



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

**To:** Councilmembers, Anne Arundel County Council  
**From:** Michelle Bohlayer, County Auditor  
**Date:** December 15, 2021  
**Subject:** Auditor Review of Legislation for the December 20, 2021 Council Meeting

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**Bill 96-21:  
Cedarhurst-on-the-Bay  
Shore Erosion Control  
District – Approval of  
Loan and Assignment  
Agreement (As Amended)**

**Summary of Legislation**

This bill obligates the County to levy a special tax known as the shore erosion control district assessment on the Cedarhurst-on-the-Bay Shore Erosion Control District (SECD) beginning in fiscal year 2022 in an amount sufficient to repay a \$346,000 loan with a six year term from Severn Savings Bank to the Cedarhurst Citizens Associations, Inc.

We commented on this bill in our letter dated December 1, 2021. At the December 6, 2021 Council meeting, this bill was amended to update the name of the bank to Shore United Bank because Severn Savings Bank was acquired during the refinancing process. The term sheet was updated to reflect the new total and term for the loan, which is \$298,000 and five years, respectively. We have no further comments on this bill.

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**Bill 97-21:  
Personnel – Benefits –  
Annual Leave – Personal  
Leave Days (As Amended)**

**Summary of Legislation**

This bill allows employees who accrue and accumulate annual leave under County Code (Code) § 6-1-302 to carry over and use annual leave accumulated up through pay period year 2021 (December 24, 2020 to December 22, 2021) during the first pay period of pay period year 2022 (December 23, 2021 through, and including, January 5, 2022). In addition, the bill allows employees who accrue and accumulate annual leave under Code § 6-1-302 to carry over 40 days of accumulated leave into pay period year 2022.

We commented on this bill in our letter dated December 1, 2021. At the December 6, 2021 Council meeting, this bill was amended to also include personal leave days. We have no further comments on this bill.

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**Bill 98-21:  
Boards, Commissions, and  
Similar Bodies – Human  
Relations Commission –  
Student Member (As  
Amended)**

**Summary of Legislation**

This bill makes the student member of the Human Relations Commission (Commission) a voting member. This bill also adds the Executive Director of the Arundel Community Development Services, Inc. (ACDS) as a voting member of the Commission.

We commented on this bill in our letter dated December 1, 2021. At the December 6, 2021 Council meeting, this bill was amended to allow the Executive Director of ACDS to designate a person to act on their behalf for the Commission. We have no further comments on this bill.

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**Bill 99-21:  
Subdivision and  
Development – Site  
Development –  
Exemptions**

**Summary of Legislation**

This bill exempts improvements to an existing nonresidential structure outside the critical or bog protection areas from the site development plan process under certain conditions and repeals an exemption relating to certain grading permits.

We commented on this bill in our letter dated December 1, 2021. At the December 6, 2021 Council meeting, this bill was held until the December 20, 2021 meeting. We have no further comments on this bill.

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**Bill 100-21:  
Pensions – Reemployment  
– Reduction of Benefits**

**Summary of Legislation**

This bill limits the exemption from pension benefit reduction for the first 1,500 hours worked for an exempt employee who:

- retired from the County as a classified employee and is reemployed by the County as an exempt employee under § 802(a)(14) of the County Charter (Charter); or
- retired from the County as an exempt employee under §§ 6-2-101, 6-2-104, or 6-2-105 of the Code in a position that is not exempt from the provisions of the Fair Labor Standards Act, 29 U.S.C § 207 and is reemployed by the County as an exempt employee under § 802(a)(14) of the Charter.

This bill corrects an unintended consequence of the 2020 Charter amendment, via Resolution 17-20, that removed the 1,500 hours from the definition of Code § 802(a)(14) exempt position. The unintended consequence of this change was that it removed the limit on the number of hours that rehired retirees working under non-grant funded contracts would be allowed to work, essentially allowing them to become full-time contractual employees while receiving their full pension benefits. The intent of the Charter amendment was to allow the Department of Recreation and Parks' childcare directors and staff to work more than 1,500 hours per year to meet the needs of the centers but in doing so it modified the reemployment restriction in the Code § 5-1-203(c).

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**Bill 100-21 (continued)****Review of Fiscal Impact**

According to the Office of Personnel (Personnel), there are currently 107 rehired retirees working for the County. Prior to the Charter amendment taking effect in January 2021, rehired retirees were limited to 1,500 hours of work in a calendar year without an offset to their monthly pension. Except for certain conditions noted in the Code, § 5-1-203(b) requires an offset of \$1.00 for every \$2.00 earned during a period of reemployment. This is to prevent retirees from receiving their full pension benefits while earning a full-time salary from the County. With the 1,500 hour limit removed, retirees rehired under § 802(a)(14) of the Charter could potentially work full-time without an offset to their pension benefits during the period of reemployment, which is counter to sound fiduciary practices for the pension plan. This bill will reinstate the pension offset for those rehired retirees who reach 1,500 hours and will result in cost savings for the County.

Personnel has not determined a fiscal impact as there has always been a reemployment restriction. Personnel does not expect a change in the workload nor will it require any additional resources due to this legislation.

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**Bill 101-21:  
Approval of Private  
Disposition of County-  
Owned Property in  
Millersville****Summary of Legislation**

This bill approves the private disposition of County-owned property, known as a 25.3 acre portion of the 37.1 acre Southgate Old Mill Park located at 8224 Oakwood Road in Millersville, to the Board of Education of Anne Arundel County (BOE). This property was acquired by the County from the BOE for \$10 in 1982 and is being used for the construction of the Old Mill Middle School (MS) South capital project by the BOE.

**Review of Fiscal Impact**

We agree with the information presented in the Administration's fiscal note that there is no estimated fiscal impact associated with this legislation, the County will convey this property to the BOE for a sale price of \$0, and the fiscal year 2022 (FY22) capital budget and program includes an appropriation for the Old Mill MS South project (#E550400). The total appropriation in the capital budget for this project is \$85,766,000, with \$3,008,000 in prior approved funding and \$4,788,000 in FY22 funding.

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**Bill 102-21:  
Zoning – Requirements  
for Conditional Uses –  
Adult Independent  
Dwelling Units – Setbacks**

**Summary of Legislation**

This bill clarifies that structures in an adult independent dwelling facility be located a certain distance from all lot lines and requires that parking areas for adult independent dwelling units be located a certain distance from residential lot lines.

**Review of Fiscal Impact**

The Office of Planning and Zoning (OPZ) does not expect a change in workload from this bill. This bill has no direct fiscal impact.

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**Bill 103-21:  
Zoning – Commercial  
Districts – Gunsmiths and  
Ammunition Sales  
Facilities**

**Summary of Legislation**

This bill allows gunsmiths and ammunition sales facilities as permitted use in C3 zoning districts.

**Review of Fiscal Impact**

OPZ does not expect a change in workload from this bill. This bill has no direct fiscal impact.

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**Bill 104-21:  
Zoning – School Bus  
Facilities**

**Summary of Legislation**

This bill adds a definition of school bus facility, allows school bus facilities as a permitted use in C4, W1, W2, and W3 zoning districts; allows school bus facilities as a conditional use in C1, C2, and C3 zoning districts; allows school bus facilities as a conditional use in Small Business Districts; and adds the conditional use requirements for school bus facilities.

**Review of Fiscal Impact**

OPZ does not expect a change in workload from this bill. This bill has no direct fiscal impact.

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**Resolution 62-21:  
Proposing an Amendment  
to the Charter Regarding  
the Appointment and  
Confirmation of the  
Planning and Zoning  
Officer**

**Summary of Legislation**

This resolution proposes an amendment to the Charter of Anne Arundel County to add a requirement that the County Council confirm the County Executive’s appointment of the Planning and Zoning Officer for submission to the qualified voters of the County at the General Election in November 2022.

**Review of Fiscal Impact**

The resolution does not have a fiscal impact.

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**Resolution 63-21:  
Reporting Deadlines of the  
Charter Revision  
Commission**

**Summary of Legislation**

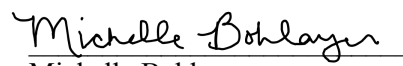
This resolution amends certain reporting deadlines required of the Charter Revision Commission.

**Review of Fiscal Impact**

The resolution does not have a fiscal impact.

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Sincerely,

  
Michelle Bohlayer  
County Auditor