



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

To: Councilmembers, Anne Arundel County Council
From: Michelle Bohlayer, County Auditor
Date: March 16, 2022
Subject: Auditor's Review of Legislation for the March 21, 2022 Council Meeting

**Bill 8-22:
Zoning – 2022 Green
Infrastructure Master
Plan (As Amended)**

Summary of Legislation

This bill repeals the 2002 Greenways Master Plan and adopts the 2022 Green Infrastructure Master Plan with appendices as a guide for the future conservation of natural lands in the County.

We commented on this bill in our letters dated February 16, 2022 and March 2, 2022. At the March 7, 2022 Council meeting, this bill was amended to provide that the 2022 Green Infrastructure Master Plan is not a regulatory document. We have no further comments on this bill.

**Bill 16-22:
Police Accountability
Board (As Amended)**

Summary of Legislation

This bill establishes the Police Accountability Board (Board) for Anne Arundel County, as required by the Maryland General Assembly's House Bill 670, also known as the Maryland Police Accountability Act of 2021, which becomes effective on July 1, 2022.

We commented on this bill in our letter dated March 2, 2022. At the March 7, 2022 Council meeting, 18 amendments were adopted to modify or remove various aspects of this bill. We have no further comments on this bill.

**Bill 17-22:
Planning and Development
– Master Plan for Water
Supply and Sewerage
Systems**

Summary of Legislation

This bill amends the Master Plan for Water Supply and Sewerage Systems, 2017 to alter certain maps.

We commented on this bill in our letter dated March 2, 2022. At the March 7, 2022 Council meeting, the public hearing was held open and the vote on this bill was held until March 21, 2022 due to the midnight voting deadline. We have no further comments on this bill.

**Bill 18-22:
Finance, Taxation, and
Budget – Opioid
Abatement Special
Revenue Fund**

Summary of Legislation

This bill establishes the Opioid Abatement Special Revenue Fund to retain the County’s share of settlement proceeds from the national settlement agreement of the state and national litigation related to the opioid industry. This is a special, non-lapsing fund.

We commented on this bill in our letter dated March 2, 2022. At the March 7, 2022 Council meeting, the public hearing was held open and the vote on this bill was held until March 21, 2022 due to the midnight voting deadline. We have no further comments on this bill.

**Bill 19-22:
Aggregate Net Energy
Metering Credit Purchase
Agreement – Glenn Burnie
Landfill Solar LLC**

Summary of Legislation

This bill approves an Aggregate Net Energy Metering Credit Purchase Agreement (agreement) between Glenn Burnie Landfill Solar, LLC (developer) and the County. The Council approved Bill 12-21, which leased County property in Glen Burnie to the developer. The developer intends to construct, own, and operate one solar photovoltaic generation facility (solar facility) and a separate community solar project on the property. The agreement will allow the County to purchase some of the energy output from the solar facility under the terms and conditions contained in the agreement.

We commented on this bill in our letter dated March 2, 2022. At the March 7, 2022 Council meeting, the public hearing was held open and the vote on this bill was held until March 21, 2022 due to the midnight voting deadline. We have no further comments on this bill.

**Bill 20-22:
Legislative Branch –
Compensation – Benefits**

Summary of Legislation

This bill increases the salaries of members of the County Council and amends certain benefits and allowances of members of the County Council as recommended by the Salary Standard Commission.

We commented on this bill in our letter dated March 2, 2022. At the March 7, 2022 Council meeting, the public hearing was held open and the vote on this bill was held until March 21, 2022 due to the midnight voting deadline. We have no further comments on this bill.

**Bill 21-22:
Subdivision and
Development and Zoning –
Cluster Development**

Summary of Legislation

This bill adds subdivision and development and zoning provisions relating to cluster development, exempts applications for cluster development made before a certain date from the provisions, prohibits modifications to certain open space requirements for cluster development, allows cluster development as a conditional use in certain residential zoning districts, adds conditional use requirements for cluster development, repeals the bulk regulations for cluster development in certain residential zoning districts, and repeals the conditional use and special exception use requirements for duplexes and semi-detached dwellings.

We commented on this bill in our letter dated March 2, 2022. At the March 7, 2022 Council meeting, the public hearing was held open and the vote on this bill was held until March 21, 2022 due to the midnight voting deadline. We have no further comments on this bill.

**Bill 22-22:
Hollywood on the Severn
Special Community
Benefit District**

Summary of Legislation

This bill establishes the Hollywood on the Severn Special Community Benefit District (SCBD) to include the Hollywood-on-Severn subdivision. The SCBD shall be administered by the Hollywood-on-Severn Improvement Association, Inc. The purposes of the SCBD are to maintain, acquire, construct, and improve community real and personal property, including waterfront areas and pier; and to provide for the administrative expenses incidental to carrying out these purposes, including insurance costs and the repayment of any loan and interest thereon. The method of taxation will be a uniform assessment for each real property tax account.

We have reviewed the supporting documents and determined the petition meets the requirements for establishing the SCBD. There were 84 qualified “Yes” votes out of 122 eligible properties (68.9%), which satisfies the requirement that at least two-thirds of the property owners approve of establishing the SCBD. There were also 14 qualified “No” votes and 13 votes that did not meet the requirements for qualifying.

Review of Fiscal Impact

This bill has no direct fiscal impact.

**Bill 23-22:
Approval of the Lease
Agreement for Quiet
Waters Retreat**

Summary of Legislation

This bill approves an agreement to lease part of County-owned property known as Quiet Waters Retreat to Chesapeake Conservation Center, LLC (tenant). This bill approves a 30 year lease to the tenant of 5.82 acres of land until such time as a structure with a footprint of up to 14,014 square feet (structure) is constructed within that 5.82 acre area and a certificate of occupancy is issued for the structure, at which time the leased property shall be the structure. This 5.82 acres of land is a portion of Quiet Waters Retreat. Under the terms of the lease, the tenant will pay an annual rent of \$1 and will have the right to renew the lease for two additional terms of 30 years each upon election by the tenant in writing. Payments for utilities and any applicable real property taxes are also due and payable as additional rent.

Review of Fiscal Impact

This lease agreement is the result of the public private partnership with Chesapeake Conservancy, Inc. In 2019, the County purchased the property known as Quiet Waters Retreat. There is an existing capital project (Project #P579800 Quiet Waters Retreat) with a total project cost of \$8,105,000, which was funded with the following sources: County funds (\$380,000), Other Federal Grants – the United States Department of Defense (\$995,000), POS – Acquisition (\$2,730,000), Other State Grants (\$2,000,000), and private funds (\$2,000,000). The County will maintain the park amenities, roads, and property. The tenant will be responsible for structures that they construct.

An existing capital project (Project #P584600 Quiet Waters Park Rehab) will be used to complete a range of improvements to Quiet Waters Park, not just improvements to Quiet Waters Retreat. This project included FY22 funding of \$1,174,000 in Other State Grants. The Department of Recreation and Parks intends to construct amenities on this property but are unable to provide a cost estimate until they are ready to move to construction. The planned development schedule currently includes three phases. They are as follows:

- Phase 1 includes the Conservation Center access road and parking. The County plans to begin their design in spring 2022 and expects construction to begin in summer 2023;
 - Phase 2 includes park development. The County plans to begin design in spring 2022 and expects construction to begin in summer 2023; and
 - Phase 3 includes shoreline work. The County plans to begin design in fiscal year 2024 and expects construction to begin in fiscal year 2026.
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**Bill 24-22:
Personnel and Public
Ethics – Positions in the
Exempt Service**

Summary of Legislation

This bill amends the County Code to add two new positions to support the Police Accountability Board (Board). These positions are one Executive Director to the Board position and one Administrative Secretary to Department or Agency Head position in the exempt service under the Chief Administrative Officer. The Board is required by the Maryland General Assembly’s House Bill 670, also known as the Maryland Police Accountability Act of 2021, and proposed to be established via County Bill 16-22. This bill also requires the Executive Director position to file financial disclosure statements with the County Ethics Commission.

Review of Fiscal Impact

Annual salary and benefit costs for one Executive Director position ranges from approximately \$122,000 to \$248,000 and for one Administrative Secretary ranges from approximately \$55,000 to \$111,000. Both of these positions are new and were not included in the fiscal year 2022 (FY22) Budget.

The FY22 fiscal impact of these two positions will depend on the hiring date, negotiated salary, and associated benefits. Per the Office of the Budget, it is the intention of the Administration to hire both of these positions before the end of the current fiscal year. Given that currently there is no budget for the Board, a supplementary appropriation would be needed to transfer funds to the Board if the County hires these positions during the current fiscal year.

**Bill 25-22:
General Provisions –
Language Access**

Summary of Legislation

This bill requires County agencies to provide equal access to public services, meetings, websites, and webpages for individuals with limited English proficiency. This bill also provides for the coordination, technical assistance, and formulation of minimum standards for equal language access.

Review of Fiscal Impact

The Administration does not expect a large increase in costs related to this bill. Certain departments are already providing similar services, including sign language interpreter services, over the phone interpreter services, and document translation services. For fiscal year 2021, the County spent \$765,980 on translation and interpreter services. For FY22 year-to-date, the County spent \$272,600 on translation and interpreter services. These totals include general fund expenditures and various grant related expenditures.

**Bill 26-22:
Public Works – Weeds and
Vegetation**

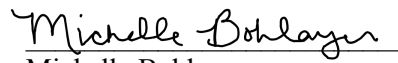
Summary of Legislation

This bill prohibits community associations from allowing rank vegetation and noxious weeds on property and exempts certain stormwater management ponds or devices from the prohibition against allowing rank vegetation and noxious weeds on property.

Review of Fiscal Impact

This bill has no direct fiscal impact. This bill provides clarification of the County’s authority and County Code applicability. The stormwater management ponds or devices exemption is a codification of current practice.

Sincerely,


Michelle Bohlayer
County Auditor