



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

**To:** Councilmembers, Anne Arundel County Council  
**From:** Michelle Bohlayer, County Auditor  
**Date:** June 29, 2022  
**Subject:** Auditor's Review of Legislation for the July 5, 2022 Council Meeting

---

**Bill 57-22:  
Zoning – Nurseries with  
Landscaping and Plant  
Sales (As Amended)**

**Summary of Legislation**

This bill amends the definition of nurseries with landscaping and plant sales and adds a conditional use requirement for nurseries with landscaping and plant sales to allow the storage and display of certain materials on a portion of the lot.

We commented on this bill in our letter dated June 17, 2022. At the June 21, 2022 Council meeting, this bill was amended to make the effective date for nurseries located in the resource conservation area of the critical area contingent upon certain approval of the Maryland Critical Area Commission and to clarify that the change to the definition and certain other conditions apply to conditional uses granted and in use as of April 7, 2014. We have no further comments on this bill.

---

**Bill 58-22:  
Issuance, Sale, and  
Delivery of Anne Arundel  
County General  
Obligation Bonds and  
Bond Anticipation Notes**

This bill authorizes the sale and issuance of bonds, bond anticipation notes, and Maryland Water Quality Loans consistent with the Fiscal Year 2023 (FY23) Proposed Capital Budget. The Administration introduced the bill before the Council finalized and approved the FY23 Capital Budget and plans to introduce an amendment at the July 5, 2022 Council meeting to make the bill consistent with the FY23 Approved Capital Budget. We will comment on the amended bill in our next letter.

---

---

**Bill 59-22:  
Planning and Development  
– Master Plan for Land  
Preservation, Parks and  
Recreation**

**Summary of Legislation**

This bill repeals the Anne Arundel County 2017 Land Preservation, Parks and Recreation Plan and adopts the Anne Arundel County 2022 Land Preservation, Parks and Recreation Plan.

**Review of Fiscal Impact**

We agree with the Administration’s fiscal note that although this bill does not have a direct fiscal impact, it is a requirement for the County to remain eligible for Program Open Space funding.

---

**Bill 60-22:  
Branches of Government –  
Orphans’ Court -  
Compensation**

**Summary of Legislation**

This bill increases the salary of the Orphans’ Court judges and provides for the effective date of the salary increases.

**Review of Fiscal Impact**

We agree with the Administration’s fiscal note that the FY23 impact is approximately \$22,000 for the salary increases in this bill. This was not included in the FY23 Approved Budget, therefore, a supplemental appropriation will most likely be needed to fund this salary change.

---

**Bill 61-22:  
Pensions – Deferred  
Retirement Option  
Program – Fire Service  
Retirement Plan**

**Summary of Legislation**

This bill modifies the eligibility for the sixth year of participation in the Deferred Retirement Option Program (DROP) for certain participants in the Fire Service Retirement Plan. This bill requires approval of the appointing authority to extend the DROP participation period to a sixth year for participants of the Fire Service Retirement Plan who are in the classification of Fire Division Chief, Fire Deputy Chief, Fire Assistant Chief, and Fire Chief.

**Review of Fiscal Impact**

We agree with the Administration’s fiscal note that this legislation should not have a fiscal impact because these positions are already eligible to extend beyond the fifth year of DROP participation.

---

---

**Bill 62-22:  
Crimes, Civil Offenses,  
and Fines – Littering –  
Civil Fines**

**Summary of Legislation**

This bill modifies the civil fines for littering.

**Review of Fiscal Impact**

This bill changes the civil fine for littering from a Class D civil offense, which is \$125 for the first violation, \$500 for the second violation, and \$1,000 for the third or any subsequent violation; to \$250 for the first violation, \$750 for the second violation, and \$1,000 for the third or any subsequent violation. This increases the fine for a first violation by \$125 and a second violation by \$250, however, the fine for a third or subsequent violation remains the same. There has only been one civil citation issued in the last year.

---

**Bill 63-22:  
Zoning – Bulk Regulations  
– Adult Independent  
Dwelling Units**

**Summary of Legislation**

This bill establishes maximum density allowed in R1, R2, and R5 residential districts for adult independent dwelling units served by public sewer and located within a two-mile radius of an assisted living facility or County libraries and community centers.

**Review of Fiscal Impact**

The Office of Planning and Zoning (OPZ) does not anticipate a change in workload due to this bill. OPZ does not yet know if any active projects could be impacted by this bill because it covers a large geographic area or this bill could cause submission of revised plans to utilize the increased density. This bill has no direct fiscal impact.

---

**Resolution 17-22:  
Adopting the Debt  
Management Policy for  
Anne Arundel County**

**Summary of Legislation**

This resolution adopts the Debt Management Policy for Anne Arundel County.

**Review of Fiscal Impact**

This revised policy includes various changes, such as: a revised per-capita calculation for debt affordability measures using a consumer price index increase, updated Internal Revenue Code bond refunding requirements, and the new Revenue Reserve Fund limit of 7% with a clarification of the fund balance calculation. We agree with the Administration's fiscal note that these changes were included in the FY23 Approved Budget.

---

**Resolution 18-22:  
Proposing a Charter  
Amendment to Allow up to  
Three Consecutive Terms  
for a Councilmember**

**Summary of Legislation**

This resolution proposes an amendment to the Charter of Anne Arundel County to allow a Councilmember to serve up to three consecutive terms of office.

**Review of Fiscal Impact**

This resolution does not have a direct fiscal impact, however, if the charter amendment passes on the ballot, a third term could allow a Councilmember to become vested in the County Employees' Retirement Plan, if selected within 30 days of their date of hire. According to County Code § 5-3-301, a participant in the Employees' Retirement Plan who is a County Councilmember whose first term begins on or after December 1, 2014 vests in the benefits of the plan upon completion of actual plan service plus transferred service totaling 10 years.

---

**Resolution 19-22:  
Proposing a Charter  
Amendment to Require  
Councilmember  
Compensation to be in  
Accordance with  
Recommendations of the  
Salary Standard  
Commission**

**Summary of Legislation**

This resolution proposes an amendment to the Charter of Anne Arundel County to require that the compensation paid to each member of the County Council be in accordance with recommendations of the Salary Standard Commission that are approved by ordinance of the County Council.

**Review of Fiscal Impact**

This resolution does not have a direct fiscal impact.

---

**Resolution 20-22:  
Proposing a Charter  
Amendment to Change the  
Term "Chairman" to  
"Chair"**

**Summary of Legislation**

This resolution proposes an amendment to the Charter of Anne Arundel County to change the term "Chairman" to "Chair."

**Review of Fiscal Impact**

This resolution does not have a fiscal impact.

---

**Resolution 21-22:  
Proposing a Charter  
Amendment to Remove  
Bulletin Board  
Requirements and Add  
New Publishing  
Requirements**

**Summary of Legislation**

This resolution proposes an amendment to the Charter of Anne Arundel County to remove the requirement that copies of bills and notices of public hearings be posted on a bulletin board and to require that electronic copies of bills and notice of any public hearing be published to the County Council website and printed copies be made available to the public and press.

**Review of Fiscal Impact**

This resolution does not have a direct fiscal impact.

---

---

**Resolution 22-22:  
Proposing a Charter  
Amendment to Clarify  
Two Types of Emergency  
Ordinances**

**Summary of Legislation**

This resolution proposes an amendment to the Charter of Anne Arundel County to clarify the differences between the two types of emergency ordinances allowed under the Charter and the legislative procedure that applies to each.

**Review of Fiscal Impact**

This resolution does not have a fiscal impact.

---

**Resolution 23-22:  
Proposing a Charter  
Amendment to Allow  
County Council to Assign  
Duties to the County  
Auditor Related to  
Finances and Financial  
Affairs of the County**

**Summary of Legislation**

This resolution proposes an amendment to the Charter of Anne Arundel County to allow the County Council to assign additional functions, duties, and personnel to the County Auditor that are related to the finances and financial affairs of the County.

**Review of Fiscal Impact**

This resolution does not have a direct fiscal impact.

---

**Resolution 24-22:  
Proposing a Charter  
Amendment to Change the  
Name of the Charter  
Revision Commission to  
the Redistricting and  
Charter Revision  
Commission**

**Summary of Legislation**

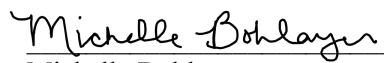
This resolution proposes an amendment to the Charter of Anne Arundel County to change the name of the Charter Revision Commission to the Redistricting and Charter Revision Commission and to amend the date by which a decennial Redistricting and Charter Revision Commission must be appointed by the County Council.

**Review of Fiscal Impact**

This resolution does not have a fiscal impact.

---

Sincerely,

  
Michelle Bohlayer  
County Auditor