



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

To: Councilmembers, Anne Arundel County Council
From: Michelle Bohlayer, County Auditor
Date: September 29, 2022
Subject: Auditor's Review of Legislation for the October 3, 2022 Council Meeting

**Bill 73-22:
Subdivision and
Development and Zoning –
Cluster Development (As
Amended)**

Summary of Legislation

This bill defines cluster development and requires cluster development to include landscaped screening and buffer areas.

We commented on this bill in our letters dated August 31, 2022 and September 14, 2022. At the September 19, 2022 Council meeting, this bill was amended to add a grandfathering provision for applications for cluster development filed before the effective date of the bill. This bill was also amended to specify the size of the landscaped screening and buffer areas required along adjacent, non-local roads and adjoining properties that are not part of the cluster development. We have no further comments on this bill.

**Bill 78-22:
Current Expense Budget –
Supplementary
Appropriations – Grants
Special Revenue Fund –
CAO Contingency Fund –
Capital Budget and
Program – Woodland
Beach Vol FS Reloc –
Amending Scope and
Description of Project**

Summary of Legislation

This bill provides supplementary capital and operating appropriations from unanticipated grant revenue, transfers appropriation from the Chief Administrative Officer (CAO) Contingency Account to the Orphans' Court, amends the capital project scope and description for the Woodland Beach Vol FS Reloc (#F573000), and amends the Capital Program and Capital Projects Bond Ordinance. These changes to the FY23 Approved Capital Budget and Program (FY23 Capital Budget) have been reviewed by the Planning Advisory Board, and they have offered an advisory recommendation of approval.

Review of Fiscal Impact

The \$2,040,995 in additional appropriations for unanticipated grant revenue provide for the following:

- \$12,390 from the Maryland Department of Health (MDH) – Prevention and Health Promotion Administration to the Anne Arundel County Department of Health (Health Department) from the Department of Health and Human Services – Centers of Disease Control funding for program support related to HIV
-

Bill 78-22 (continued)

surveillance and prevention programs. The award period is from July 1, 2022 through June 30, 2023. This grant was not included in the Fiscal Year 2023 Approved Budget (FY23 Budget) and does not require a matching contribution.

- \$525,805 from MDH – Office of Population Health Improvement to the Health Department for the Local Health Department Health Disparities Funding to expand education and provide outreach to high-risk pregnant women and infants. The award period is from July 1, 2022 through June 30, 2023. This grant was not included in the FY23 Budget and does not require a matching contribution.
- \$1,502,800 from the Arundel Community Development Services, Inc. (ACDS) to the Partnership for Children, Youth, and Families for eviction prevention rental assistance and case management costs. Although this bill includes a grant amount of \$1,502,800 from ACDS, the related grant agreement totals \$1,703,175. According to the Administration, the difference is due to the timing of the grant agreement, which came in higher, and the drafting of the bill and will be corrected using the Administration’s grant certification process.

The transfer of \$22,000 of appropriations from the CAO Contingency Account is being used to fund salary increases for the Orphans’ Court judges based on the salary increase approved via Bill 60-22 at the July 5, 2022 Council meeting. This was not included in the FY23 Budget. As of September 16, 2022, the CAO Contingency Account has a remaining appropriation totaling \$12,000,000, which is sufficient to cover this transfer.

The amendment to the Woodland Beach Vol FS Reloc project (#F573000) scope and description to no longer limit the County’s contribution to acquisition of property has no fiscal impact. Resolution 44-22 expresses the need for land owned by the Board of Education to be utilized for construction of the Woodland Beach Volunteer Fire Department. If this property is transferred to the County, the \$1 million in FY23 capital funding would no longer be needed for acquisition of a property. The Administration informed us this funding would now be used for the planning and construction activities related to its relocation. The Office of Law is currently working with the Office of Central Services and the Woodland Beach Volunteer Fire Department to draft a grant agreement related to these funds.

The \$937,500 in additional appropriations for unanticipated grant revenue are from the Maryland Higher Education Commission to Anne Arundel Community College. This grant revenue was awarded August 1, 2022, and is for the State-funded Systemics Program project (#J540700). This grant was not included in the FY23 Capital Budget and does not require a matching contribution.

The Controller certified that these funds are available for appropriation.

**Bill 79-22:
Construction and Property
Maintenance Codes –
Nuisance Properties –
Enforcement**

Summary of Legislation

This bill defines nuisance property, authorizes the County to declare a property a nuisance property, requires notice to a property owner prior to a declaration, requires nuisance properties be safeguarded in a certain manner, requires the County to monitor certain nuisance properties, allows for the rescission of a declaration of nuisance property, and provides for civil penalties for violations.

Review of Fiscal Impact

This bill will increase the workload for the Health Department as nuisance properties will need to be monitored every 30 days as well as additional actions for any violations, however, the Health Department does not anticipate needing additional resources to meet the requirements of this bill as the increase in workload would be absorbed into the Environmental Health Specialists regular duties while they are investigating other complaints. The Health Department anticipates that nuisance properties will generally be able to be abated by them without requiring court action. This bill will result in additional fines; however, the amount will be dependent on the number of violations.

The Department of Public Works (DPW) currently enforces compliance for noxious weeds or rank vegetation and does not anticipate any substantive change in workload related to the monitoring of declared nuisance properties as referred by the Health Officer. DPW anticipates there to be a relatively small number of unoccupied properties that would meet the criteria in this bill.

The Department of Inspections and Permits (I&P) will work with the Health Department to inform them of unsafe structures and will issue a new Certificate of Occupancies for cured nuisance properties, but this increase in workload could be readily absorbed by I&P and I&P does not anticipate needing additional resources to meet the requirements of this bill.

**Bill 80-22:
Recreation and Parks –
Civil Offenses in County
Parks - Enforcement**

Summary of Legislation

This bill makes violations of provisions that prohibit specific conduct in County parks and makes violations of the time limit on mooring a boat at a pier in a County park class E civil offenses.

Review of Fiscal Impact

Park Rangers from the Department of Recreation and Parks (R&P) currently enforce the provisions in the County Code (Code) by requesting compliance or issuing verbal warnings. The Police Department conducts criminal and civil violation enforcement in County parks. This bill gives authority to R&P to issue civil citations for any violations of Code §§ 14-2-101 through 14-2-119 and § 9-1-706. R&P and the Police Department do not anticipate a significant increase in workload due to this bill and do not anticipate needing additional resources to meet the requirements of this bill. This bill will result in additional fines, however, the amount will be dependent on the number of violations.

**Bill 81-22:
Zoning – Carwash
Facilities**

Summary of Legislation

This bill allows a carwash as a conditional use in C1 and C2 commercial zoning districts and adds the conditional use requirements for carwashes.

Review of Fiscal Impact

The Office of Planning and Zoning (OPZ) does not anticipate a change in workload due to this bill and does not anticipate needing additional resources to meet the requirements of this bill. This bill has no direct fiscal impact.

**Bill 82-22:
Subdivision and
Development –
Modifications – Notice**

Summary of Legislation

This bill allows a certain notice requirement to be satisfied by mailing notice to the president of any community or homeowners' association of any subdivision that is located within a certain distance of a property that is the subject of an application for a modification in addition to all owners of property located within 300 feet of the affected property.

Review of Fiscal Impact

OPZ does not anticipate a change in workload due to this bill and does not anticipate needing additional resources to meet the requirements of this bill. This bill has no direct fiscal impact.

**Bill 83-22:
Scenic and Historic Roads
– Designation of Roads –
Furnace Avenue and
Ridge Road**

Summary of Legislation

This bill amends the map entitled “Scenic and Historic Roads, 2006” to include certain roads and adopts an amended map.

Review of Fiscal Impact

OPZ does not anticipate a change in workload due to this bill and does not anticipate needing additional resources to meet the requirements of this bill. Development projects generating traffic onto Scenic and Historic Roads are exempt from certain provisions related to adequate road facilities testing. This bill could increase the number of development projects that are potentially exempt from the adequate road facilities test. If a planned development project becomes exempt from adequate road facilities testing, this may limit the County’s ability to require needed traffic mitigation improvements from a developer. This bill could have a fiscal impact if the County is then required to provide future needed road improvements, however, the fiscal impact of those road improvements would be dependent upon the specific development projects and necessary road improvements. Per OPZ, there are currently a number of planned developments under review along Ridge Road for which traffic mitigation requirements could be affected by this bill.

**Bill 84-22:
General Provisions – Flags
on County Property**

Summary of Legislation

This bill prohibits the County from authorizing private persons or entities to fly flags on County flagpoles.

Review of Fiscal Impact

This bill has no direct fiscal impact.

**Resolution 37-22:
Approving Anne Arundel
County’s 2022 Financial
Assurance Plan**

Summary of Legislation

This resolution approves the County’s 2022 Financial Assurance Plan (FAP) for compliance with the National Pollutant Discharge Elimination Phase I Municipal Separate Storm Sewer System Permit (NPDES MS4 Permit). Annotated Code of Maryland (Maryland Code) Environmental Article § 4-202.1 provides that a county may not file a FAP with the Maryland Department of the Environment (MDE) until the local governing body holds a public hearing and approves the FAP.

The permit, issued on November 5, 2021, requires the County to complete the restoration of 2,998 impervious acres that have not been treated to the maximum extent practicable. In addition, the permit requires annual alternative control practices used by the County to meet its prior permit’s impervious acre restoration requirement to be replaced with restoring 199 impervious acres.

Maryland Code requires the County to submit the FAP showing compliance with the NPDES MS4 Permit every two years on the

**Resolution 37-22
(continued)**

anniversary date of the permit. This state law also requires that the FAP include the following:

- Actions that will be required by the County to meet the requirements of the NPDES MS4 Permit;
- Annual and projected five-year costs for the County to meet the impervious surface restoration plan requirement of its NPDES MS4 Permit (that is, the 20% restoration requirement);
- Annual and projected five-year revenues that will be used toward meeting the 20% restoration requirement;
- Any sources of funds that will be used; and
- Actions and expenditures of the previous fiscal years to meet the 20% restoration requirement.

The FAP included with this resolution addresses these requirements as specified by MDE. It shows that the County has the financial means to achieve the permit requirements. There are five charts included in the FAP. The first chart provides a summary of all actions and includes the best management practice, such as vacuum street sweeping; the implementation cost; the impervious acres; the percentage complete; the implementation status; and the projected implementation year. This summary is a consolidation of a number of data sources. We reviewed the formulas in this chart and selected a sample of data and obtained the support to verify the accuracy of the data in this chart.

The second, third, fourth, and fifth charts in the FAP summarize historical and projected financial data (both sources of funding and operational/capital expenditures). We verified select historical data to the County's financial system and supporting agreements, and projected data to the Watershed Protections and Restoration Fund Model obtained from the DPW.

We noted the following in our review:

- Incorrect best management practices type and class were noted in the first chart.
- Information is missing in the fifth chart. Specifically, no percentage is noted for the funds directed towards the impervious surface restoration plan (ISRP) for previous, current, and projected fiscal years.
- Incorrect formula was used in the fifth chart. Specifically, the formula for comparing total ISRP expenditures to total permit term annual sources of funds is not taking into consideration all the fiscal years related to the permit.

Per DPW, except for the first issue noted above, the other two were caused by using the FAP template provided by MDE. DPW does not intend to amend this resolution including the FAP to reflect the correction of errors identified during this process. The errors noted do not alter their prediction of acreage earned to be in compliance with the MDE permit.

**Resolution 37-22
(continued)**

Review of Fiscal Impact

We agree with the Administration's fiscal note that there is no fiscal impact to the County because the FAP is consistent with the FY23 Budget.

**Resolution 38-22:
Authorize Maryland
Transit Administration
Application for an Annual
Transportation Plan
Grant and Other Funds**

Summary of Legislation

This resolution approves the application for grants and financial assistance from the Maryland Transit Administration (MTA) under the provisions of the Federal Transit Act for federal FY23. The MTA has been designated as the direct recipient of these funds and is authorized to make grants to counties and other local governments for mass transportation programs or projects.

Review of Fiscal Impact

The fiscal impact of this application will be based on the matching funds that are anticipated upon the approval and selection of these grants from the MTA. The total anticipated matching funds are \$346,100 which were included in the FY23 Budget. This resolution does not provide for any additional appropriations for these grant funds and has no direct fiscal impact.

**Resolution 44-22:
Need for Board of
Education Land in
Edgewater**

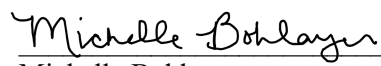
Summary of Legislation

This resolution expresses the need for land located in Edgewater and owned by the Board of Education to be utilized for construction of the Woodland Beach Volunteer Fire Department.

Review of Fiscal Impact

This resolution has no direct fiscal impact.

Sincerely,


Michelle Bohlayer
County Auditor