



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

To: Councilmembers, Anne Arundel County Council
From: Michelle Bohlayer, County Auditor
Date: March 2, 2022
Subject: Auditor's Review of Legislation for the March 7, 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 letter dated February 16, 2022. At the February 22, 2022 Council meeting, this bill was amended to clarify that the Green Infrastructure Network map is a conceptual planning map and that future land use or management decisions will be informed by site specific studies. It was also amended to clarify the effect of the Green Infrastructure Master Plan on planned land use and development. We have no further comments on this bill.

**Bill 16-22:
Police Accountability
Board**

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.

The bill defines certain terms; provides for the composition, terms, and removal of members of the Board; provides for a chair of the Board; provides for the meeting standards, training, budget and staff, compensation of members of the Board, and recordkeeping standards of the Board; establishes the duties of the Board; requires annual reports by the Board; provides for the compensation, staffing, and appointment of members of Administrative Charging Committee and Trial Board; and requires all voting members of the Board to file financial disclosure statements.

Review of Fiscal Impact

We agree with the Administration's fiscal note that the implementation of these state-mandated police accountability measures will require

Bill 16-22 (continued)

County resources and expenses. Initially, the bill provides for two positions in the exempt service, an Executive Director and an Administrative Secretary, to provide support and assistance to the Board to fulfill its duties and responsibilities mandated by state law. Annual salary and benefit costs for one Executive Director position ranges from approximately \$122,000 to approximately \$248,000 and for one Administrative Secretary position ranges from approximately \$55,000 to approximately \$111,000. Both of these positions are new and were not included in the fiscal year 2022 (FY22) Budget, however, these have been requested in Bill 24-22, which was introduced on February 22, 2022.

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. Other possible costs associated with the Board, Administrative Charging Committee, and Trial Board, such as additional staff, contractual services, compensation for members, and expense reimbursement for non-voting Board members, will be considered in the fiscal year 2023 (FY23) budget process and included in the proposed budget, as needed.

**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.

These changes to the plan have been reviewed by the Planning Advisory Board, and they have offered an advisory recommendation of approval.

Review of Fiscal Impact

This bill does not have a fiscal impact. Costs to connect to public water and sewer are paid by the user through charges and assessments. The Board of Education would be exempt from capital connection fees for water and sewer, however, upon connection they will be billed for water and sewer usage.

**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. The Opioid Abatement Special Revenue Fund is a special, non-lapsing fund.

Review of Fiscal Impact

We agree with the Administration’s fiscal note that any payments received by the County will be dependent on the total subdivision participation in the state settlement. A \$26 billion settlement was reached with the pharmaceutical distributors, Cardinal Health, McKesson, and AmerisourceBergen, and the opioids manufacturer, Johnson & Johnson. A total of 58 of Maryland’s 60 qualifying subdivisions have elected to participate in the settlement. Currently, Maryland stands to receive approximately \$395 million from the settlements over 18 years. The settlement agreement between the state and local governments requires each subdivision receiving payments under the national settlement agreement and the state settlement agreement to establish a local abatement fund consistent with state law for the purpose of receiving and spending direct payments made to qualifying local subdivisions by the settlement administrator within 60 days of the agreement.

**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 and the County. The Council approved Bill 12-21, which leased County property in Glen Burnie to Glenn Burnie Landfill Solar, LLC. Glenn Burnie Landfill Solar, LLC 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.

Review of Fiscal Impact

The agreement will remain in effect until the 25th anniversary of the commercial operation date or such earlier date provided in the agreement. Per the agreement, the starting price per kilowatt-hours (kWh) of electricity will be \$0.0865/kWh with 1.5% annual escalation. Over the 25 year agreement period, the total estimated cost of purchasing electricity from the market (grid) will be approximately \$12,950,000 while the total estimated cost of electricity through this agreement will be approximately \$9,274,000 resulting in potential savings of approximately \$3,676,000 over the term of the agreement.

**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.

Review of Fiscal Impact

This bill will increase the current County Council salaries by approximately \$7,400 for the one-year period starting December 2022 unless the increase is limited by the classified employee cost of living adjustment. Seven months of this increase (from December to June) will be included in the FY23 Proposed Budget and five months of this increase (from July to November) will be included in the fiscal year 2024 Proposed Budget.

This bill will increase benefits by the following:

- An increase of \$100 for the automobile allowance.
- Any Councilmember who is not a retired County employee shall pay 50%, rather than the current 100% of the premium cost of coverage set by the Personnel Officer for health insurance during their term. For FY22, one year of 50% of the current premium if all seven Councilmembers elected to participate would total \$27,400.

**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.

Review of Fiscal Impact

The Office of Planning and Zoning does not anticipate a change in workload due to this bill, and does not anticipate needing additional resources to meet the requirements of Bill 21-22.

**Resolution 4-22:
Selecting SB & Company,
LLC to Perform the FY22
Financial Audit**

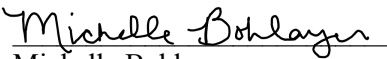
Summary of Legislation

This resolution selects SB & Company, LLC, an independent firm of certified public accountants, to perform the financial audit for FY22. This selection was recommended by the Evaluation Committee.

Review of Fiscal Impact

The total contracted amount to perform the County's financial audit for FY22 is \$132,600. A portion of these funds are included in the FY22 Budget for the related contract period. The remainder of these funds will be requested in the FY23 Proposed Budget.

Sincerely,


Michelle Bohlayer
County Auditor