



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

To: Councilmembers, Anne Arundel County Council
From: Michelle Bohlayer, County Auditor
Date: June 14, 2024
Subject: Auditor's Review of Legislation for the June 17, 2024 Council Meeting

**Bill 27-24: General
Development Plan –
Region 4 Plan (As
Amended)**

Summary of Legislation

The purpose of this bill is to adopt the Anne Arundel County Region 4 Plan, the region plan for Region Planning Area No. 4 (Area 4), dated April 1, 2024; amend the County's General Development Plan; and require the Anne Arundel County Region 4 Plan to be kept in specified files. This bill also authorizes the Planning and Zoning Officer to amend text, maps, charts, graphs, photos, and tables in accordance with amendments to this bill and make other specified corrections and changes to improve readability of the Anne Arundel County Region 4 Plan.

We commented on this bill in our letters dated May 20, 2024 and May 31, 2024. At the June 3, 2024 Council meeting, there were seven amendments to this bill. The amendments are included in the amended bill as Nos. 4-7 and Nos. 9-11, which can be found on the Council's website (<https://www.aacounty.org/council-council/legislation>). We have no further comments on this bill.

**Bill 28-24:
Comprehensive Zoning
– Region 4 (As
Amended)**

Summary of Legislation

This bill repeals portions of the Digital Zoning Layer dated September 6, 2011 for Area 4; adopts the Digital Zoning Layer dated January 5, 2024 for Area 4; and requires specified offices to keep certified copies of the Digital Zoning Layer dated January 5, 2024 for Area 4. This bill also authorizes the Planning and Zoning Officer to amend text, maps, charts, graphs, photos, and tables in accordance with amendments to this bill.

We commented on this bill in our letters dated May 20, 2024 and May 31, 2024. At the June 3, 2024 Council meeting, there were seven amendments to this bill. The amendments are included in

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the amended bill as Nos. 5-9 and Nos. 11-12, which can be found on the Council’s website (<https://www.aacounty.org/council/legislation>). We have no further comments on this bill.

**Bill 30-24: Zoning –
Planned Unit
Developments –
Community and
Employment (As
Amended)**

Summary of Legislation

This bill establishes two types of Planned Unit Developments (PUD): Community PUDs and Employment PUDs. Community PUDs are authorized as a special exception use in specified residential zoning districts. Employment PUDs are divided into those located on a mining reclamation site or those located in the BWI/Ft. Meade Growth Area and are authorized as a special exception or conditional use in certain residential, commercial, and/or industrial zoning districts. This bill also establishes allowed uses, density requirements, bulk regulations, and other requirements for PUDs. Currently, there is one PUD, which is authorized as a special exception use in all residential and two commercial (C2 and C3) zoning districts. This bill does not apply to applications for PUDs filed before the bill’s effective date.

We commented on this bill in our letters dated May 20, 2024 and May 31, 2024. At the June 3, 2024 Council meeting, this bill was amended to add definitions for PUD, Community PUD, and Employment PUD. We have no further comments on this bill.

**Bill 31-24: Pensions –
Reemployment –
Reduction of Benefits
(As Amended)**

Summary of Legislation

This bill eliminates a reduction in pension benefits during a pension recipient’s period of reemployment under certain circumstances. This bill authorizes reemployed employees to have their original retirement benefit reinstated, in addition to any new retirement benefit earned during the original period of reemployment. Excluding specified Deferred Retirement Option Program participants in the Fire Service Retirement Plan, this bill prohibits reducing a reemployed participant’s retirement benefits when they are reemployed in a new department.

We commented on this bill in our letters dated May 20, 2024 and May 31, 2024. At the June 3, 2024 Council meeting, this bill was amended to remove references to a retiree who is reemployed earning a second pension, and restores and adds provisions related to pension offset for retirees who are reemployed. We have no further comments on this bill.

Bill 49-24: Personnel – Employee Retirement Savings Plan – Contractual School Health Employees (Hearing Concluded) (Eligible for Vote)

Summary of Legislation

This bill authorizes certain contractual school health positions to elect to participate in the County’s Employee Retirement Savings Plan (401(a) Plan) within 30 days of the employee’s date of employment. This includes certain employees designated as temporary due to the timing of their employment. Specified existing contractual school health employees are authorized to elect to participate in the 401(a) Plan within 60 days from the bill’s effective date. The 401(a) Plan requires a 4% contribution by the employee and they receive an 8% contribution in their 401(a) account from the County.

We commented on this bill in our letter dated May 31, 2024. At the June 3, 2024 Council meeting, this bill was held until the June 17, 2024 Council meeting. We have no further comments on this bill.

Bill 50-24: Pensions – Deferred Retirement Option Program – Term of Participation Period (Hearing Concluded) (Eligible for Vote)

Summary of Legislation

This bill authorizes certain Fire Department and Department of Detention Facilities members of the Fire Service Retirement Plan and certain members of the Detention Officers’ and Deputy Sheriffs’ Retirement Plan to extend participation in the County’s Deferred Retirement Option Program to a seventh year, subject to appointing authority approval. This bill implements agreements the County reached in collective bargaining.

We commented on this bill in our letter dated May 31, 2024. At the June 3, 2024 Council meeting, this bill was held until the June 17, 2024 Council meeting. We have no further comments on this bill.

Bill 51-24: Personnel – Classification and Pay Plans – Classified Service and Exempt Service – Public Ethics – Financial Disclosure (As Amended)

Summary of Legislation

This bill authorizes applicable memorandum of agreements to set pay rates for an employee hired into specified classifications; modifies annual leave accrual for certain classifications; alters a specified list of exempt positions; alters a list of positions required to file specified financial disclosure statements; approves the Personnel Officer’s classification plan and specified pay plans dated July 1, 2024; provides pay increases for certain classified and exempt employees; authorizes advancement to new rate of pay for certain employees; and provides lump sum payments to specified employees. This bill also authorizes salary adjustments to correct salary compression for classified employees identified by the Personnel Officer; however, the Office of Personnel advised that there were no funds included in the FY25 proposed budget to address salary compression issues.

Bill 51-24 (continued)

We commented on this bill in our letter dated May 31, 2024. At the June 3, 2024 Council meeting, this bill was amended to correct the omission of Emergency Management Director and Transit Officer from the list of individuals required to file financial disclosure statements. This bill was also amended to correct errors relating to Public Safety Analyst III in the Personnel Officer's Classification Plan for the Classified Service, a pay scale in the classified service for Police Captains, and references to the Director, Equity and Human Relations. We have no further comments on this bill.

Bill 52-24: Budget and Finance – Grants Special Revenue Fund – Conditional Appropriation of Grants (As Amended)

Summary of Legislation

This bill authorizes grants and required County grant matching funds not included in an appropriations bill to be deemed appropriated if certain conditions are met.

We commented on this bill in our letter dated May 31, 2024. At the June 3, 2024 Council meeting, this bill was amended to provide for five days for the Council to consider hearing a resolution to approve the appropriation of certain grants. We have no further comments on this bill.

Bill 54-24: Current Expense Budget – Fourth Quarter Fund Transfer and Supplementary Appropriations

Summary of Legislation

This bill is an emergency ordinance that transfers appropriations of funds between certain offices, departments, institutions, boards, commissions, or other agencies in the General Fund and makes supplementary appropriations from unanticipated revenues to certain offices, departments, institutions, boards, commissions, or other agencies in the General Fund and to certain special funds for fiscal year 2024 (FY24).

Review of Fiscal Impact

The bill transfers \$4,930,600 in unappropriated general funds, \$7,775,900 from the Chief Administrative Officer's (CAO) contingency account, and \$1,175,000 from existing general fund appropriations. We reviewed the year-to-date expenditures and received information from the impacted agencies, and we concur with the Administration that the following general funds are available to be transferred: \$475,000 from the Office of the Sheriff, \$400,000 from the Office of the State's Attorney (SAO), \$100,000 from the Office of Personnel, and \$200,000 from the Department of Social Services.

Bill 54-24 (continued)

These transfers are being made to the following supplementary General Fund appropriations:

- The Board of Supervisors of Elections is requesting an additional \$1,032,700 to cover personal services expenditures due to unrealized turnover and temporary positions to process primary election mail-in ballots (\$900,000) and for contractual services related to early voting and election worker bonuses (\$132,700).
- The Office of Central Services (OCS) is requesting an additional \$793,600 for repairs and renovations to the County's grain elevator located in Lothian (\$250,000), additional utility operating expenses for the water/wastewater facility at the Crownsville Memorial Park (\$188,300), personal services expenditures due to unrealized turnover (\$163,400), insurance premiums related to the County's grain elevator in Lothian (\$73,400), an upgraded heating, ventilation, and air conditioning (HVAC) system at the Commerce Park offices (\$61,500), and document retention and disposal services (\$57,000).
- The Department of Detention Facilities is requesting an additional \$734,600 in personal services for overtime in excess of the FY24 appropriation.
- The Fire Department is requesting an additional \$4,039,000 for the purchase of two fire boats (\$3,500,000 remaining for the total cost in general funds for the two fire boats) and supplies and equipment, including a mobile ambulance trainer and rescue struts (\$539,000). The funding for the fire boats was approved in the fiscal year 2023 (FY23) budget but ultimately redirected to pay for overtime in FY23 by the Administration via an intercategory transfer, which does not require Council approval. The Fire Department now needs FY24 funds to pay for a purchase that was approved and ordered in FY23.
- The Department of Health (DOH) is requesting an additional \$2,987,600 in personnel services due to unrealized turnover among school nurse and health assistant positions.
- The Department of Inspections and Permits (DIP) is requesting an additional \$110,000 for unrealized turnover (\$30,000), overtime (\$20,000), and leave pay-outs (\$60,000).
- The Office of Finance (Departmental) is requesting an additional \$253,800 for ambulance vendor consulting fees (\$183,800) and postage (\$70,000).

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- The Office of Finance (Non-Departmental) is requesting an additional \$150,000 for pension contributions for grant-funded positions.
- The Office of Transportation is requesting an additional \$400,000 for the transit services contract (\$175,000) and County matching funds for the Maryland Department of Transportation Locally-Operated Transit System grant (\$225,000).
- The Office of Planning and Zoning (OPZ) is requesting an additional \$200,000 in personal services for unrealized turnover.
- The Police Department is requesting an additional \$2,667,700 in personal services for overtime in excess of the FY24 appropriation.
- The Department of Public Works is requesting an additional \$512,500 in personal services due to unrealized turnover.

This bill also transfers unanticipated grant funds and unappropriated fund balance of the specified funds as follows:

- The Grants Special Revenue Fund increases by \$712,243 due to grant funds awarded to the SAO (\$52,650) from the US Department of Justice for a bilingual Crime Victim-Witness Specialist to help Spanish speaking victims and witnesses in District Court; to the DOH from the National Association of County and City Health Officials for the Youth and Community Violence Prevention Action Team (\$27,645), the University of Maryland, Baltimore for a substance abuse prevention initiative (\$45,000), the Maryland Community Health Resources Commission (MCHRC) for substance abuse prevention programs (\$361,413), the MCHRC for cannabis prevention and control planning (\$30,000), and the Maryland Department of Health for strengthening families in recovery programs (\$195,535). There is no matching requirement for the County for these grants.
 - The Health Insurance Fund increases by \$3,000,000 for health care claims (\$2,000,000) and a transfer of balance to Other Post-Employment Benefits (\$1,000,000).
 - The Child Care Fund increases by \$200,000 to support both full-time and part-time school age child care program positions in the Department of Recreation and Parks expenditures in excess of the FY24 appropriation.
 - Tax Increment Funds (TIFs) increase by \$1,137,500 for payments to the General Fund from National Business Park – North Special Taxing District Fund (\$7,000), Parole Town Center Development District TIF
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(\$1,110,000), and West County Development District TIF (\$20,500).

- The Dorchester Special Tax Fund increases by \$115,000 for debt service principal payments.
- The Self-Insurance Fund (SIF) increases by \$2,355,000 for potential insurance claims. This increase reflects the full cost of pending unresolved claim applications rather than the County’s estimate of the cost of resolving these claims.

The Controller certified that the funds for a total of \$13,881,500 in general fund transfers and appropriations and \$7,519,743 in other fund appropriations are available for appropriation.

**Bill 55-24: Current
Expense Budget – Board
of Education –
Supplementary
Appropriation and
Transfers of Funds**

Summary of Legislation

This bill transfers appropriations of funds between major categories and makes supplementary appropriations from unanticipated revenue and revenues received in excess of budget estimates in the School Current Expense Fund. This bill reflects the budgetary changes adopted by the Board of Education (BOE) at their meeting on May 15, 2024.

Review of Fiscal Impact

This BOE approved FY24 Fourth Quarter Operating Budget Supplemental and Fund Transfers bill includes an additional \$17,596,600 in revenue from federal, state, and local unrestricted funds (\$12,293,800) and federal, state, and local restricted grant funds (\$5,302,800).

This bill includes reductions totaling \$14,703,500 from the following categories:

- \$139,900 from Mid-Level Administration due to overestimating salaries for positions with delayed hiring dates, position vacancies, and not hiring contractual employees to implement reading programs.
- \$6,642,700 from Instructional Salaries and Wages due to higher than anticipated staff turnover, a reduction in teacher stipends associated with additional duties, fewer substitute teachers being used, fewer paid student interns, and shifting tutoring funding to Other Instructional Costs for contracted tutoring services.
- \$594,100 from Other Instructional Costs due to charter school payments, which are based on enrollment, being less than estimated; workforce development funds shifting to other funding categories; not funding private pre-

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kindergarten students; and technology contract costs shifting to Textbook and Classroom Supplies.

- \$732,400 from Pupil Services due to salary savings associated with staff turnover.
- \$6,511,100 from Pupil Transportation due to reductions in contracted services to align budgets with estimated expenditures.
- \$83,300 from Community Services due to lower than anticipated costs for Judith P. Hoyer Center Early Learning Hubs.

This bill also includes increases totaling \$32,300,100 to the following categories:

- \$761,500 for Administration to purchase Chromebook inventory reconciliation software and updated Human Resources and Financial Enterprise Resource Planning system software.
- \$6,052,400 for Textbook and Classroom Supplies for one-time instructional supplies for new school openings at Two Rivers Elementary School and Severn Run High School as well as additional athletic program supplies, textbooks, Chromebooks, and laptops for staff and students throughout AACPS.
- \$5,312,000 for Special Education for additional non-public tuition and contracted personnel costs, education support professionals (ESP) bonuses, and additional temporary support assistants to aid students and teachers.
- \$143,400 for Health Services for behavioral interventions for elementary and middle school students, and substance use prevention and intervention for secondary students.
- \$893,000 for Operation of Plant for ESP bonuses; systemwide replacement of HVAC MERV 13 air filters; replacement of aging security cameras at eight schools; and use of Google Voice.
- \$6,111,300 for Maintenance of Plant for contracts for painting, landscaping, and school upgrades; ESP bonuses; HVAC repairs; playground replacement projects; and bathroom upgrades at various schools.
- \$7,268,300 for Fixed Charges associated with additional estimated health care claim payments for employees and retirees.
- \$250,000 for Food Services associated with unpaid student lunch debt.
- \$5,508,200 for Capital Outlay for a soundproof room and musical instrument storage at Broadneck High School for the Apex Arts High School Magnet program, installation of lighting on baseball and softball fields at certain schools, and building improvements that include electrical

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updates and architectural and design buildout of office spaces.

The net impact of these transfers and supplementary appropriations is an increase of \$32,300,100. The Controller certified that such funds are available for appropriation.

Bill 56-24: Conveyance of Surplus Property – Improved County-Owned Property, Known as 100 Summit Avenue in Glen Burnie

Summary of Legislation

This bill approves the conveyance of certain improved County-owned property comprised of approximately 0.34 acres of land, known as 100 Summit Avenue in Glen Burnie, to Jason Farrell, in accordance with certain terms and conditions. The Council declared this property surplus via Resolution 5-23. The aforementioned property had two independent appraisals performed to determine the fair market value of the property. The property appraised for \$490,000 as of May 25, 2023 and \$177,000 as of July 13, 2023, for an average of \$333,500.

OCS advertised a Notice of Invitation to Bid in The Capital newspaper for three consecutive weeks. The advertisement ran starting November 18, 2023 indicating a minimum acceptable price of \$333,500. Two bids were received by the County: a \$100,000 bid from Jason Farrell on August 21, 2023 and a \$10,000 bid from Jason Hale on September 3, 2023.

Bill 79-23 went into effect January 14, 2024 and revised procedures for disposing of County-owned property. However, this bill seeks to convey surplus property with property disposition procedures that existed prior to Bill 79-23 in 2023 because 100 Summit Avenue was deemed surplus in April 2023, was the subject of advertising and an invitation to bid in fall 2023, and a bid to purchase was received and accepted prior to January 14, 2024.

Review of Fiscal Impact

We agree with the information presented in the Administration’s fiscal note that the County will receive a total of \$100,000 in exchange for this property.

**Bill 57-24: Zoning –
Critical Area Overlay –
Resource Conservation
Area – Agritourism,
Farm or Agricultural
Heritage Site Special
Events, and Farm or
Agricultural Heritage
Site Stays**

Summary of Legislation

This bill authorizes agritourism, farm, or agricultural heritage site special events, and farm or agricultural heritage site stay uses in Resource Conservation Areas in the Critical Area if the lot coverage for the use is limited to the lesser of 15% of the property’s total square footage or 20,000 square feet and other specified requirements are met. Also, this bill modifies temporary, conditional, and special exception uses for certain farm or agricultural heritage site stays and/or special events to (1) require property in the Critical Area to comply with specified lot coverage and clearing requirements, including access, parking regardless of surface, temporary, temporary tents, and temporary pavement surfaces, and (2) prohibit new lot coverage, including for access or parking, from being added to the Critical Area buffer to accommodate an event. This bill’s effective date is contingent on the approval of the Maryland Critical Area Commission.

Review of Fiscal Impact

OPZ and the DIP do not anticipate a significant change in workload from this bill and advise no additional resources are required. OPZ advises that two to three applications are received annually for farm or agricultural heritage site special events and site stays and this bill may prompt a small increase in applications.

**Resolution 24-24:
Approving Appointment
and Reappointment of
Members to the Police
Accountability Board**

Summary of Legislation

This resolution approves the appointment of Toelesar Ellis (District 1), David Wier (District 2), and Jennifer Munt (District 2) and the reappointment of Cedric Johnson (District 4) as members of the Police Accountability Board for terms expiring on June 30, 2027.

The Administration did not respond to our request for information to verify the recommended individuals meet required qualifications in County law. As a result, we were unable to determine compliance with County law.

Review of Fiscal Impact

We agree with the Administration’s fiscal note that the stipends for board members are included in the existing appropriation and the approved fiscal year 2025 budget.
