COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND
Minutes of
Virtual Legislative Session 2021, Legislative Day No. 1
January 4, 2021 – 6:00 P.M.

The meeting was called to order by Chairman Sarah Lacey at 6:00 P.M. Ms. Rodvien gave the invocation and led the Pledge of Allegiance. The meeting was held remotely via Zoom Webinar, beginning with roll call of all present. The Auditor's Office was represented by the County Auditor, Susan Smith.

The following members of the County Council were present:

Sarah F. Lacey	First District
Allison Pickard	Second District
Nathan Volke	Third District
Andrew C. Pruski	Fourth District
Amanda Fiedler	Fifth District
Lisa D.B. Rodvien	Sixth District
Jessica Haire	Seventh District

<u>OPEN MEETINGS ACT</u>

JoAnne Gray, Administrative Officer, read a statement from the County Attorney regarding the Open Meetings Act. She stated the Md. Open Meetings Act, a state law, requires public meetings to be open to the public and to be "held in places reasonably accessible to individuals who would like to attend these meetings." In addition, provisions of the County Charter and the rules of the County Council require meetings to be open to the public and held at the County seat, meaning Annapolis.

The virtual format of this meeting of the County Council is due to the COVID-19 emergency and is necessary in light of the serious health risks associated with public gatherings, as well as the various Executive Orders from the Governor and the County Executive limiting public gatherings. While a virtual meeting of this type was not envisioned by the Open Meetings Act, steps have been taken to ensure that this virtual meeting includes alternate accessibility features that the Open Meetings Act Compliance Board and the Courts have reviewed and approved, such as having a call-in phone number that allows anyone with a telephone to call and listen to the meeting, broadcasting the meeting with video and audio on cable TV and on the Web, allowing written public comments to the legislation be filed with the Clerk and considered by the Council, and now allowing the public to call in or appear via zoom and testify live. The County Office of Law has opined that the public access provided by this technology makes this virtual meeting reasonably accessible to the public, as required by the OMA.

The Office of Law has also reviewed whether, with these technological features in place, it is still necessary to suspend Council Rules 3-105 and 3-106 that require public participation and reasonable seating for the public and the media. The conclusion is that it is not necessary to suspend these rules, for the same reason they have concluded that the measures implemented by the Council for virtual meetings satisfy the reasonable accessibility requirement under the OMA. The virtual format of the meetings allows public participation and media access, as required by the

Rules, and also allows unlimited participation that is not subject to seat capacity limits in the chambers or in the building. For these reasons, they have concluded that the requirements of Rules 3-105 and 3-106 are being satisfied and therefore it is not necessary to waive these rules.

Council has also asked whether it is necessary to suspend Rule 3-102 and 3-103, which require the meeting to be held at the County seat. In 2013, at the request of the Council, the OOL opined that a councilmember who was appearing at a meeting via a live video monitor would satisfy the venue requirement through virtual presence. It is noted that the Administrative Officer to the Council controls the hearing and is present in the Arundel Center during meetings, and the virtual meeting is hosted by the Assistant Admin Officer from a location in Annapolis. Those factors support the OOL's conclusion that the meetings are being held at the County seat and therefore it is not necessary to suspend Rules 3-102 and 3-103.

ETHICS STATEMENT

JoAnne Gray, Administrative Officer, stated that under certain circumstances, members of the public may qualify as lobbyists when they testify before the County Council. If so, the law requires that certain information be filed with the Ethics Commission. The Chairman of the Ethics Commission has asked that those who wish to testify in any form review the General Information on Lobbying sheet located on the Ethics Web Site under Forms and Publications. If there are any questions about lobbying requirements, please contact the Ethics Commission at 410-222-4413.

INVITATION TO AUDIENCE

The Administrative Officer stated there no submissions of written public testimony received for Invitation to Audience.

The following person spoke:

John Jasen, Pasadena, thanked the County staff for their operation during the pandemic and spoke of a Resolution supporting the actions of the County Executive during the pandemic.

There was no one else present who wished to speak.

ITEMS NOT ON THE AGENDA

There were no items not on the agenda.

PRELIMINARY MOTION

On motion of Mr. Pruski, seconded by Ms. Pickard, the Council voted that the partial reading of any bill, resolution, minutes, or amendment constitutes the reading of the whole.

APPROVAL OF MINUTES

On motion of Ms. Pickard, seconded by Mr. Pruski, the minutes of December 21, 2020, were approved as presented.

INTRODUCTION OF BILLS

BILL NO. 1-21 – AN ORDINANCE concerning: Purchasing – Value of Purchases Requiring Full Competitive Procurement Process – FOR the purpose of increasing the value of capital and non-capital purchases and contracts requiring a full competitive procurement process from $50,000 to $100,000; increasing the minimum value of an expedited procurement from $50,000 to $100,000; and generally relating to purchasing.
by Ms. Lacey, Chair
(by request of the County Executive)

BILL NO. 2-21 – AN ORDINANCE concerning: Zoning – Bird Sanctuaries – FOR the purpose of defining "bird sanctuary"; allowing bird sanctuaries as a conditional use in RA and RLD residential zoning districts; adding the conditional use requirements for bird sanctuaries; and generally relating to zoning.
by Ms. Haire

BILL NO. 3-21 – AN ORDINANCE concerning: General Provisions – Civil Emergencies – FOR the purpose of prohibiting the County from enforcing conditions imposed in connection with the proclamation of an emergency that are more restrictive than conditions imposed by the State in connection with a proclamation of emergency unless authorized by ordinance adopted by the affirmative vote of five members of the County Council; and generally relating to civil emergencies.
by Ms. Fiedler

BILL NO. 4-21 – AN EMERGENCY ORDINANCE concerning: Proclamation of Civil Emergency in Anne Arundel County – Termination – FOR the purpose of terminating the extension of the proclamation of a civil emergency established by Bill No. 24-20; and making this Ordinance an emergency measure.
by Mr. Volke

INTRODUCTION OF RESOLUTIONS

RESOLUTION NO. 1-21 – RESOLUTION approving the continued service of Anne Budowski as Acting Personnel Officer
by Ms. Lacey, Chair
(by request of the County Executive)

RESOLUTION NO. 2-21 – RESOLUTION appointing a member to the Anne Arundel County Ethics Commission
by Ms. Lacey, Chair
(by request of the County Executive)

RESOLUTION NO. 3-21 – RESOLUTION approving the appointment of a Severn River Commission member
by Ms. Lacey, Chair
(by request of the County Executive)

RESOLUTION NO. 4-21 – RESOLUTION approving Anne Arundel County's 2021 Financial Assurance Plan for compliance with the National Pollutant Discharge Elimination Phase I Municipal Separate Storm Sewer System Permit
by Ms. Lacey, Chair
(by request of the County Executive)

PUBLIC HEARINGS AND CALL OF BILLS FOR FINAL READING AND VOTE

BILL NO. 105-20

The Chairman called for the public hearing on Bill No. 105-20, An Ordinance concerning: Finance, Taxation, and Budget – Real Property Taxes – Tax Credits – Disabled Veterans and Their Surviving Spouses – For the purpose of defining certain terms; establishing a real property tax credit for disabled veterans and their surviving spouses; establishing eligibility criteria for the credit; providing for the calculation and duration of the credit; establishing a deadline for filing for the credit and the form of application for the credit; providing for the termination of the credit; and generally relating to finance, taxation, and budget; and the Administrative Officer read the title.

Ms. Haire, Co-Sponsor, stated this legislation had been brought to her by a constituent who was following enabling legislation at the State level. There is not currently an exemption for a Veteran who is less than 100 percent disabled. During the last State of Maryland legislative session there was bipartisan support of bills which allows the counties to allow property tax credits for disabled Veterans who were at least 50 percent disabled up to the 100 percent disability. This bill tracks the State legislation and uses much of the same language. There are some limitations including that the disability must be a service-related disability, there is a cap on their income, they have to own the property they are living in, and different levels for the amount of the credit based on the percentage of the disability. Ms. Haire stated she thought this was a way to recognize the efforts of Veterans on our behalf.

Pete Baron, Director of Government Affairs, was accompanied by Hujia Hasim, Budget Office, Karin McQuade, Controller, and Kelly Kenney, Office of Law, stated the Administration is comfortable with the bill. He stated it is a policy decision to implement this in Anne Arundel County. The burden of this tax credit will be spread evenly over the tax base. It is not a major fiscal hit. He stated they are not sure how many people will apply for this credit. He noted that the Auditor had stated it could be as high as 3,000 individuals. He stated these individuals will have to go through a significant verification process. This process will increase the workload of the County's Finance Department staff.

Mr. Baron stated that this is a positive step for the County's veterans and they should expect a timely response to their application for this credit and for it to be processed accurately. However, this will require added Finance Department staff. He stated that as noted in the Auditor's blue note the Council should expect as many as two new positions to handle the increased workload in the next budget.

Mr. Baron stated that the bill provides that the surviving spouse of a veteran would be eligible for the credit for an additional five years beyond the original five year credit period if the veteran passes away while receiving the credit. The credit then can be received for nine plus years. To be qualified for the continuing credit the veteran must be receiving the credit when they pass away. If the original five years has passed, the surviving spouse would not be eligible for the continuing credit.

Ms. Lacey asked if the County Executive would be putting two new positions in the budget.

Mr. Baron stated they would be looking at it holistically and would probably be adding the positions.

Ms. Pickard asked about the surviving spouse benefit and if the Sponsors want the bill to read like that.

Ms. Kenney stated that this is how the Code will handle the process.

Linda Schuett, Legislative Counsel, stated this is how these credits work. This was the intention of the drafting process.

Ms. Haire stated they wanted to be sure that if the credit was being received and the veteran passed away, their spouse would not have the additional burden of an immediate increase in the property tax, and would have the additional time.

The Administrative Officer stated there were no submissions of written testimony on Bill No. 105-20.

There was no one present who wished to speak, and the hearing was concluded.

Ms. Haire stated though there were no submissions of written testimony the Councilmembers had all received an email from a post commander in South County in support of the bill.

Ms. Lacey stated she thought they should consider holding the bill until the next Council meeting to be sure there were no amendments needed to clarify any questions.

On motion of Ms. Lacey, seconded by Ms. Haire, the motion to hold the bill until January 19, 2021, was defeated by the following roll call vote:

Aye – Ms. Lacey
Nay – Ms. Rodvien, Ms. Haire, Ms. Pickard, Mr. Volke, Mr. Pruski, Ms. Fiedler

The Chairman called Bill No. 105-20, An Ordinance concerning: Finance, Taxation, and Budget – Real Property Taxes – Tax Credits – Disabled Veterans and Their Surviving Spouses; and the Administrative Officer read a portion of the title.

Bill No. 105-20 was passed by the following roll call vote:

Aye – Ms. Rodvien, Ms. Haire, Ms. Pickard, Mr. Volke, Mr. Pruski, Ms. Fiedler
Nay – Ms. Lacey

BILL NO. 106-20

The Chairman called for the public hearing on Bill No. 106-20, An Ordinance concerning: Purchasing – Procurement – Transitioning the County's Vehicle Fleet to Hybrid and Zero-emission Vehicles – For the purpose of transitioning to County vehicles that are hybrid or zero-emission vehicles in certain circumstances; defining "hybrid vehicle" and "zero-emission vehicle"; establishing certain deadlines to complete the transition; establishing a reporting requirement; requiring a long-term plan by a certain date; and generally relating to purchasing; and the Administrative Officer read the title.

Ms. Rodvien, Co-Sponsor, stated that the pandemic has been our primary focus in the last year. She stated there is another opportunity to act locally to improve climate and climate change. She stated there is little they can do to impact the entire world, but they can do so on a local level.

Ms. Rodvien thanked Matt Johnston for his assistance in crafting this legislation and described the bill. She stated the County will be in a position to purchase electric and hybrid vehicles. Time will be needed to make the transition, including infrastructure and mechanics who are familiar with working on these types of vehicles. By the year 2035 the County will only be purchasing electric, hybrid or new technology vehicles that will have zero emissions.

Ms. Rodvien stated this bill will give the County time to make the finances for these purchases work due to the current situation with funding for purchases being limited. In the long run this should be a cost savings because the cost of lithium batteries is coming down. Her research states that by 2024 these cars will be less expensive that combustion engines.

Pete Baron, Director, Government Affairs, accompanied by Matt Johnston, Environmental Policy Officer, Christine Romans, Director, Central Services, Ellie Harris, Purchasing, and Lori Blair Klasmeier, Senior County Legislative Attorney, stated the County Executive has worked hard to get to the end goal of a cleaner fleet. They fully support the bill.

Ms. Haire stated she liked the policy idea but wondered how it would be implemented. She asked if there was any thought given to getting the plan in place first and then to begin the purchases so that infrastructure was in place prior to the first purchase.

Mr. Johnston stated the bill builds off of a memo issued by the County Executive over the summer stating that they should start working on this issue immediately. We have begun working on efforts to purchase pilot vehicles over the next few years, which would not require replacement of fueling stations with charging stations at this point.

Ms. Romans stated they are working on these issues and are looking at hybrid cars. The planning period for hybrid cars is shorter than for electric cars which would require charging stations. The planning period is approximately two years, but will go by quickly. They will be asking for funds in the capital budget to help fund the planning process. She stated that the plan not being fully written first does not mean they can't take intermediate steps.

Ms. Fiedler asked about the cost savings aspect and where the savings come in.

Susan Smith, County Auditor, stated that the costs in her blue letter include purchase and maintenance. The cost savings is in the maintenance and fuel. At this point they cost more to purchase.

Ms. Rodvien stated the cost savings is difficult to determine because they don't know what the purchase costs will actually be. As technology improves the costs generally goes down. They do not know when the cost savings will kick in. Some savings such as fuel and maintenance costs are immediate.

Mr. Johnston stated that the cost difference will be spread out over time as vehicles are replaced. They expect to reach price parity in 2024. The reason that the County Executive decided to start this process this summer is that there are grants for localities that are doing this switch. The grants look at the costs of purchasing the vehicles versus the costs of replacing with combustion engine cars and offset the difference in that cost.

Mr. Volke asked if there was anything in the County Code that prohibits Central Services from purchasing hybrid vehicles at this point.

Ms. Romans stated there is not.

Mr. Volke asked if the electric or hybrid car is less expensive than a combustion car in 2024, would the County be required to purchase them at that point.

Ms. Romans stated it depends on how the procurement is requested. They currently can do either best value or lowest price. They currently do lowest price for vehicle purchases. If other factors such as training are included, that could change.

Ms. Pickard asked if the County generally pays MSRP for vehicles.

Ms. Romans stated that MSRP is generally reserved for residential purchase. The County purchases fleet vehicles so the costs are generally lower.

Ms. Fiedler stated she likes the policy idea. She noted that the highest amount of vehicles currently in use is in the Police Department. She asked if there is a priority list for who would receive the cars first, and if the Police Chief would be included in any communication for replacement of their fleet. She stated she wants to be sure the cars meet their operational needs.

Ms. Romans stated they are procuring their first hybrid vehicles for the Police Department because the market has put something together for that. They want to be sure they are ready to go and they will test them. Their goal is to ensure officer safety. If they do not work, that will be a mission decision that they will have to be alright with.

Mr. Volke asked about the "shall" clause in the bill and asked if that means that the department, when replacing vehicles, must purchase these cars even if they are more expensive.

Ms. Romans stated the decision on purchases is not made on the department level, but on a macro level taking many things into consideration. This bill will codify policy. They want future generations of central services officers to follow the policy. There may be reasons why they can't pursue electric or hybrid cars immediately, such as technological or operational concerns.

Ms. Rodvien stated this bill will shift the default from internal combustion to electric or hybrid. If those meet the mission of the department, then the default position would be to purchase one of those. If not, then they will purchase the auto that meets their requirements.

The Administrative Officer stated there was one submissions of written public testimony received on Bill No. 106-20, which was shared with the Council and posted on the County Council website.

The following persons spoke on Bill No. 106-20:

Timothy Grooms, Glen Burnie

There was no one else present who wished to speak, and the hearing was concluded.

The Chairman called Bill No. 106-20, An Ordinance concerning: Purchasing – Procurement – Transitioning the County's Vehicle Fleet to Hybrid and Zero-emission Vehicles; and the Administrative Officer read a portion of the title.

Mr. Volke asked if there was an RFP that clearly stated electric or hybrid car purchase, would an internal combustion engine even be considered.

Ms. Romans stated that the RFP needs to clearly state what type of purchase they are looking for. It must be written clearly in the procurement.

There was continued discussion on RFP processes and procedures.

Mr. Johnston stated that the memo from the summer requires Central Services to provide an annual report outlining costs and cost savings, infrastructure, etc., which makes the plan flexible moving forward.

Ms. Rodvien stated with environmental policy there are benefits that are not necessarily quantifiable with dollar amounts. Cost is important but we are within a few years of cost parity. She stated it is important that the policy achievements are also important. She stated there is flexibility in the policy to achieve technological and operational goals.

Mr. Volke asked what was going to change in passing this bill since the County Executive has already issued an Executive Order.

Ms. Rodvien stated this bill will extend this policy into the future beyond the term of the current County Executive.

Mr. Johnston also stated that the codification will also help when they go out for the grant process, that the policy is not just an Executive Order, but is written into the County Code.

Ms. Pickard stated that is what is done whenever a bill is passed, it is put into the County Code to codify the will of the current County Council.

Mr. Pruski stated it is a policy decision as to if the County wants to change their procurement process to include this as part of it.

Mr. Volke stated he found this bill to be redundant to what the County Executive has already done. He stated he supports the concept, but will not support the bill.

Bill No. 106-20 was passed by the following roll call vote:

Aye – Ms. Rodvien, Ms. Haire, Ms. Lacey, Ms. Pickard, Ms. Pruski, Ms. Fiedler
Nay – Mr. Volke

ADJORNMENT

There being no further business, on motion of Mr. Pruski, seconded by Ms. Pickard, the meeting adjourned at 7:26 P.M.

The Chairman stated that the next Council meeting will be on Tuesday, January 19, 2021.

Respectfully submitted,

/s/ Susan F. Cline

by Susan F. Cline

/s/ Laura Corby

for Laura Corby
Administrative Officer