



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

To: Councilmembers, Anne Arundel County Council
From: Michelle Bohlayer, County Auditor
Date: October 13, 2022
Subject: Auditor's Review of Legislation for the October 17, 2022 Council Meeting

**Bill 85-22:
Personnel – Positions in
the Classified Service –
Position Control –
Department of Aging and
Disabilities and Police
Department**

Summary of Legislation

This bill removes the Human Services Aide I position in the Department of Aging (Aging) and one Police Officer position in the Police Department (Police) that was included in the Fiscal Year 2023 Approved Budget (FY23 Budget) and approves the addition of one Program Specialist I position in Aging and one Police Captain position in Police in the FY23 Budget.

The creation of the new Program Specialist I position is to provide supervision and operational program coordination in the Operations Management division which requires the knowledge of a range of program issues to perform assignments involving standard principals. The creation of the new Police Captain position is to handle Internal Affairs operations.

Review of Fiscal Impact

The one vacant Human Services Aide I position will be converted to a Program Specialist I position. Annual salary costs for one Program Specialist I position ranges from approximately \$53,500 to \$90,900. This position is new and no funds were included in the FY23 Budget, however, funds for annual salary costs totaling \$39,021 were included in the FY23 Budget for the one vacant Human Services Aide I position. The FY23 fiscal impact of the Program Specialist I position will depend on the hiring date, negotiated salary, and associated benefits. Aging intends to fill the position as soon as possible.

Also, 1 of the 35 vacant Police Officer positions will be converted to a Police Captain position. Annual salary costs for 1 Police Captain ranges from approximately \$109,500 to \$176,500. This position is new and no funds were included in the FY23 Budget, however, funds for annual salary costs totaling \$57,778 were included in the FY23 Budget for the vacant Police Officer position. The FY23 fiscal impact of the Police Captain will depend on the hiring date, negotiated salary, and

Bill 85-22 (continued)

associated benefits. The Police intends to promote from within for the position as soon as possible.

**Bill 86-22:
Purchasing – Acquisition
of Real Property by Gift****Summary of Legislation**

This bill approves acceptance of a gift of real property consisting of 12.101 acres of land on Laurel Ft. Meade Road in Laurel from Cynthia P. Alexander and Katherine P. Schaeffgen. The Maryland Department of Assessments and Taxation (SDAT) assessed value of the property is \$12,100.

Anne Arundel County Code (Code) § 8-3-101 requires the County Executive to identify the public purpose for which the property may be used. Additionally, the County Executive must ensure that the Director of Public Works conducts an environmental assessment and provide a written determination of any potential hazard or future remediation expense and also must ensure the Budget Officer provides a written assessment of the fiscal impact of the gift, including any future expenditures.

The County Executive's public use of the property will be to use it for a stream restoration project and to support the requirements of the National Pollutant Discharge Elimination System Municipal Separate Storm Sewer System permit issued by the Maryland Department of Environment.

The Department of Public Works (DPW) obtained a Phase I Environmental Site Assessment (ESA) from Arc Environmental of the property. The ESA observed no evidence of any recognized environmental conditions; however, two de-minimis environmental conditions were identified, solid waste dumping and surrounding property being listed on the state hazardous waste sites database. The Director of DPW provided a written determination indicating that DPW will remove any solid waste dumped on the property and estimates the cost to be approximately \$5,000 whereas no fiscal impact for the second condition was noted.

The Budget Officer provided the bill's fiscal note as a written assessment of the fiscal impact of the gift, including any future expenditures.

Review of Fiscal Impact

The fiscal impact of accepting this real property gift is a reduction of \$113 in annual property tax revenue based on the assessed value of the property per SDAT and the FY23 property tax rate. It should be noted that any reduction in property tax revenue resulting from accepting this real property gift would result in the remaining real property tax bills being increased to offset this decrease due to the County's practice of maximizing property tax revenue under the property tax cap. There will be some maintenance costs, such as the \$5,000 estimated by DPW for removing any dumped materials on the property.

**Bill 87-22:
Public Work and Zoning –
Small Cell Systems and
Commercial
Telecommunication
Facilities on Scenic or
Historic Roads**

Summary of Legislation

This bill requires that a developer submit a certified technical analysis that demonstrates the need for a small cell system or commercial telecommunication facility to be located along a scenic or historic road located south of Maryland Route 214 in the County as a condition precedent to project approval and makes certain technical changes.

Review of Fiscal Impact

The Office of Planning and Zoning (OPZ) and the Department of Inspections and Permits do 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 would result in additional workload for DPW to review the required technical analysis, however, they anticipate being able to absorb this within the existing permit workflow. The limited applicability based on location will most likely decrease the number of applications but the specific number of hours is unknown given the uncertainty in the number of future applications. This bill has no direct fiscal impact.

**Bill 88-22:
Subdivision and
Development – BRAC
Mixed Use Development -
Applicability**

Summary of Legislation

This bill amends the grandfathering provision applicable to development applications for BRAC Mixed Use Development established by Bill 31-22 to an application filed before December 15, 2022.

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. There have been no applications received since June 27, 2022. This bill has no direct fiscal impact.

**Resolution 39-22:
Approving the Edward
Byrne Memorial Justice
Assistance Grant Program
Application**

Summary of Legislation

This resolution approves the application to the United States Department of Justice, Office of Justice Programs to administer the Edward Byrne Memorial Justice Assistance Grant Program Fiscal Year 2022 (FY22) Local Solicitation. This grant application requires that it be made available for review by the governing body of the applicant jurisdiction.

Review of Fiscal Impact

This resolution approves the application for this grant in the amount of \$145,557 for the federal FY22 grant to be received in the County FY23 Budget. The Circuit Court, Department of Health, and Partnership for Children, Youth, and Families portions of this grant were included in the FY23 Budget; however, the Office of the Sheriff and the Office of the State's Attorney portion of this grant were not included in the FY23 Budget. A supplementary appropriation will be required if awarded. This grant does not require any matching funds.

**Resolution 45-22:
Determination of County-
Owned Property Part of
the Dorsey Run Road
Right-of-Way in Annapolis
Junction as Surplus
Property**

Summary of Legislation

This resolution declares certain improved County-owned property that is a part of the Dorsey Run Road right-of-way in Annapolis Junction, as surplus property. According to SDAT, the property is approximately 2.9245 acres and has an assessed value of \$526,400 as of July 1, 2022.

Review of Fiscal Impact

We reviewed this resolution and the Administration's fiscal note and agree with the information presented. This resolution declares the property surplus and has no fiscal impact. Pursuant to Code § 8-3-204(f), if the County Council approves this determination as surplus property and the purchase price is less than 90% of its appraised value or the appraised value is \$50,000 or more, the Administration will be required to obtain County Council approval for the disposition of the property.

**Resolution 46-22:
Application to Sell an
Agricultural Land
Preservation Easement**

Summary of Legislation

This resolution approves Stephen D. Hopkins and Mark D. Hopkins' 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.

The state appropriation for the MALPF purchases allotted to Anne Arundel County for the FY23 in the state's initial round of funding is \$1,352,246. 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%. 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 and the owners have been informed that the application was deemed sufficient. The application was then submitted to the Maryland Department of General Services for appraisal, and the appraiser should complete the appraisal by March 2023.

Review of Fiscal Impact

As of September 30, 2022, the Agricultural Easement Program Capital Project (C443400) has approximately \$3.98 million available, of which, a portion of these funds are targeted to the Rural Legacy Program and the FY22 MALPF offers, leaving in excess of \$3.7 million available for the FY23 MALPF matching funds and related overhead. The County has adequate funds to cover any required match to purchase this easement in the capital project.

**Resolution 47-22:
Supporting the Anne
Arundel County Board of
Education's Fiscal Year
2024 Public School
Construction Capital
Improvement Program
Request**

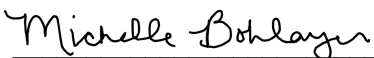
Summary of Legislation

This resolution confirms the County Executive's support and letter of support for the Board of Education's (BOE) Fiscal Year 2024 (FY24) School Construction Capital Improvement Program (CIP) for submission to the Maryland State Department of Education's Interagency Committee on School Construction. We have reviewed the letter and the BOE's FY24 capital request. The BOE has increased their total FY24 CIP to \$198,541,000 from the \$129,860,000 included for FY24 in the FY23 CIP adopted by the County Council.

Review of Fiscal Impact

We agree with the Administration's fiscal note that any fiscal impact would be considered and determined in future budget deliberations.

Sincerely,



Michelle Bohlayer
County Auditor