



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

To: Councilmembers, Anne Arundel County Council
From: Michelle Bohlayer, County Auditor
Date: February 29, 2024
Subject: Auditor's Review of Legislation for the March 4, 2024 Council Meeting

Bill 1-24: Public Safety – Animal Care and Control – Potentially Dangerous, Dangerous, and Vicious Animals (As Amended)

Summary of Legislation

This bill amends the criteria for designating an animal as potentially dangerous, dangerous, or vicious; establishes a process for reconsideration of a potentially dangerous or dangerous animal order; authorizes the Police Department Animal Care and Control Agency to waive redemption, adoption, spay, and neuter fees; amends specified animal license fees in the second and subsequent years they are issued; and requires owners to pay specified costs associated with the care of their seized and surrendered animals in cruelty cases.

We commented on this bill in our letters dated January 31, 2024 and February 16, 2024. At the February 20, 2024 Council meeting, this bill was amended to remove the requirement for eyewitness or digital evidence for an animal to be designated as vicious and to clarify that a petition to reconsider applies only to reconsideration of the conditions of a potentially dangerous or dangerous animal order. We have no further comments on this bill.

Bill 4-24: Personnel (As Amended)

Summary of Legislation

This bill repeals existing and establishes new procedures and requirements for implementing County personnel actions. This bill prohibits discrimination within County employee personnel processes on the basis of nine additional protected classes; and expands the Personnel Officer's authority to move and fill a vacant position to include filling positions of equal or higher levels of job responsibility.

Bill 4-24 (Continued)

This bill authorizes the Personnel Officer to modify the classification plan for all positions in the classified service and implement these modifications upon approval of the Chief Administrative Officer. If the Council ultimately rejects these modifications, the Personnel Officer is authorized to transfer employees to other specified jobs. This bill also increases the number of days of annual leave an employee may carry over into the next calendar year from 35 to 40 days.

We commented on this bill in our letter dated February 16, 2024. At the February 20, 2024 Council meeting, this bill was amended to remove a duplicate reference and correct an erroneous reference. We have no further comments on this bill.

**Bill 6-24: General
Development Plan –
Region 2 Plan****Summary of Legislation**

The purpose of this bill is to adopt the Anne Arundel County Region 2 Plan, the region plan for Region Planning Area No. 2 (Area 2), dated January 26, 2024, amend the County’s General Development Plan (Plan2040), and require the Anne Arundel County Region 2 Plan to be kept in specified files.

Review of Fiscal Impact

We agree with the Administration’s fiscal note that there is no direct fiscal impact associated with the adoption of the Anne Arundel County Region 2 Plan, but there could be a fiscal impact from future development activity that may impact the County’s property tax revenue.

**Bill 7-24:
Comprehensive Zoning
– Region 2****Summary of Legislation**

This bill repeals portions of the Digital Zoning Layer dated February 22, 2011, for Area 2, adopts the Digital Zoning Layer dated January 26, 2024 for Area 2, and requires specified offices to keep certified copies of the Digital Zoning Layer dated January 26, 2024 for Area 2.

Review of Fiscal Impact

We agree with the Administration’s fiscal note that there is no direct fiscal impact associated with the adoption of this digital zoning layer, but there could be a fiscal impact from future development activity that may impact the County’s property tax revenue.

**Bill 8-24: General
Development Plan –
Region 7 Plan**

Summary of Legislation

The purpose of this bill is to adopt the Anne Arundel County Region 7 Plan, the region plan for Region Planning Area No. 7 (Area 7), dated January 5, 2024, amend Plan2040, and require the Anne Arundel County Region 7 Plan to be kept in specified files.

Review of Fiscal Impact

We agree with the Administration’s fiscal note that there is no direct fiscal impact associated with the adoption of the Anne Arundel County Region 7 Plan, but there could be a fiscal impact from future development activity that may impact the County’s property tax revenue.

**Bill 9-24:
Comprehensive Zoning
– Region 7**

Summary of Legislation

This bill repeals portions of the Digital Zoning Layer dated May 16, 2011, for Area 7, adopts the Digital Zoning Layer dated January 5, 2024 for Area 7, and requires specified offices to keep certified copies of the Digital Zoning Layer dated January 5, 2024 for Area 7.

Review of Fiscal Impact

We agree with the Administration’s fiscal note that there is no direct fiscal impact associated with the adoption of this digital zoning layer, but there could be a fiscal impact from future development activity that may impact the County’s property tax revenue.

**Bill 10-24: Retiree
Health Benefits Trust
Agreement**

Summary of Legislation

This bill approves and adopts the Amended and Restated Retiree Health Benefits Trust Agreement which adds the Board of Education (BOE) as a Sponsor and allows BOE to pool assets in the Other Post Employment Benefits (OPEB) Trust for investment purposes.

Review of Fiscal Impact

We agree with the Administration’s fiscal note that this bill has no direct fiscal impact. This is the final step of the process to add BOE to the Retiree Health Benefits Trust, as was contemplated in the Fiscal Year 2024 Approved Budget. While the fiscal impact of adding BOE is currently unknown, the Administration advises BOE will be included in the County’s annual actuarial study of the OPEB Trust, instead of a separate study, and this report is expected to be available in April 2024.

Bill 11-24: Crimes, Civil Offenses, and Fines – Possession or Discharge of Firearms – Property of Another

Summary of Legislation

This bill prohibits a person from discharging a firearm onto or across the property of another without specified written permission. Also, this bill requires issuance of a warning before charging a violation for the discharge of a firearm on, onto, or across the property of another. The penalty for a violation is a fine for up to \$1,000 and/or imprisonment for up to six months.

Review of Fiscal Impact

The Police Department does not anticipate a significant change in workload due to this bill and does not anticipate needing additional resources. While the Administration was not able to provide detailed information on calls for service related to this bill, the Police Department expects the fiscal impact to be minimal as they anticipate responding to few calls from this bill.

Bill 12-24: Finance, Taxation, and Budget – Special Community Benefit Districts – Maryland Homeowners Association Act and Open Meetings Act Compliance

Summary of Legislation

This bill is being withdrawn.

Resolution 6-24: Confirming Appointment of Members of the Anne Arundel County Agricultural Preservation Advisory Board

Summary of Legislation

This resolution confirms the following appointments to serve on the Anne Arundel County Agricultural Preservation Advisory Board (Board): Emily Wilson for a term expiring on January 31, 2029; Stephen Hopkins for term expiring on May 20, 2027; and John Houser and Kayla Griffith for terms expiring on September 30, 2029.

While state law requires three Board members to be owner-operators of commercial farms who earn 50% or more of their income from farming, the Administration did not ensure that the recommended Board members met the required qualifications stipulated in state law. As a result, we are unable to determine compliance with state law.

Review of Fiscal Impact

This resolution has no fiscal impact.
