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STEUART PITTMAN
County Executive

EXECUTIVE ORDER NUMBER 19

**COMMUNITY MEETINGS, DEVELOPMENT APPLICATIONS
AND BOARDS AND COMMISSIONS**

WHEREAS, on March 5, 2020, Maryland Governor Lawrence J. Hogan, Jr. proclaimed a state of emergency and a catastrophic health emergency for the entire State of Maryland pursuant to Title 14 of the Public Safety Article of the State Code, due to the impending threat and continuing impact of the contagious disease known as COVID-19; and

WHEREAS, on March 11, 2020, the World Health Organization declared the COVID-19 outbreak to be a pandemic outbreak; and

WHEREAS, on March 13, 2020, County Executive Steuart Pittman issued Executive Order No. 16 proclaiming a civil emergency in Anne Arundel County due to the rapid onset of the COVID-19 pandemic; and

WHEREAS, COVID-19 is a severe respiratory disease, causing illness or death, transmitted by person-to-person contact of the novel coronavirus, which had not previously existed in humans; and

WHEREAS, the novel coronavirus is a viral agent capable of causing extensive loss of life or serious disability, and presents a particular risk of transmission in places where people congregate at close quarters; and

WHEREAS, the transmission of the novel coronavirus in Anne Arundel County is a direct threat to the human health of all citizens of Anne Arundel County; and

WHEREAS, COVID-19 is a public health catastrophe and constitutes a civil emergency under Article 1, Title 6, of the Anne Arundel County Code, requiring Anne Arundel County to deploy resources and implement the emergency powers of the County Executive to protect the health, safety, and welfare of its citizens; and

WHEREAS, on March 30, 2020, Governor Hogan issued Executive Order No. 20-03-30-01, ordering all persons living in the State of Maryland to “stay at home” except when engaged in certain essential activities, and prohibiting community gatherings of more than 10 people; and

WHEREAS, commercial and residential construction companies’ activities have been deemed essential businesses that are allowed to continue to operate under the Governor’s various Executive Orders, and

WHEREAS, development plans for commercial and residential construction must be filed with and approved by the County before any such construction activity may commence; and

WHEREAS, Section 17-2-107 of the Anne Arundel County Code requires a developer, as a prerequisite to filing a development application with the County, to hold a community meeting “for the purpose of presenting information regarding the development, including proposed stormwater management design and any requested modifications, and allowing the community to ask questions and provide comments; and

WHEREAS, a developer holding a community meeting must send a notice by first class mail to all persons residing within 300 feet of the property to be developed, and to the president of any homeowner’s associations of communities located within 300 feet of the property; and

WHEREAS, the Governor’s prohibition of community gatherings of more than 10 people and his “stay at home” Executive Order make organization of and attendance at most community meetings illegal; and

WHEREAS, as a result of the restrictions against public gatherings, developers have been unable to hold community meetings and residents of the County have been unable to participate in such meetings that are an integral part of the development review process; and

WHEREAS, as a result of the lack of community meetings, the Office of Planning and Zoning has been unable to proceed with reviews of new development applications for essential businesses; and

WHEREAS, a temporary modification of the community meeting requirement will preserve the transparency behind the community meeting requirement and protect the operation of essential businesses; and

WHEREAS, the Governor’s “stay at home” directive and prohibitions against public gatherings, as well as the requirements of the Maryland Open Meetings Act, have affected County Boards and Commissions and prevented them from conducting public meetings for the consideration of their business; and

WHEREAS, the County Office of Law has determined that reasonable accessibility to public meetings held by most Boards and Commissions can be achieved without a public gathering, under the conditions required herein; and

NOW, THEREFORE, I, Steuart Pittman, County Executive, by virtue of the authority vested in me by the Charter and laws of Anne Arundel County, Maryland, and §§ 1-6-101 *et. seq.* of the Anne Arundel County Code, do hereby proclaim and order on this 14th day of April, 2020:

1. Development applications may be filed with the Office of Planning and Zoning prior to holding a community meeting and shall be processed as preliminary pending payment of fees online.
2. No community meetings shall be held for the duration of the Governor's public emergency proclamation.
3. All development applications filed during the state of emergency will be considered preliminary until verification has been received by the Office of Planning and Zoning that a community meeting has been held, which verification shall include the mailing list for the notice of the community meetings, the citizen sign-in sheet from the community meeting, and a list of questions and answers from the community meeting. Upon receipt of verification of the community meeting, the normal review period response requirements in Article 17 of the County Code shall commence.
4. The Office of Planning and Zoning may not issue review comments or approve a development application until receipt and ample review of verification that a community meeting has been held.
5. Public meetings of advisory Boards and Commissions may be held via video remote access using Zoom¹ provided proper notice is given as to the time of the meeting and a link is provided for any member of the public to sign on and view and listen to the meeting; and
 - a.. Notice of a Zoom meeting must also provide a call-in phone number so any member of the public who does not have internet access may dial in and listen to the meeting; and
 - b. Public meetings may also be held by conference call provided the notice of the meeting includes a call-in phone number so any member of the public may dial in and listen to the meeting; and
 - c. Boards and Commission need not allow public participation in the meeting unless

¹ The web application Zoom states it is "the leader in modern enterprise video communications, with an easy, reliable cloud platform for video and audio conferencing, collaboration, chat, and webinars across mobile devices, desktops, telephones, and room systems." All County agencies have access to Zoom.

the rules of the Board or Commission requires public participation; and

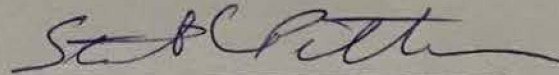
d. The Chairman of the Board or Commission may regulate any public participation to ensure it is provided in a fair and equitable manner, or as per any published rules for meetings; and

e. The requirements of the OMA regarding adequate advance notice of a meeting, an agenda available in advance, and to adopt and retain minutes must be satisfied.

6. For the purposes of this Opinion, "advisory bodies" means all Boards and Commissions other than the Board of Appeals, Personnel Board, the Human Relations Commission, and the Planning Advisory Board in light of its role with regard to budgetary matters.

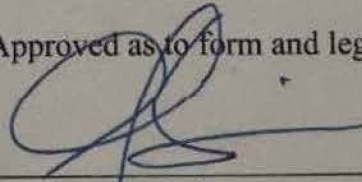
7. The Public Information Officer shall immediately disseminate notice of this Executive Order to the appropriate news media and to the general public.

This Executive Order shall be archived at the Office of Law and remain in existence until altered or terminated by a subsequent Executive Order.



STEUART PITTMAN
County Executive

Approved as to form and legal sufficiency:



Gregory J. Swain
County Attorney