



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

To: Councilmembers, Anne Arundel County Council
From: Michelle Bohlayer, County Auditor
Date: November 10, 2021
Subject: Auditor Review of Legislation for the November 15, 2021 Council Meeting

**Bill 85-21:
Subdivision and
Development – Adequate
Public Facilities – Public
Schools (As Amended)**

Summary of Legislation

This bill modifies the provisions for an exemption from requirements for adequate public facilities for schools and restores provisions relating to the school utilization chart as they existed before the sunset of Bill 15-18. This bill provides that a developer may obtain an exemption from the requirements for adequate public facilities for schools for five or less lots in a subdivision of single family dwellings or for five or less dwelling units on a site development plan if the developer has owned the property for at least three years. In addition, the bill provides that an agreement related to the exemption reflect that the developer acknowledges that the exemption is limited to five lots or dwelling units.

We commented on this bill in our letter dated October 27, 2021. At the November 1, 2021 Council meeting, this bill was amended to add a condition for passing the test for adequacy of school facilities that the number of students projected to be generated by the development does not exceed 85% of the available capacity of each open school and to provide for an additional mitigation option when schools are over 95% state-rated capacity but less than 100% and allow donations of land to mitigate capacity deficiencies. This bill, with those amendments, will restore provisions relating to the school utilization chart in its entirety as they existed before the sunset of Bills 92-17 and 15-18. This bill was also amended to clarify that the application referred to is the initial application for subdivision or a site development plan and provide that the provisions of this bill will terminate on May 1, 2023. We have no further comments on this bill.

**Bill 88-21:
Current Expense Budget –
Board of Education –
Supplementary
Appropriation (To Be
Withdrawn)**

Summary of Legislation

This bill makes supplementary appropriations from unanticipated revenues to the Board of Education of Anne Arundel County (BOE), however, the Administration plans to withdraw this bill. Subsequent to introducing this bill at the October 18, 2021 meeting, the Administration has decided to use \$4,232,917 in federal American Rescue Plan Act of 2021 (ARPA) funding to provide a \$5,000 retention and hiring bonus for existing and new contractual drivers and a \$2,000 bonus for existing and new contractual bus attendants/aides.

**Bill 89-21:
Current Expense Budget –
Supplementary
Appropriations**

Summary of Legislation

This bill provides a supplementary appropriation of \$5,416,564 to the Grants Special Revenue Fund and \$218,000 to the Office of Planning and Zoning (OPZ) to the General Fund.

Review of Fiscal Impact

The \$5,416,564 in additional appropriations for the Grants Special Revenue Fund provide for the following:

- \$3,140,010 from the Maryland Department of Health (MDH) – Prevention and Health Promotion Administration (PHPA) to the Anne Arundel County Department of Health (Health Department) for the Immunization and Vaccines for Children grant to strengthen critical planning and COVID-19 vaccination implementation activities, with a focus on reaching high-risk and underserved populations. The award period is from July 1, 2021 through June 30, 2022. This grant was not included in the fiscal year 2022 (FY22) Budget and does not require a matching contribution.
- \$1,733,655 from MDH – Office of Preparedness and Response to the Health Department for the Centers for Disease Control Crisis Cooperative Agreement grant to provide additional relief to address the continued impact of the COVID-19 pandemic by supporting COVID-19 prevention, preparedness, response, and recovery initiatives, including school-based health programs. The award period is from July 1, 2021 through June 30, 2023. This grant was not included in the FY22 Budget and does not require a matching contribution.
- \$159,539 from MDH – Behavioral Health Administration (BHA) to the Health Department for the Federal Funds State Opioid Response – Crisis Services grant for an opioid treatment program (referred to as a Hub), an office-based, community prescriber of opioid treatment medication (referred to as a Spoke), and a care coordinator that assists with the transfer of patient care between Hubs and Spokes. The award period is from July 1, 2021 through September 29, 2021. This grant was not included in the FY22 Budget and does not require a matching contribution.

Bill 89-21 (continued)

- \$122,346 from MDH – BHA to the Health Department for the State Opioid Response – NCE-SUPP grant for the expansion of two adolescent clubhouse services in Annapolis and Brooklyn Park for eligible County residents to support and improve the quality of work that impact the lives of the community and individuals served. The award period is from July 1, 2021 through September 29, 2021. This grant was not included in the FY22 Budget and does not require a matching contribution.
- \$131,014 from MDH – Office of Population Health Improvement (OPHI) to the Health Department for the Substance Abuse Prevention and Treatment Block grant for prevention services to address social and environmental factors that contribute to substance-use problems, prevent initiation and inappropriate substance use, and identify and address the needs of individuals at high-risk for developing substance use disorders by using funds made available by federal Covid-19 Emergency Relief Supplement funding. The award period is from July 1, 2021 through June 30, 2022. This grant was not included in the FY22 Budget and does not require a matching contribution.
- \$100,000 from MDH – OPHI to the Health Department for the Supplement to Core Local Health Funding grant for core public health services by using funds made available by federal ARPA funding. The seven service areas of core public health services are infectious disease control services, environmental health services, family planning services, maternal and child health services, wellness promotion services, adult health and geriatric services, and administration and communication services associated with the above services. The award period is from July 1, 2021 through June 30, 2022. This grant was included in the FY22 Budget but has increased due to the state’s decision to increase the appropriation to match the higher award. This does not require a matching contribution.
- \$30,000 from the Maryland Family Network to the Department of Social Services for the Community-Based Child Abuse Prevention grant to provide prevention-oriented, community-based, voluntary programs that help parents and their children, primarily infants and toddlers, in order to prevent child abuse and neglect and other adverse outcomes for families. The award period is from July 1, 2021 through September 30, 2021. This grant was not included in the FY22 Budget and does not require a matching contribution.

A contract was entered into by OPZ for a fiscal impact analysis and impact fee study for a total cost of \$418,000, of which \$200,000 was already included in the FY22 Budget. The additional appropriation of \$218,000 will fund the remaining amount of this existing contract using unappropriated fund balance.

The Controller certified that these funds are available for appropriation.

**Bill 90-21:
Personnel – Positions in
the Classified Service –
Department of Public
Works and Police
Department – Position
Control – Office of Central
Services and Department
of Public Works**

Summary of Legislation

This bill amends the minimum qualifications of six positions (Senior Forensic Chemist, Assistant Chief-Surveys, Chief-Surveys, Survey Crew Chief I, Survey Field Technician I, and Survey Technician I) and adds three new positions to the classified service (Survey Crew Chief II, Survey Field Technician II, and Survey Technician II) including pay grade, work week, and minimum qualifications. The bill removes four Survey Crew Chief positions, three Survey Field Technician positions, and one Survey Technician position in the Department of Public Works (DPW) that were included in the FY22 Budget; and approves the addition of four Survey Crew Chief I positions, three Survey Field Technician I positions, and one Survey Technician I position. The bill also removes one Welder position in the Office of Central Services (Central Services) that was included in the FY22 Budget and approves the increase of one Management Assistant I.

The change to the minimum qualifications for the Senior Forensic Chemist position is due to a Code of Maryland Regulations requirement that forensic services are now licensed by the MDH, and the County is following their requirements for all Senior Forensic Chemist positions. The change to the minimum qualifications for the survey positions is to bring the requirements in line with how surveys are currently conducted.

The new classified positions are being added so that DPW can create a proficiency advancement program for the survey positions by adding a Level 1 and Level 2 for each position. All employees in the original classifications will automatically be converted to the new Level 1 position and the original titles would be removed. The new Level 1 positions have the same salary and benefits as the original positions. By creating three Level 2 positions, the Level 1 positions will have a position to promote into. In order to advance, the employee must pass the corresponding national certification test. Per DPW, the department does not currently have any vacancies in these positions, so at this time, only existing employees in a Level 1 position would be eligible to be promoted into one of the new corresponding Level 2 positions.

The Welder position is currently vacant, and Central Services has determined that it is no longer a useful classification as most repairs to the current type of vehicles do not involve welding and the department already has three certified Welders. Per Central Services, the Management Assistant I position will administer and oversee all safety and training for Fleet Administration, enabling the team to perform more shop audits and enhance safety programs. In addition, this position will maintain and renew all IT-related shop maintenance applications. The Fleet Administration was recently approved as a Certified Ford Warranty Claims division. This position will manage the new program and process all warranty claims which will increase funds returned to the County. Some responsibilities for this position were transferred from the existing Management Assistant II position to create

Bill 90-21 (continued)

efficiencies, address workload imbalance, and ensure more prompt and timely responses to issues.

Review of Fiscal Impact

We agree with the fiscal note that the additional increase in expenditure as a result of this bill should be minimal. Per DPW, the additional expenditure in FY22 related to the new proficiency advancement program, if any, would be nominal given the small number of employees and the conditions required to advance. The additional expenditure in FY22 expected by Central Services would be approximately \$4,000 since funds were budgeted for the Welder position as part of the FY22 Budget, and the department intends to fill this higher level position in January 2022. Both DPW and Central Services advised that they will be able to absorb the additional costs within their existing appropriations for FY22.

**Bill 91-21:
Approval of Private
Disposition of County-
Owned Property Known
as 1127 Bragers Road in
Odenton****Summary of Legislation**

This bill approves the private disposition of County-owned property, known as 1127 Bragers Road in Odenton, to the BOE. This property was acquired in March 2020 pursuant to Resolution 3-20 for \$1,092,500 to provide for the construction of the West County Elementary School by the BOE.

Review of Fiscal Impact

We agree with the information presented in the fiscal note that there is no estimated fiscal impact associated with this legislation, the County will convey this property to the BOE for a sale price of \$0, and the capital budget includes an appropriation for the West County Elementary School project (#E809200). The total appropriation in the capital budget and program for this project is \$43,977,000, with \$2,500,000 in prior approved funding and \$13,588,000 in FY22 funding.

**Bill 92-21:
Budget – Grants Special
Revenue Fund –
Limitation on Conditional
Appropriation**

Summary of Legislation

This bill is an emergency ordinance that limits a conditional appropriation to the Grants Special Revenue fund. This bill limits the conditional appropriation of unanticipated grant revenues so that the amount of the grant, including the conditional appropriation, may not exceed \$300,000.

Review of Fiscal Impact

This bill would require Council approval for all grants over \$300,000. Currently, the administration has the authority to increase grants that were already included in the approved budget (either with an estimated amount or a placeholder) if the Controller confirms that the grant funds are available for expenditure by the County and there are sufficient funds available for the payment of any required County matching funds. If in place, 15 non-Covid-19 related grants in FY20, 7 non-Covid-19 related grants in FY21, and 12 non-Covid-19 related grants in FY22 (year to date) would have required Council approval.

**Bill 93-21:
Subdivision and
Development – Adequate
School Facilities –
Residential Development
in Transit-Oriented
Overlay Development
Policy Areas**

Summary of Legislation

This bill exempts residential development in Transit-Oriented Overlay Development Policy Areas from the adequate school facilities test under certain conditions and adds those conditions for the exemption. All of the following conditions must be met for exemption:

- The development is in a Critical Economic Development Policy Area, also identified in the General Development Plan (GDP);
- The development is within one mile of an Amtrak Rail Station or Maryland Area Regional Commuter (MARC) Rail Station;
- All dwelling units have fewer than two bedrooms;
- The development includes enhancements for pedestrian and bicycle access to the rail station; and
- The provisions are not varied, modified, or reduced.

Review of Fiscal Impact

Per OPZ, this bill has no immediate fiscal impact, however, this bill may over time result in allowing qualifying development projects to be approved that otherwise might not have been approved or that might have been put on the school waiting list. Approval of additional development projects could generate additional impact fees, permit fees, and property tax revenues, however, this could also result in additional capacity constraints in impacted schools. OPZ does not expect a change in workload from the passing of this bill and no additional resources are anticipated.

Per OPZ, there are currently three Transit-Oriented Development (TOD) areas that would qualify under this bill: the Laurel Racetrack MARC station area, the Savage MARC station area, and the BWI

Bill 93-21 (continued)

Amtrak/MARC station area; however, there are no active project applications currently under review that would be impacted by this bill.

Four of the six schools for the area are currently closed in the school utilization chart. They are Maryland City Elementary School, Lindale Middle School, Meade Middle School, and North County High School. The remaining two schools currently have availability. They are Linthicum Elementary School (84% utilization of state-rated capacity) and Meade High School (86% utilization).

The provisions of this bill only allow this exemption for properties with dwelling units that are less than two bedrooms, which will limit the impact on school enrollment. Per the BOE, although dwelling units with fewer than two bedrooms are typically subject to the adequate school facilities test, when that test is performed, they result in zero new students, so there is no impact to providing an exemption to the adequate school facilities test for dwelling units with fewer than two bedrooms.

**Bill 94-21:
Subdivision and
Development and Zoning –
Glen Burnie Sustainable
Community Overlay Area
– Transit-Oriented
Overlay Development
Policy Areas**

Summary of Legislation

This bill revises the definition of redevelopment under the Glen Burnie Sustainable Community Overlay to include rehabilitation of an existing structure or new construction on a lot or lots located, in whole or in part, within a Transit-Oriented Overlay Development Policy Area identified in the GDP. This bill also exempts such properties from the adequate school facilities test under certain conditions. Bill 64-20 originally exempted properties from the adequate school facilities test under certain conditions, and this bill adds redevelopment, located in whole or in part, within a transit-oriented overlay development policy area as identified in the GDP to the exemption conditions.

Review of Fiscal Impact

Per OPZ, this bill has no immediate fiscal impact; however, this bill may over time result in allowing qualifying development projects to be approved that otherwise might not have been approved or that might have been put on the school waiting list. Approval of additional development projects could generate additional impact fees, permit fees, and property tax revenues, however, this could also result in additional capacity constraints in impacted schools. OPZ does not expect a change in workload from the passing of this bill and no additional resources are anticipated. Per OPZ, there are no project applications currently under review that would be impacted by this bill.

Four of the six schools for the area are closed based on the current school utilization chart. They are Richard Henry Lee Elementary School, Lindale Middle School, Glen Burnie High School, and North County High School. The remaining two schools have availability. They are George Cromwell Elementary School (74% utilization of state-rated capacity) and Corkran Middle School (65% utilization).

Bill 94-21 (continued)

The provisions of this bill only allow this exemption for redevelopment, which will limit the number of eligible properties. Per the BOE, increases in enrollment from this bill could expedite the need for the County to procure new land for future school sites and to fund the additional teaching positions and instruction materials required to educate the students generated via the added development. Although the BOE has not estimated the expected fiscal impact of this bill, the County pays for approximately 57% of the operating budget cost of educating each new individual student, approximately 75% of the capital budget cost of constructing each seat for each new individual student, and 100% of the total cost of any new land acquisitions for each newly required school site.

**Bill 95-21:
Construction and Property
Maintenance Codes
Supplement –
International Building
Codes Supplement –
Exterior Wall Glass and
Glazing – Nonresidential
Construction****Summary of Legislation**

This bill defines threat factor and requires that glass installed on the exterior walls of nonresidential construction comply with certain bird threat factors. This bill also provides that an application for approval of a sketch plan, final plan, final infrastructure construction plan, preliminary plan, site development plan, building or grading permit, and revisions to these plans and permits filed on or before October 18, 2021, shall be governed by the law as it existed prior to the effective date of this bill.

Review of Fiscal Impact

The Department of Inspections and Permits has indicated that this bill does not have a direct fiscal impact on their department. DPW anticipates that this bill will result in an approximately 7% increase in the cost of glass. The impact to the County will vary based on the percentage of the glass cost to the overall project.

**Resolution 58-21:
Supporting the Anne
Arundel County Board of
Education's Fiscal Year
2023 Public School
Construction Capital
Improvement Program
Request**

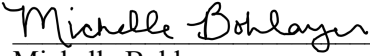
Summary of Legislation

This resolution confirms the County Executive's support and letter of support for the BOE's fiscal year 2023 (FY23) 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 FY23 capital request. The BOE has increased their total FY23 CIP to \$193,009,000 from the \$151,976,000 included for FY23 in the FY22 CIP adopted by the County Council.

Review of Fiscal Impact

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

Sincerely,


Michelle Bohlayer
County Auditor