



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

To: Councilmembers, Anne Arundel County Council
From: Michelle Bohlayer, County Auditor
Date: March 30, 2022
Subject: Auditor's Review of Legislation for the April 4, 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, March 2, 2022, and March 16, 2022. At the March 21, 2022 Council meeting, this bill was amended to make Bill 8-22 contingent upon certain notice to property owners of their property being newly included in the 2022 Green Infrastructure Network, allows for property owners to indicate whether their property is available for conservation or subject to owner plans, requires the 2022 Green Infrastructure Master Plan be revised to show properties subject to property owner plans from the Green Infrastructure Network, and delays the effective date of any ordinances that rely on the Green Infrastructure Network. This bill was also amended to require the Office of Planning and Zoning to submit an annual report on the progress of the implementation of the Green Infrastructure Master Plan and, as a part of the annual report, update the Green Infrastructure Network Map to reflect certain changes and additions. 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 letters dated March 2, 2022 and March 16, 2022. At the March 21, 2022 Council meeting, four amendments were adopted to modify or remove various aspects of this bill. The adopted amendments include: the Executive Director must be an attorney and manage Board staff; child care and transportation costs will be eligible for reimbursement, if necessary, to attend a scheduled

Bill 16-22 (continued)

meeting of the Board; and the County Executive must advertise its appointment positions to the Administrative Charging Committee for at least 30 days prior to appointment. We have no further comments on this bill.

**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.

We commented on this bill in our letter dated March 16, 2022. At the March 21, 2022 Council meeting, this bill was held until the April 4, 2022 meeting. We have no further comments on this bill.

**Bill 27-22:
Pensions – Contingent
Annuitant – Fire and
Police Service Retirement
Plans – Same Sex
Marriage****Summary of Legislation**

This bill allows modification of the contingent annuitant election for certain retirees in the Fire Service Retirement Plan or Police Service Retirement Plan entering into same sex marriages with the contingent annuitant. Participants in the aforementioned plans must have retired before January 1, 2013 and elected the contingent annuitant option naming a member of the same sex as the contingent annuitant, resulting in a reduction of pension benefits; and, on or after January 1, 2013, the participant married the named contingent annuitant. This bill will restore the participant's pension benefit to the full benefit and the participant shall be entitled to a lump sum payment of the amount that the benefits were reduced between the date of retirement and January 1, 2023.

Review of Fiscal Impact

The Office of Personnel is currently working with the actuaries to determine how many current retirees would be eligible for this payment, but that number is unknown at this time. The estimated fiscal impact of \$250,000 included in the Administration's fiscal note is based on five eligible participants, however, the actual fiscal impact will be dependent upon the number of eligible participants, the participant's age, the contingent annuitant's age, participant's salary, and the type of election selected. The lump sum payment will be paid from the County's pension fund, which is made up of invested County and employee contributions.

**Bill 28-22:
Personnel – Positions in
the Classified Service**

Summary of Legislation

This bill amends the title of one position (Correctional Records Clerk); amends the minimum qualifications of four positions (Mechanical Technician II, Fire Communications Operator I, Fire Communications Operator II, and Fire Communications Operator III); and amends the pay grades of five positions (Fire Communications Operator I, Fire Communications Operator II, Fire Communications Operator III, Police Communications Operator I, and Police Communications Operator II). In addition, the bill adds a new position to the classified service (Correctional Records Clerk II) including pay grade, work week, and minimum qualifications. Furthermore, the bill removes thirteen Correctional Records Clerk positions in the Department of Detention Facilities that were included in the fiscal year 2022 Approved Budget (FY22 Budget) and approves the addition of twelve Correctional Records Clerk I positions and one Correctional Records Clerk II position in the FY22 Budget.

The Department of Public Works (DPW), Water Operations has a need for employees with a commercial drivers' license with HazMat endorsement to drive the chemical delivery truck to deliver chemicals to small water treatment facilities where commercial deliveries are not possible. Due to retirements and transfers out of the division, the work section no longer has drivers to operate the chemical delivery trucks. As a result, the DPW is requesting that the minimum qualifications for the Mechanical Technician II position be changed to include the HazMat endorsement.

The amendment to the minimum qualifications for the Fire Communications Operator I position is to clarify that once hired, employees need to complete a clearance process and obtain several certifications as a condition of their continued employment as a Fire Communications Operator I. In addition, the revised minimum qualifications for Fire Communications Operator II and III requires that applicants must maintain the credentials they achieved as a Fire Communications Operator I and receive a sufficient quality assurance/quality improvement score to obtain a proficiency upgrade to Fire Communications Operator II or promotion to Fire Communications Operator III.

The creation of the new Correctional Records Clerk II position is to provide a lead to the Correctional Records Clerk I positions and to provide an opportunity for upward movement and employee growth. Per the Department of Detention Facilities, in addition to performing the duties of Correctional Records Clerk I, the Correctional Records Clerk II position's new duties will include handling more complex cases; assigning, distributing, and reviewing the work of Correctional Records Clerk I positions; and assisting in staff training and development.

This bill includes a one grade increase for five positions (Fire Communications Operator I, Fire Communications Operator II, Fire Communications Operator III, Police Communications Operator I, and Police Communications Operator II). As of March 2022, there are a total of 28 Fire Communications Operator I positions of which 2 are vacant; no Fire Communications Operator II and III positions; a total of 25 Police Communications Operator I positions of which 5 are vacant; and a total of 54 Police Communications Operator II positions of which 28 are vacant. The revised pay grade for the Fire Communications Operator I, Fire Communications Operator II, Fire Communications Operator III, Police Communications Operator I, and Police Communications Operator II positions reflects a 5% increase in the minimum and maximum salaries. Assuming a 5% increase in the current salary for the 28 Fire Communications Operator I, 25 Police Communications Operator I, 54 Police Communications Operator II positions and FICA and pension based on the revised salary, the total annual increase is approximately \$352,000. Per the Fire Department and the Police Department, the reason for the increase in the pay grades of the respective positions is to provide competitive compensation for high stress positions to help recruit and retain employees, and to be on par with surrounding jurisdictions. Currently the Fire Communication Operator II and III positions are vacant but the Fire Department advised that the increase in pay grade will allow for future career progression. Both the Fire and the Police Department advised that they do not anticipate that additional appropriations will be required in the FY22 Budget, however, they will continue to monitor spending throughout the year to determine if additional appropriations will be necessary.

In this bill, one of the two vacant Correctional Records Clerk positions will be converted to the Correctional Records Clerk II position. Annual salary and benefit costs for one Correctional Records Clerk II position ranges from approximately \$57,000 to \$93,000. This position is new and no funds were included in the FY22 Budget, however, funds totaling \$62,188 were included in the FY22 Budget for the vacant Correctional Records Clerk position. The FY22 fiscal impact of the Correctional Records Clerk II position will depend on the hiring date, negotiated salary, and associated benefits. The Department of Detention Facilities intends to fill the position as soon as possible.

**Bill 29-22:
Current Expense Budget –
Supplementary
Appropriations**

Summary of Legislation

This bill provides a supplementary appropriation of \$750,000 to the Office of Finance (Non-Departmental) in the General Fund.

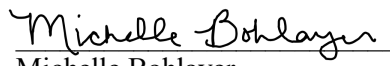
Review of Fiscal Impact

This bill authorizes a transfer of \$750,000 from the unappropriated fund balance of the Odenton Town Center Taxing Increment Fund to the Office of Finance (Non-Departmental) in the General Fund to align the operating budget with the fiscal year 2022 Approved Capital Budget and Program (FY22 Capital Budget) for the Odenton MARC TOD Dev PH project (#C565500). Per the Office of the Budget, this supplementary appropriation results in no change to the amount of miscellaneous funding source appropriation in the FY22 Capital Budget for this project as the miscellaneous appropriations is from the Odenton Town Center Taxing Increment Fund.

On June 30, 2021, per the Anne Arundel County Annual Comprehensive Financial Report, the unappropriated Odenton Town Center Taxing Increment Fund balance was \$21,333,713. There were no appropriations from this fund balance during fiscal year 2022 (FY22). This transfer would reduce the available fund balance in the Odenton Town Center Taxing Increment Fund to \$20,583,713.

The Controller certified that these funds are available for appropriation.

Sincerely,


Michelle Bohlayer
County Auditor