI increase on July 1st and DPW must give written notice to the Office of Finance and the County Council of the new rates.

Fiscal Impact: There is a fiscal impact to future petitioners because it will change the method of allocation between properties for petition projects, but there will be no fiscal impact to the County as the total cost of the project (plus interest) will remain the same and be paid for by the owners of the property, with the exception of the subsidies as previously provided for by Bill No. 95-19. Further, the cost of the projects and the owner assessments are to the County's utility enterprise funds.

Likewise, the change in the new assessment rates could result in certain property owners paying more or less for a connection. However, the new assessment rates are based on an average of the existing petition project lot sizes so there should not be a material impact to the utility enterprise fund and it will not result in a fiscal impact to the County's general fund.

Bill No. 81-20: Zoning – Home Occupations – Cottage Food Businesses

This bill defines a cottage food business and allows cottage food business as a home occupation. As a home occupation, the cottage food business would be required to comply with home occupation requirements in Anne Arundel County Code § 18-10-130. A Cottage food business is defined as a business that produces and packages cottage food products in a residential kitchen, sells cottage food products in accordance with Md. Ann. Code Health-General Article § 21-330.1 and Code of Maryland Regulations, and has annual revenues from the sale of cottage food products of \$25,000 or less.

Md. Ann. Code Health-General Article § 21-330.1 does not require the cottage food business to obtain a license if it follows specific conditions regarding storage of the product, labeling about the product and about the owner including a unique identification number, completion of a food safety course prior to selling the product to a retail food store, and compliance with county and municipal laws and ordinances regulating the preparation, processing, storage, and sale of cottage food products. This State law also provides for the investigation of complaints regarding violations of this State law.

The Office of Planning and Zoning (OPZ) is only aware of one property owner requesting a zoning certificate of use to allow a cottage food business as a home occupation, and neither the Department of Inspections and Permits nor OPZ expects a change in their workload if this bill passes. This bill has no fiscal impact.

Bill No. 82-20: Zoning – Requirements for Special Exception Uses – Indoor Rifle, Pistol, Skeet, and Archery Ranges

This bill changes two of the five special exception use zoning requirements for indoor rifle, pistol, skeet, and archery ranges. Indoor rifle, pistol, skeet, and archery ranges are allowed as a special exception use in commercial districts C3 and C4 and residential districts RA and R1. Under this bill, the distance that these facilities can be located from a residentially zoned property is decreased from 400 feet to 100 feet. This bill also removes the requirement for separate vehicular accesses that are at least 50 feet apart. Vehicular access to the facility is still required to be at least 50 feet from any road intersection.

The Office of Planning and Zoning (OPZ) indicated that there are no current projects or businesses that would be impacted by this bill, however, this reduction in distance from residential districts and vehicular access changes could make more sites viable for the use. OPZ does not anticipate a need for additional resources as a result of this bill. This bill has no fiscal impact.

Bill No. 83-20: Proclamation of Civil Emergency in Anne Arundel County – Termination

This bill terminates the extension for the proclamation of a civil emergency established by Bill No. 24-20 effective 48 hours after the effective date of this bill. Bill No. 24-20 had extended the proclamation of a civil emergency to the date the civil emergency proclamation for the State of Maryland is approved to be renewed, extended, or terminated by the Governor of Maryland or the Maryland General Assembly. The Governor has been extending the State of Maryland civil emergency proclamation monthly, last extended on October 6th.

If this bill passes, County Executive Orders that were issued under the proclamation of a civil emergency in Bill No. 24-20 would be terminated and all restrictions would default to what the State has imposed by way of the Governor's Executive Orders. County Executive Order No. 25 terminated emergency County Executive Orders Nos. 17, 18, 19, 21, 22, and 23. If this bill passes, County Executive Order Nos. 25, 26, 27, 29, 30, 31, 32, and 33 would be terminated. This would result in the termination of the following:

- Limits of the maximum capacity for retail establishments, organizations, and facilities in the County that principally sell goods to 50% of maximum occupancy. The latest Governor's executive orders currently set the maximum capacity for retail establishments to 75% of capacity and requires six-foot spacing for persons in line, signage for face coverings, and specified cleaning.
- Criteria established for reopening restaurants, bars, and other establishments that sell food or beverages for consumption on-premises in outdoor dining facilities in County Executive Order No. 25 through the County's issuance of a temporary use for 180 days. The latest Governor's executive orders requires staff wear face coverings, clean and disinfect between customers, prohibits buffets, requires customers be seated to be served, and limits capacity to 75% of the foodservice establishment's maximum occupancy.
- Requirement that restaurants, bars, and other establishments that sell food and alcoholic beverages, or alcoholic beverages only, for consumption on-premises in indoor dining facilities to cease all indoor service at 11:00 p.m., and cease alcohol service at 10:00 p.m.
- Prohibition of indoor social gatherings of more than 25 people, outdoor social gatherings of more than 50 people, and organized outdoor events other than live performances or outdoor movies to 100 people. The latest Governor's executive orders restricts outdoor events to 50% capacity or 250 people, whichever is less. The latest Governor's executive orders also require compliance with Maryland Department of Health (MDH) orders and MDH order 2020-10-08-01 restricts capacity for indoor sports to 50% of maximum capacity not to exceed 100 people, outdoor sports to 50% of maximum capacity not to exceed 250 people, and restricts college sports to 25% of the seating capacity.
- Prohibition of congregating in indoor shopping mall pedestrian areas. The Governor's executive orders opened shopping centers with one or more enclosed pedestrian concourses to the public on June 19, 2020.
- Restriction of the number of persons permitted in a religious facility at any one time to not exceed 50% of the maximum occupancy. The latest Governor's executive orders have set the maximum capacity for religious facilities to 75% capacity.
- Requirement that outdoor entertainment venues where live performances occur or motion pictures are shown outdoors are limited to 50% capacity or 100 persons, whichever is less. The latest Governor's executive orders sets capacity limits to 50% of the facility's maximum capacity or 250 persons, whichever is less.

- Suspension of termination of County water or wastewater service for non-payment until November 15, 2020 and suspended late fees and penalties. Upon termination, those fees and costs would begin to accrue again and service could be cut off for non-payment. The Governor's Executive Order suspended termination through September 1st.
- Allowance of County employees to carry over 42 days of annual leave rather than 35 days (or 30 days for certain Detention Center employees). The excess carryover would no longer be permitted.

Please note that if this bill passes it would not bar the County Executive from declaring another civil emergency in the interest of public safety and welfare, if circumstances warrant it, under Anne Arundel County Code § 1-6-103. Anne Arundel County Code § 1-6-104 states the proclamation and related executive order may not be effective for more than 7 days unless authorized by ordinance enacted by the County Council.

Orders for Public Safety issued by the County Health Officer would not be affected by this bill. The authority for the local health officer to issue directives or orders as necessary to monitor, prevent, reduce the spread of, and suppress COVID-19 with respect to the use of outdoor public space is allowed in the latest Governor's executive orders. Thus, these orders would remain in place as long as the state emergency proclamation continues. To date, the Health Officer has issued three Orders for Public Safety: (1) establishes requirements for retail establishments by requiring face coverings for customers and employees, limiting customer capacity to 50% of normal capacity; requires signage for social distancing, and prohibits self-service food counters; (2) establishes requirements for personal services establishments limiting capacity to no more than one customer or staff per 100 square feet of public area at any one time or 50% of maximum occupancy, requiring a log of customer contact information, notification of an employee diagnosed, requires compliance with guidance for personal services establishments at stage 2 recovery, and provides guidance on face coverings; and (3) requires face coverings in outdoor public spaces when maintaining a social distance of 6 feet from persons not from the same household is not feasible.

We also looked into the impact of this bill on grants received by the County as a result of the COVID-19. The majority of these grant funds are from the federal government or are pass-through grants from the federal government through the State, and they are primarily the result of the CARES Act. We were informed by the Office of the Inspector General for the U.S. Treasury that the CARES Act declares a federal state of emergency and does not require as a condition that the local government and/or recipient declare a state of emergency. Further, none of the other federal grants received by the County require a local declaration of a state of emergency. To a lesser extent, the County has also received some state grants as a result of COVID-19. According to the Administration, none of these state grants required a local declaration of a state of emergency.

Fiscal Impact: The fiscal impact of this bill is not readily determined. In itself, terminating the civil emergency would result in fewer restrictions. Fewer restrictions could result in a rise in COVID-19 which could result in a fiscal cost to the County. Likewise, stronger restrictions can impact the viability of the County's businesses and workers which could also result in a fiscal cost to the County. The fiscal impact of this bill is also dependent on whether the County Executive declares another state of emergency for 7 days and subsequently issues executive orders related to that declaration, and any subsequent County Council ordinances related to COVID-19 restrictions.

Resolution No. 35-20: Application of Edward Byrne Memorial Justice Assistance Grant Program

This resolution approves the County's application for a \$139,095 grant from the U.S. Department of Justice. The funds will be used to reduce recidivism for drug offenders through various programs administered by the County's Circuit Court, Department of Health, Office of the State's Attorney, and the Partnership for Children, Youth, and Families. This grant does not have a match requirement and this grant was anticipated in the fiscal year 2021 budget, therefore, no additional appropriations are needed. The fiscal 2021 budget included grant fund appropriations for this grant totaling \$51,400. According to Anne Arundel County Code § 4-11-114, grant appropriations can be increased for grant awards in excess of the amount budgeted.

As a recipient of the Byrne Grant, the County must certify compliance with various federal laws and must answer questions as to whether or not the jurisdiction has any laws, policies, or practices related to whether, when, or how employees may communicate with the U.S. Department of Homeland Security and Immigration and Customs Enforcement and its related compliance with 8 U.S.C. § 1373 (communication between government agencies and Immigration and Naturalization Service). These certifications and responses are shown in Exhibit A of this resolution.

The County must certify compliance with 34 U.S.C. § 10153(a) that requires that grant funds be used in addition to the County funded budget for law enforcement activities; and that the County's application for the Byrne Grant is made public, reviewed by the County Council, and allows the public the opportunity to comment. We noted that the County has already signed this certification before Council approval and public notice. This is because the release date of the Byrne Grant's FY2020 Local Solicitation was July 9, 2020, and the application deadline was August 19, 2020. According to the Byrne Grant's FY2020 Local Solicitation document, the Administration will need to submit the certification after obtaining Council approval.

Resolution No. 36-20: Declaration of Surplus Property – Unimproved County-Owned Property

This resolution declares certain unimproved County-owned property being part of Old Admiral Court in Annapolis, Maryland (located between properties known as 711 Bestgate Road and 713 Bestgate Road in Annapolis, Maryland) as surplus property. Resolution No. 24-20 was proposed to declare this property as surplus property, however, that resolution was withdrawn. This resolution states that the Administration intends to dispose of the property under Article 8, Title 3, Subtitle 2. Once declared surplus property, this property will qualify for provisions within this subtitle for disposal.

According to the State Department of Assessments and Taxation, the property is 4,482 square feet and has an assessed value as of January 1, 2020 of \$78,400. The declaration of a property as surplus property has no fiscal impact, however, the disposition of the surplus property will have a fiscal impact. According to Anne Arundel County Code § 8-3-204, approval by ordinance of the County Council is required for the sale of property for which the purchase price is less than 90% of its appraised value or the appraised value is \$50,000 or more.

Resolution No. 37-20: Application to Sell Agricultural Land Preservation Easement

This resolution approves Eleanor R. King's application to sell an agricultural land preservation easement to the Maryland Agricultural Land Preservation Foundation (MALPF). State law requires the County's Agricultural Preservation Advisory Board to review MALPF applications, rank them based on

locally established priorities adopted by MALPF, and make recommendations for approval to the local governing body. Additionally, State law requires the “planning and zoning body” to review the applications to determine whether the purchase is compatible with existing and approved County plans and overall County policy, and make recommendations for approval to the local governing body. Both the County Agricultural Preservation Advisory Board and the Planning and Zoning Officer have complied with these provisions of State law and recommend that the County Council approve this application. While there were initially two applications, no ranking was necessary because the other application was withdrawn before the ranking.

The State appropriation for the MALPF purchases allotted to Anne Arundel County for the fiscal year 2021 in the State’s first-round is \$730,547. These funds are provided with no matching requirement. Any State funding initially allocated and not utilized by other counties in the first round is allocated to the remaining counties with a matching requirement of 40%. Further, if State funding is not sufficient to cover its share of the offer price, the County is allowed to provide additional funding, but it is not required. According to MALPF, the application was reviewed and found to be complete. The application was then submitted to the Maryland Department of General Services for appraisal and the appraiser should complete the appraisal by February or March 2021. MALPF has informed the owner that the application was deemed sufficient.

Fiscal Impact: As of October 6, 2020, the Agricultural Easement Program Capital Project (C443400) has approximately \$4.45 million available, of which, a portion of these funds is targeted to the Rural Legacy program and the fiscal year 2020 MALPF offers, leaving in excess of \$2 million available for the FY21 MALPF matching funds and related overhead. Based on our estimate using recent MALPF per acre offers, even though the County has adequate funds to cover any required match to purchase this easement in the capital project, it is unlikely that County funds will be required.



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County Auditor