AGENDA
COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND
County Council Meeting
Legislative Session 2021, Legislative Day No. 21
November 1, 2021 – 7:00 P.M.

A. Invocation (Pickard)

B. Pledge of Allegiance

C. Ethics Statement

D. Invitation to Audience

E. Announcement of Items not Appearing on Agenda

F. Preliminary Motion

G. Approval of Minutes

October 18, 2021 – Legislative Day No. 20

H. Introduction of Bills

BILL NO. 96-21 – AN ORDINANCE concerning: Cedarhurst-on-the-Bay Shore Erosion Control District – Approval of Loan and Assignment Agreement – FOR the purpose of obligating the County to levy the special tax known as the shore erosion control district assessment on the Cedarhurst-on-the-Bay Shore Erosion Control District in an amount sufficient to repay a loan from Severn Savings Bank to the Cedarhurst Citizens Association, Inc., in each of up to six (6) fiscal years during the term of the loan.
By Ms. Lacey, Chair
(by request of the County Executive)

BILL NO. 97-21 – AN ORDINANCE concerning: Personnel – Benefits – Annual Leave – FOR the purpose of allowing annual leave accrued as of the end of pay period calendar year 2021 to be carried over and used during the first pay period of pay period calendar year 2022; increasing permitted carry over of accumulated annual leave accrued as of the end of pay period calendar year 2021; providing for the application of this Ordinance; and generally relating to personnel.
By Ms. Lacey, Chair
(by request of the County Executive)

BILL NO. 98-21 – AN ORDINANCE concerning: Boards, Commissions, and Similar Bodies – Human Relations Commission – Student Member – FOR the purpose of making the student member of the Human Relations Commission a voting member; adding the Executive Director of Arundel Community Development Services as a voting member of the Commission; and generally relating to boards, commissions, and similar bodies.
By Ms. Lacey, Chair
(by request of the County Executive)

BILL NO. 99-21 – AN ORDINANCE concerning: Subdivision and Development – Site Development – Exemptions – FOR the purpose of exempting improvements to an existing nonresidential structure outside the critical area or bog protection area from the site development plan process under certain conditions; repealing an exemption relating to certain grading permits; and generally relating to subdivision and development.
By Mr. Volke

I. Introduction of Resolutions

RESOLUTION NO. 58-21 – RESOLUTION supporting the Anne Arundel County Board of Education's Fiscal Year 2023 Public School Construction Capital Improvement Program request for submission to the Interagency Commission on School Construction
By Ms. Lacey, Chair
(by request of the County Executive)

J. Public Hearings and Call of Bills and Resolutions for Final Reading and/or Vote

BILL NO. 80-21 (As Amended) – AN ORDINANCE concerning: Floodplain Management, Erosion and Sediment Control, and Stormwater Management and Subdivision and Development – Violation, Enforcement, and Penalties – Civil Fines – Clearing Trees of Significant Size – FOR the purpose of making it a Class A civil offense to clear trees of significant size in violation of County erosion and sediment control law; amending the factors to be used when determining a fine for a Class A civil offense; amending the definition of "clearing"; adding a definition of "hazardous tree; and generally relating to floodplain management, erosion and sediment control, and stormwater management.
By Ms. Pickard, Ms. Rodvien, Mr. Pruski, and Ms. Lacey

BILL NO. 83-21– AN EMERGENCY ORDINANCE concerning: Zoning – General Provisions – Uses and Structures – Temporary Uses – FOR the purpose of amending certain termination dates established by Bill No. 55-21 to extend the temporary use authorization for outdoor seating at restaurants; and making this Ordinance an emergency measure.
By Ms. Lacey, Chair
(by request of the County Executive)
and by Ms. Rodvien, Ms. Pickard, and Mr. Pruski

BILL NO. 84-21 – AN ORDINANCE concerning: Approval of Lease of County-owned property to the Boys & Girls Clubs of Annapolis and Anne Arundel County, Inc. – FOR the purpose of approving the lease of a portion of a County-owned property known as 1160 Reece Road, Severn, MD 21144, to the Boys & Girls Clubs of Annapolis and Anne Arundel County, Inc.
By Ms. Lacey, Chair
(by request of the County Executive)
and by Ms. Lacey

BILL NO. 85-21 (Amendments proposed) – AN ORDINANCE concerning: Subdivision and Development – Adequate Public Facilities – Public Schools – FOR the purpose of modifying the provisions for an exemption from requirements for adequate public facilities for schools; restoring provisions relating to the school utilization chart as they existed before the sunset of Bill No. 15-18; making certain technical changes; and generally relating to subdivision and development.
By Ms. Lacey, Chair
(by request of the County Executive)

BILL NO. 86-21 – AN ORDINANCE concerning: Finance, Taxation, and Budget – Real Property Taxes – Tax Credits – Public Safety Officer Property Tax Credit – FOR the purpose of extending the duration of the Public Safety Officer property tax credit; extending the termination of the Public Safety Officer property tax credit; and generally relating to finance, taxation, and budget.
By Mr. Pruski, Ms. Lacey, and Ms. Pickard

BILL NO. 87-21 – AN ORDINANCE concerning: Licenses and Registrations – Amusements – Commercial Bingo and Alcoholic Beverages – FOR the purpose of repealing the prohibition against serving alcoholic beverages during commercial bingo games; and generally relating to licenses and registrations.
By Ms. Lacey, Mr. Volke, and Mr. Pruski

RESOLUTION NO. 48-21– RESOLUTION approving the application to the United States Department of Justice, Office of Justice Programs, for a grant under the Edward Byrne Memorial Justice Assistance Grant Program federal FY 2021 Local Solicitation and recognizing the County Executive's authority to act in connection with the grant
By Ms. Lacey, Chair
(by request of the County Executive)

RESOLUTION NO. 54-21 – RESOLUTION requesting the Charter Revision Commission to consider certain issues
Introduced by Ms. Rodvien, Mr. Pruski, and Ms. Lacey

RESOLUTION NO. 55-21– RESOLUTION approving the nominations for appointment to the Stakeholder Advisory Committee for Region Planning Area No. 2
Introduced by Ms. Lacey, Chair
(by request of the County Executive)

RESOLUTION NO. 56-21– RESOLUTION approving the nominations for appointment to the Stakeholder Advisory Committee for Region Planning Area No. 4
Introduced by Ms. Lacey, Chair
(by request of the County Executive)

RESOLUTION NO. 57-21 – RESOLUTION approving the nominations for appointment to the Stakeholder Advisory Committee for Region Planning Area No. 7
Introduced by Ms. Lacey, Chair
(by request of the County Executive)

K. Other Business

L. Adjournment

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Anyone with a disability who requires a reasonable accommodation to fully participate in a Council meeting should contact the Administrative Officer at least 72 hours before the meeting to discuss your accessibility needs. The Administrative Officer may be reached by email at CouncilAdmin@aacounty.org or by telephone at 410-222-1401. TTY users, please use Maryland Relay, 7-1-1.

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WAYS TO FOLLOW THE COUNTY COUNCIL

Members of the public can watch the November 1, 2021 meeting on local cable channels or via Arundel TV Live. To find a list of channels or to access Arundel TV Live, visit www.aacounty.org/services-and-programs/government-television.

For more details on all the ways to participate please visit https://www.aacounty.org/services-and-programs/county-council-meeting-participation

ANNE ARUNDEL COUNTY
OFFICE OF THE COUNTY AUDITOR

To: Councilmembers, Anne Arundel County Council

From: Michelle Bohlayer, County Auditor

Date: October 27, 2021

Subject: Auditor Review of Legislation for the November 1, 2021 Council Meeting

Bill 80-21: Floodplain Management, Erosion and Sediment Control, Stormwater Management, and Subdivision and Development – Violation, Enforcement, and Penalties – Civil Fines – Clearing Trees of Significant Size (As Amended)	**Summary of Legislation** This bill makes it a Class A civil offense to clear trees of significant size in violation of County erosion and sediment control law and amends the factors to be used when determining a fine for a Class A civil offense to remove the limitation to Class A civil offenses only for violations in the critical area. We commented on this bill in our letter dated October 13, 2021. At the October 18, 2021 Council meeting, this bill was amended to amend the Article 17 definition of clearing and add a definition of hazardous tree. We have no further comments on this bill.
Bill 83-21: Zoning – General Provisions – Uses and Structures – Temporary Uses	**Summary of Legislation** This bill extends the temporary use authorization for outdoor seating at restaurants granted by Executive Orders #22 and #46 and Bill 55-21. The provisions of this emergency ordinance will remain in effect until January 2, 2023 and, unless the food service facility obtains all authorizations and permits and permission required by law, the outdoor seating facilities must be removed no later than January 11, 2023. **Review of Fiscal Impact** This bill has no direct fiscal impact.

Bill 84-21:
Approval of Lease of County-Owned Property to the Boys & Girls Clubs of Annapolis and Anne Arundel County, Inc.

Summary of Legislation

This bill approves a 50 year lease of a portion of a County-owned property known as the Severn Center, located at 1160 Reece Road in Severn, to the Boys & Girls Clubs of Annapolis and Anne Arundel County, Inc. (Boys & Girls Clubs). Under the terms of the lease, the Boys & Girls Clubs will pay an annual rent of $1 and will have the right to renew the lease for an additional period of 50 years. The renewal lease will also be subject to approval by the County Council.

Exhibit A, the Boys & Girls Clubs lease summarizes the following contract provisions:

- The Boys & Girls Clubs will have the burdens and the benefits of ownership.
- Any personal property not removed by the Boys & Girls Clubs following the end of the term will become the sole property of the County.
- The Boys & Girls Clubs will pay all costs, expenses, and obligations of every kind or nature relating to the Boys & Girls Clubs facility which may arise or become due during the term.
- The Boys & Girls Clubs are solely responsible for the alterations, maintenance, repair, and replacement of all utility systems within the Boys & Girls Clubs facility.
- Utility connection fees charges by the utility service providers will be paid by the County.
- Beginning on the commencement date, the Boys & Girls Clubs must maintain a replacement reserve account for the purpose of paying costs associated with the performance of reasonable maintenance and must deposit monthly, an amount not less than $1,000, into this account.
- The Boys & Girls Clubs must prepare and provide the County on an annual basis a copy of: the operations manual, operating budget outlining anticipated revenues and expenses for the next year, and an annual financial report prepared and certified by an independent certified public accountant.
- The Boys & Girls Clubs must purchase and maintain insurance at the levels specified in the agreement.

Review of Fiscal Impact

This lease agreement is the result of the Severn Center capital project, managed by Arundel Community Development Services, Inc. and funded with the following sources: County funds ($200,000), Local Development Council Video Lottery Terminal funds ($10,707,000), Community Development Block grant ($1,000,000), State of Maryland legislative capital grants ($3,000,000), and a Maryland Department of Aging grant ($800,000). This funding was specifically committed for multiple purposes, including the space for the Boys & Girls Clubs. The Boys & Girls Clubs space includes a full size gymnasium and Teen Club. This bill has no direct fiscal impact.

Bill 85-21: Subdivision and Development – Adequate Public Facilities – Public Schools

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. This bill, with the amendments to be introduced, will restore provisions relating to the school utilization chart in its entirety as they existed before the sunset of Bill 92-17 and 15-18.

Review of Fiscal Impact

Per the Office of Planning and Zoning (OPZ), this bill has no direct fiscal impact, however, this bill may over time result in some proposed development projects to be placed on the school waiting list that would otherwise not have been, which could in turn impact the development project's financial feasibility. This could in turn relate to lost impact fees, permit fees, and property tax revenue. We agree that the reinstitution of these provisions will likely limit future residential development and could reduce the amount of impact and permit fees and taxes collected by the County.

OPZ does not expect a change in workload from the passing of this bill and no additional resources are anticipated. Based on the current utilization data sets from the Board of Education and the impact of either an elementary or middle school going from 100% to 95% capacity, OPZ has estimated that an additional five current projects could qualify for the exemption, assuming ownership requirements can be met.

Certain provisions of this bill potentially can make school testing for adequate public facilities easier and other provisions can potentially make the testing more difficult. With the sunset of Bill 15-18, capacities were allowed to rise to 100% for all three levels (elementary, middle, and high school) and the development impacts related to new student generation were not required to be added to the existing enrollment. This bill requires testing from development impacts related to new student generation to be added to existing schools. Elementary and middle schools are limited to 95% capacities and high schools are limited to 100%. This bill requires development to add their impacts to existing school enrollments to confirm capacities. This results in some proposed development projects to potentially be placed on the school waiting list that would otherwise not have been.

Bill 86-21: Finance, Taxation, and Budget – Real Property Taxes – Tax Credits – Public Safety Officer Property Tax Credit	**Summary of Legislation** This bill extends the duration of the Public Safety Officer Property Tax Credit to a maximum of ten years. Bill 81-17 established the Public Safety Officer Property Tax Credit for a maximum of five years, with the initial tax credit for one taxable year and a renewal of the tax credit for four additional taxable years. This bill increases the renewal of the tax credit from four additional taxable years to nine additional taxable years making the tax credit available for a maximum of ten years. In addition, the bill also provides for the termination of the tax credit after a public safety officer receives it for ten taxable years. **Review of Fiscal Impact** The Public Safety Officer Property Tax Credit began in fiscal year 2019 (FY19). The property tax credits granted since the program began are as follows: • FY19: 703 credits were granted totaling $1,445,026; • FY20: 730 credits were granted totaling $1,540,777; • FY21: 758 credits were granted totaling $1,626,869; and • FY22: 725 credits were granted totaling $1,633,308. According to the Office of Finance (Finance), for FY22, out of the 725 tax credits granted, 644 were renewals. Finance expects that the current applicants still eligible will apply for the additional five years along with any new applicants, however, Finance does not anticipate needing any additional resources due to the additional renewal applications. Due to the County's practice of maximizing the property tax revenue under the tax cap, the additional years of the tax credit renewal would not impact the property tax revenue collected by the County, but rather would be absorbed by the remaining tax base.
Bill 87-21: Licenses and Registrations – Amusements – Commercial Bingo and Alcoholic Beverages	**Summary of Legislation** This bill repeals the prohibition against serving alcoholic beverages during commercial bingo games. **Review of Fiscal Impact** The County has a maximum of three commercial bingo licenses, which are all currently active. This bill does not have a direct fiscal impact.

Resolution 48-21: Approving the Application for a Grant Under the Edward Byrne Memorial Justice Assistance Grant Program	**Summary of Legislation** This resolution approves the application to the United States Department of Justice, Office of Justice Programs, to administer the Edward Byrne Memorial Justice Assistance Grant Program Fiscal Year 2021 (FY21) Local Solicitation. This grant application requires that it be made available for review by the governing body of the applicant jurisdiction. **Review of Fiscal Impact** This resolution approves the application for this grant in the amount of $150,462 for the federal FY21 grant to be received in the County FY22 Budget. This grant does not require any matching funds.
Resolution 54-21: Requesting the Charter Revision Commission to Consider Certain Issues	**Summary of Legislation** This resolution requests the Charter Revision Commission to consider certain issues during their comprehensive study of County Government and updating the Charter, including revision of the Councilmanic districts. **Review of Fiscal Impact** This resolution has no direct fiscal impact.
Resolution 55-21: Approving the Nominations for Appointment to the Stakeholder Advisory Committee for Region Planning Area No. 2	**Summary of Legislation** This resolution approves the nominations for 15 appointments to the Stakeholder Advisory Committee for Region Planning Area No. 2. **Review of Fiscal Impact** This resolution has no fiscal impact.
Resolution 56-21: Approving the Nominations for Appointment to the Stakeholder Advisory Committee for Region Planning Area No. 4	**Summary of Legislation** This resolution approves the nominations for 15 appointments to the Stakeholder Advisory Committee for Region Planning Area No. 4. **Review of Fiscal Impact** This resolution has no fiscal impact.

Resolution 57-21: Approving the Nominations for Appointment to the Stakeholder Advisory Committee for Region Planning Area No. 7	**Summary of Legislation** This resolution approves the nominations for 15 appointments to the Stakeholder Advisory Committee for Region Planning Area No. 7. **Review of Fiscal Impact** This resolution has no fiscal impact.

Sincerely,

Michelle Bohlayer

Michelle Bohlayer
County Auditor

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND
Minutes of
Legislative Session 2021, Legislative Day No. 20
October 18, 2021 - 7:00 P.M.

The meeting was called to order by Chair Lacey at 7:00 P.M. and opened with the Invocation and Pledge of Allegiance given by Ms. Lacey. The meeting was held in the County Council Chambers, Arundel Center, Annapolis, Maryland. There were approximately 115 persons in the audience.

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

The County Auditor's Office was represented by the County Auditor, Michelle Bohlayer. Linda Schuett, Legislative Counsel, was also present.

ETHICS STATEMENT

Laura Corby, Administrative Officer, read aloud the Ethics Statement.

ANNUAL AUDIT UPDATE

Remi Omisore, Clifton Larsen Allen, was accompanied by, Michelle Bohlayer, County Auditor, Michelle Quade, Controller, Michael Beard, Office of Finance, and gave the annual audit update. (A copy of the presentation is attached to these minutes.)

The Chair ordered the room cleared at 7:06 pm to address a concern with an individual not wearing a mask as required in all County buildings. The meeting was called back to order at 7:19 pm.

The annual audit update was completed.

INVITATION TO AUDIENCE

The Administrative Officer stated there were two submissions of public testimony received for Invitation to Audience, which were posted to the website and are part of the official record.

The following persons spoke on Invitation to Audience:

Cynthia Edwards, Glen Burnie
Kurt Svendsen, Arnold

Steven Waddy, NAACP, Annapolis
Amy Leahy, Severna Park
Julie Johnson, Annapolis

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

PRELIMINARY MOTION

On motion of Ms. Pickard, seconded by Ms. Rodvien, 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 Ms. Rodvien, the minutes of the meeting of October 4, 2021 were approved as presented.

INTRODUCTION OF BILLS

BILL NO. 88-21 – AN EMERGENCY ORDINANCE concerning: Current Expense Budget – Board of Education – Supplementary Appropriation – FOR the purpose of making supplementary appropriations from unanticipated revenues to the Board of Education for the current fiscal year; making this ordinance an emergency ordinance; and generally relating to making supplementary appropriations to the current expense budget for the fiscal year ending June 30, 2022.
Introduced by Ms. Lacey, Chair
(by request of the County Executive)

BILL NO. 89-21 – AN ORDINANCE concerning: Current Expense Budget – Supplementary Appropriations – FOR the purpose of making supplementary appropriations from unanticipated revenues to certain offices, departments, institutions, boards, commissions or other agencies in the general fund and to certain special funds of the County government for the current fiscal year; and generally relating to making supplementary appropriations of funds to the current expense budget for the fiscal year ending June 30, 2022.
Introduced by Ms. Lacey, Chair
(by request of the County Executive)

BILL NO. 90-21 – AN ORDINANCE concerning: Personnel – Positions in the Classified Service – Department of Public Works and Police Department – Position Control – Office of Central Services and Department of Public Works – FOR the purpose of modifying minimum qualifications for certain positions in the classified service; adding certain positions in the classified service; providing for the pay grade, work week, and minimum qualifications applicable to positions added to the classified service; decreasing certain positions in the classified service; increasing certain positions in the classified service; and generally relating to personnel.
Introduced by Ms. Lacey, Chair
(by request of the County Executive)

BILL NO. 91-21 – AN ORDINANCE concerning: Approval of private disposition of County-owned property consisting of approximately 37.50 +/- acres, known as 1127 Bragers Road in Odenton, Maryland – FOR the purpose of approving the terms and conditions under which the County may convey certain County-owned property to the Board of Education of Anne Arundel County ("BOE").
Introduced by Ms. Lacey, Chair
(by request of the County Executive)

BILL NO. 92-21 – AN EMERGENCY ORDINANCE concerning: Budget – Grants Special Revenue Fund – Limitation on Conditional Appropriation – FOR the purpose of limiting a conditional appropriation to the Grants Special Revenue Fund; making this an emergency ordinance; and generally relating to finance, taxation, and budget.
Introduced by Ms. Fiedler

BILL NO. 93-21 – AN ORDINANCE concerning: Subdivision and Development – Adequate School Facilities – Residential Development in Transit-Oriented Overlay Development Policy Areas – FOR the purpose of exempting residential development located in transit-oriented overlay development policy areas from the adequate school facilities test under certain conditions; adding the conditions for the exemption from the test for adequate school facilities; and generally relating to subdivision and development.
Introduced by Ms. Lacey

BILL NO. 94-21 – AN ORDINANCE concerning: Subdivision and Development and Zoning – Glen Burnie Sustainable Community Overlay Area – Transit-Oriented Overlay Development Policy Areas – FOR the purpose of amending the conditions for an exemption from the test for adequate school facilities for residential redevelopment projects within the Glen Burnie Sustainable Community Overlay Area; amending the definition of "redevelopment" to include lots located in transit-oriented overlay development policy areas; and generally relating to subdivision and development and zoning.
Introduced by Ms. Pickard

BILL NO. 95-21 – AN ORDINANCE concerning: Construction and Property Maintenance Codes Supplement – International Building Codes Supplement – Exterior Wall Glass and Glazing – Nonresidential Construction – FOR the purpose of defining "threat factor"; requiring that glass installed on the exterior walls of nonresidential construction comply with certain bird threat factors; providing for the application of this ordinance; and generally relating to the construction and property maintenance codes.
Introduced by Ms. Rodvien

INTRODUCTION OF RESOLUTIONS

RESOLUTION NO. 52-21 – RESOLUTION confirming the appointment of a member of the classified service to serve on the Pension Oversight Commission for Anne Arundel County
Introduced by Ms. Lacey, Chair
(by request of the County Executive)

RESOLUTION NO. 53-21 – RESOLUTION approving submission of names for the Property Tax Assessment Appeal Board

Introduced by Ms. Lacey, Chair
(by request of the County Executive)

RESOLUTION NO. 54-21 – RESOLUTION requesting the Charter Revision Commission to consider certain issues
Introduced by Ms. Rodvien, Mr. Pruski, and Ms. Lacey

RESOLUTION NO. 55-21 – RESOLUTION approving the nominations for appointment to the Stakeholder Advisory Committee for Region Planning Area No. 2
Introduced by Ms. Lacey, Chair
(by request of the County Executive)

RESOLUTION NO. 56-21 – RESOLUTION approving the nominations for appointment to the Stakeholder Advisory Committee for Region Planning Area No. 4
Introduced by Ms. Lacey, Chair
(by request of the County Executive)

RESOLUTION NO. 57-21 – RESOLUTION approving the nominations for appointment to the Stakeholder Advisory Committee for Region Planning Area No. 7
Introduced by Ms. Lacey, Chair
(by request of the County Executive)

The Chair stated that the Council would hear and vote on Resolutions 52-21 and 53-21 at the end of the meeting.

PUBLIC HEARINGS AND CALL OF BILLS FOR FINAL READING AND/OR VOTE

BILL NO. 73-21 (As Amended)

The Chair called Bill No. 73-21, as amended, An Ordinance concerning: Approval of Lease Agreement for Coppermine Tennis Facility – For the purpose of approving an agreement to lease County-owned property located at 1580 Millersville Road, Millersville, MD 21108, to Coppermine Racquet and Fitness LLC; and requiring that modifications to the scope of the project under the lease agreement be approved by Ordinance of the County Council; and the Administrative Officer read the title.

Pete Baron, Director, Government Affairs, was accompanied by Chris Trumbauer, Budget Officer, Jessica Leys, Deputy Director, Recreation and Parks, Erica Matthews, Recreation and Parks, Andrew Hime, Purchasing Agent, Central Services, and Christine Neiderer, Assistant County Attorney, Office of Law.

Mr. Trumbauer spoke on the bill and referenced a small mistake in the bill that will be corrected.

Ms. Leys gave a review of the bill.

Mr. Volke shared about the surrounding county's facilities and asked if there were other places that could compare to this new project.

Ms. Leys responded.

Ms. Pickard asked about the size of the facility

Ms. Leys explained.

Ms. Pickard spoke on the public-private partnership.

The Chair opened the public hearing on Bill No. 73-21, as amended.

The Administrative Officer stated there were 311 submissions of public testimony received for Bill No. 73-21, as amended, along with a few emails, which were posted to the website and are part of the official record.

The following persons spoke on Bill No. 73-21, as amended:

Douglass Lamartin, Annapolis
Tom Walsh, Edgewater
Cathy Shields, Annapolis
David Demers, Millersville
Patricia Lilek, Millersville
Stacia Bontempo, Annapolis
Maribeth Love, Millersville
Jeffrey DeCaro, Edgewater
Wayne West, Millersville
Robert Nuscher, Severn
Elizabeth Sroka, Millersville
Sean Rehak, Townson
Deborah Weller, Millersville
Michael Doyle, Millersville
Alex Jacobs, Baltimore
Randy Stevens, Arnold
James Appel, Annapolis
Ellen Humphries Ponder, Edgewater
Jack Surroka, Millersville
Sharon Wood, Severna Park
Louise Thomas, Davidsonville
Julie Johnson, Annapolis
Scott Lacider, Millersville
Barbara Stack, Crownsville
Don Weller, Millersville
Gretchen Mandy, Millersville

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

The Chair called Bill No. 73-21, as amended, An Ordinance concerning: Approval of Lease Agreement for Coppermine Tennis Facility; and the Administrative Officer read a portion of the title.

Ms. Haire asked what would happen if the bill was defeated and if a new RFP could be drafted.

Mr. Hime responded.

Ms. Haire asked about allowing the project to go forward if the bill was defeated.

Mr. Trumbauer explained the process if the lease was rejected.

Ms. Leys shared Recreation and Parks position on the lease.

Ms. Fiedler thanked all departments involved and asked why there was not more details in the lease.

Ms. Leys answered.

Mr. Volke asked if there was a minimum number of tennis courts needed to qualify as active recreation.

Ms. Matthews explained the requirements for active recreation facilities.

Ms. Rodvien asked if activities are allowed under the current usage.

Ms. Leys answered.

There was further discussion between the Council and Administration regarding the bill.

Bill No. 73-21, as amended, was defeated by the following roll call vote:

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

BILL NO. 77-21

The Chair called for the public hearing on Bill No. 77-21, An Ordinance concerning: Transfer of Control of Cable Franchisee – Anne Arundel Broadband, LLC – For the purpose of approving the transfer of control of the cable franchisee Anne Arundel Broadband, LLC, from WideOpenWest Mid-Michigan Holdings, LLC, a wholly-owned subsidiary of WideOpenWest Finance, LLC to Starpower Communications, LLC and generally relating to the cable franchise held by Anne Arundel Broadband, LLC; and the Administrative Officer read the title.

Pete Baron, Director, Government Affairs, was accompanied by Leigh Fields, Office of Information Technology, and Jason Fetterman, Office of Law.

Mr. Baron explained the bill.

The Chair called for the public hearing on Bill No. 77-21.

The Administrative Officer stated there was one submission of public testimony received for Bill No. 77-21, which was posted to the website and is part of the official record.

The following person spoke on Bill No. 77-21:

Julie Johnson, Annapolis

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

The Chair called Bill No. 77-21, An Ordinance concerning: Transfer of Control of Cable Franchisee – Anne Arundel Broadband, LLC; and the Administrative Officer read a portion of the title.

Mr. Volke asked if the 1996 Telecommunications Act was violated.

Mr. Baron answered.

Bill No. 77-21 was passed by the following roll call vote:

Aye – Mr. Volke, Mr. Pruski, Ms. Fiedler, Ms. Rodvien, Ms. Haire, Ms. Pickard, Ms. Lacey
Nay – None

BILL NO. 78-21

The Chair called for the public hearing on Bill No. 78-21, An Ordinance concerning: Purchasing – Acquisition of real property by gift – For the purpose of approving acceptance of a gift of real property totaling 6.18 acres of land, more or less, in Crownsville, Maryland, from Kevin J. Page ("Page") and Michelle F. Page Cooper ("Cooper"); and the Administrative Officer read the title.

Pete Baron, Director, Government Affairs, was accompanied by Erica Matthews, Recreation and Parks, and Christine Neiderer, Assistant County Attorney, Office of Law.

Mr. Baron explained the bill.

The Chair called for the public hearing on Bill No. 78-21.

The Administrative Officer stated there were no submissions of public testimony received for Bill No. 78-21.

The following person spoke on Bill No. 78-21:

Julie Johnson, Annapolis

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

The Chair called Bill No. 78-21, An Ordinance concerning: Purchasing – Acquisition of real property by gift; and the Administrative Officer read a portion of the title.

Bill No. 78-21 was passed by the following roll call vote:

Aye – Mr. Volke, Mr. Pruski, Ms. Fiedler, Ms. Rodvien, Ms. Haire, Ms. Pickard, Ms. Lacey
Nay – None

BILL NO. 79-21

The Chair called for the public hearing on Bill No. 79-21, An Ordinance concerning: Pensions – Deferred Retirement Option Program – Term of Participation Period – For the purpose of exempting Battalion Chiefs in the Fire Service Retirement Plan from the requirement for approval of the sixth year of DROP participation; and generally relating to pensions; and the Administrative Officer read the title.

Pete Baron, Director, Community Affairs, was accompanied Anne Budowski, Personnel Officer, and Lori Blair Klasmeier, Deputy County Attorney, Office of Law.

Mr. Baron explained the bill.

The Chair called for the public hearing on Bill No. 79-21.

The Administrative Officer stated there were no submissions of public testimony received for Bill No. 79-21.

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

The Chair called Bill No. 79-21, An Ordinance concerning: Pensions – Deferred Retirement Option Program – Term of Participation Period; and the Administrative Officer read a portion of the title.

Bill No. 79-21 was passed by the following roll call vote:

Aye – Mr. Volke, Mr. Pruski, Ms. Fiedler, Ms. Rodvien, Ms. Haire, Ms. Pickard, Ms. Lacey
Nay – None

BILL NO. 80-21

The Chair called for the public hearing on Bill No. 80-21, An Ordinance concerning: Floodplain Management, Erosion and Sediment Control, and Stormwater Management – Violation, Enforcement, and Penalties – Civil Fines – Clearing Trees of Significant Size – For the purpose of making it a Class A civil offense to clear trees of significant size in violation of County erosion and sediment control law; amending the factors to be used when determining a fine for a Class A civil offense; and generally relating to floodplain management, erosion and sediment control, and stormwater management; and the Administrative Officer read the title.

Ms. Pickard, Co-Sponsor, explained the bill.

Pete Baron, Director, Government Affairs, was accompanied by Matthew Johnston, Environmental Policy Director, Raghu Badami, Inspections and Permits, and Kelly Kenney, Senior Assistant County Attorney, Office of Law.

The Administration supported the bill.

Ms. Haire asked if tree trimming was included.

Ms. Kenney responded.

The Chair called for the public hearing on Bill No. 80-21.

The Administrative Officer stated there were two submissions of public testimony received for Bill No. 80-21, which were posted to the website and are part of the official record.

The following persons spoke on Bill No. 80-21:

Julie Johnson, Annapolis

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

The Chair called Bill No. 80-21, An Ordinance concerning: Floodplain Management, Erosion and Sediment Control, and Stormwater Management – Violation, Enforcement, and Penalties – Civil Fines – Clearing Trees of Significant Size; and the Administrative Officer read a portion of the title.

Amendment No. 1

The Chair called for Amendment No. 1, and the Administrative Officer read the description:

This amendment amends the Article 17 definition of "clearing"; and adds a definition of "hazardous tree".

Ms. Fiedler, Sponsor, explained the amendment.

Mr. Baron agreed with the amendment.

On motion of Ms. Haire, seconded by Mr. Volke, Amendment No. 1 was adopted by the following roll call vote:

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

Ms. Lacey
Nay – None

The Chair stated Bill No. 80-21, as amended, will be heard on November 1, 2021.

BILL NO. 81-21

The Chair called for the public hearing on Bill No. 81-21, An Ordinance concerning: General Provisions – Prohibition against Use of County Funds or Resources to Promote or Require Discrimination – For the purpose of defining "discrimination" and "employee"; adding prohibitions on the use of County funds or resources; and generally relating to general provisions; and the Administrative Officer read the title.

Mr. Volke, Sponsor, explained the bill.

Pete Baron, Director, Government Affairs, was accompanied by Pete Hill, Director of Equity, Diversity, and Inclusion, Asha Smith, Equal Opportunity and Human Relations Officer, and Lori Blair Klasmeier, Deputy County Attorney, Office of Law.

Mr. Baron shared the Administration's concerns with the bill.

Mr. Hill explained the harm of Bill No. 81-21.

Ms. Smith responded to the bill.

The Chair called for the public hearing on Bill No. 81-21.

The Administrative Officer stated there were 34 submissions of public testimony received for Bill No. 81-21, along with one email, which were posted to the website and are part of the official record.

The following persons spoke on Bill No. 81-21:

Eugene Peterson, Laurel
Emma Buchman, Severna Park
Steven Waddy, Annapolis
Jeff Cullen, Odenton
Morgan VanArsdall, Annapolis
Pastor Amen Flowers, Annapolis
Conor Curran, Pasadena
Bishop Antonio Palmer, Odenton
Chrissy Holt, Annapolis
David Norken, Davidsonville
Amy Leahy, Severna Park
Alfa Stevens, Severn
David Morsberger, Davidsonville
Dawn Pulliam, Crofton
Charles Hurley, Annapolis

William Ballantyne, Annapolis
India Ochs, Annapolis
Nashara Hilton, Ft. Meade
Nikithia Hilton, Ft. Meade
Mary Grace Gallagher, Annapolis
Arthur Holt, Annapolis
Lewis Bracey
Christine Ronk, Severna Park
Tara Kim, Pasadena
Brooks Schandelemeier, Annapolis
Julie Johnson, Annapolis
Cynthia Edwards, Glen Burnie
Heather Berlett, Arnold
Terrance Massey, Annapolis

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

The Chair called Bill No. 81-21, An Ordinance concerning: General Provisions – Prohibition against Use of County Funds or Resources to Promote or Require Discrimination; and the Administrative Officer read a portion of the title.

Mr. Pruski shared a quote and explained his priorities.

<u>Amendment No. 1</u>

The Chair called for Amendment No. 1, and the Administrative Officer read the description:

This amendment rephrases the definition of "discrimination".

Mr. Volke explained the amendment.

The Administration is against the amendment and the bill.

Ms. Pickard shared her opinion on the amendment.

On motion of Mr. Volke, seconded by Ms. Fiedler, Amendment No. 1 was defeated by the following roll call vote:

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

<u>Amendment No. 2</u>

The Chair called for Amendment No. 2, and the Administrative Officer read the description:

This amendment prohibits the use of County funds or resources to require or train a County employee to commit discrimination as defined in Bill No. 81-21.

Mr. Volke explained the amendment.

Ms. Rodvien explained her vote.

On motion of Mr. Volke, seconded by Ms. Haire, Amendment No. 2 was defeated by the following roll call vote:

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

Amendment No. 3

The Chair called for Amendment No. 3, and the Administrative Officer read the description:

This amendment removes a reference to "critical race theory".

Mr. Volke explained the amendment.

The Administration is against the amendment.

Ms. Pickard and Ms. Lacey shared their views on the amendment.

On motion of Mr. Volke, seconded by Ms. Fiedler, Amendment No. 3 was defeated by the following roll call vote:

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

Ms. Rodvien shared her view on the bill.

Mr. Volke clarified context points.

Bill No. 81-21 was defeated by the following roll call vote:

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

BILL NO. 82-21

The Chair called for the public hearing on Bill No. 82-21, An Ordinance concerning: Licenses and Registrations – Towing Companies – Towing or Removal of Vehicles from Parking Lots – Placement of Signs – Regional Malls – For the purpose of defining "regional mall"; requiring towing signage be placed at each entrance to a regional mall parking lot; and generally relating to licenses and registrations; and the Administrative Officer read the title.

Ms. Lacey, Sponsor, explained the purpose of the bill.

Pete Baron, Director, Community Affairs, was accompanied by Police Lieutenant Mark Conklin, and Lori Blair Klasmeier, Deputy County Attorney, Office of Law.

The Administration supports the bill.

The Chair called for the public hearing on Bill No. 82-21.

The Administrative Officer stated there were no submissions of public testimony received for Bill No. 82-21.

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

The Chair called Bill No. 82-21, An Ordinance concerning: Licenses and Registrations – Towing Companies – Towing or Removal of Vehicles from Parking Lots – Placement of Signs – Regional Malls; and the Administrative Officer read a portion of the title.

Bill No. 82-21 was passed by the following roll call vote:

Aye – Mr. Volke, Mr. Pruski, Ms. Fiedler, Ms. Rodvien, Ms. Haire, Ms. Pickard, Ms. Lacey
Nay – None

HEARING AND OR VOTE ON RESOLUTIONS

RESOLUTION NO. 47-21

The Chair called for the public hearing on Resolution No. 47-21, Resolution approving the determination of certain non-buildable County-owned properties known as part of Drum Point Avenue and Crain Highway in Glen Burnie, Maryland as surplus property; and the Administrative Officer read the title.

Pete Baron, Director, Community Affairs, was accompanied by Christopher Daniels, Central Services, and Christine Neiderer, Assistant County Attorney, Office of Law.

Mr. Baron explained the resolution.

Ms. Pickard asked for the support of the resolution.

The Chair opened the public hearing on Resolution No. 47-21.

The Administrative Officer stated there were no submissions of public testimony received for Resolution No. 47-21.

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

The Chair called Resolution No. 47-21, Resolution approving the determination of certain non-buildable County-owned properties known as part of Drum Point Avenue and Crain Highway in Glen Burnie, Maryland as surplus property; and the Administrative Officer read the title.

Resolution No. 47-21 was adopted by the following roll call vote:

Aye – Mr. Volke, Mr. Pruski, Ms. Fiedler, Ms. Rodvien, Ms. Haire, Ms. Pickard, Ms. Lacey
Nay – None

RESOLUTION NO. 52-21

The Chair called for the public hearing on Resolution No. 52-21, Resolution confirming the appointment of a member of the classified service to serve on the Pension Oversight Commission for Anne Arundel County; and the Administrative Officer read the title.

Pete Baron, Director, Community Affairs, was accompanied by Meghan Brown, Boards and Commissions Coordinator, and Lori Blair Klasmeier, Legislative County Attorney.

Mr. Baron explained the resolution.

Ms. Haire asked which member was being replaced.

Ms. Brown answered.

Resolution No. 52-21 was adopted by the following roll call vote:

Aye – Mr. Volke, Mr. Pruski, Ms. Fiedler, Ms. Rodvien, Ms. Haire, Ms. Pickard, Ms. Lacey
Nay – None

RESOLUTION NO. 53-21

The Chair called for the public hearing on Resolution No. 53-21, Resolution approving submission of names for the Property Tax Assessment Appeal Board; and the Administrative Officer read the title.

Pete Baron, Director, Community Affairs, was accompanied by Meghan Brown, Boards and Commissions Coordinator, and Lori Blair Klasmeier, Legislative County Attorney.

Mr. Baron explained the resolution.

Ms. Haire asked if the process should be kept open until there are three names.

Ms. Klasmeier stated the Appointment Secretary has allowed them to move forward with the two names.

Ms. Haire asked how a third name would be found.

Ms. Brown answered.

There was further discussion about the need for a third name.

Resolution No. 53-21 was adopted by the following roll call vote:

Aye – Mr. Volke, Mr. Pruski, Ms. Fiedler, Ms. Rodvien, Ms. Haire, Ms. Pickard, Ms. Lacey
Nay – None

ADJOURNMENT

There being no further business, on motion of Ms. Pickard, seconded by Mr. Pruski, the meeting adjourned at 11:47 P.M.

Respectfully submitted,

By Anna Macaulay

For Laura Corby
Administrative Officer

Anne Arundel County, Maryland
Audit Results
Year Ended June 30, 2020

WEALTH ADVISORY | OUTSOURCING | AUDIT, TAX, AND CONSULTING

Contents

We welcome the opportunity to meet with you to discuss the results of our audit and the financial statements of Anne Arundel County, Maryland for the year ended June 30, 2020. We completed our audit and have issued our report dated December 17, 2020.

CLA exists to create opportunities for our clients, our people, and our communities. We achieve this goal by living the CLA Promise: to know you and help you. The contact at CLA in connection with this communication is listed below:

Remi Omisore, CPA, MBA, CISA, CIA
Remi.Omisore@CLAConnect.com
(410)308-8157

Scope and Deliverables

Scope of the Engagement

Issue an opinion on the County's June 30th financial Statements
Issue an opinion on the County's OPEB June 30th financial Statements
Single Audit - Audit of the Schedule of Expenditures of Federal Awards

Responsibilities

Management is responsible for the preparation and fair presentation of these financial statements.
Auditors' responsibility is to express an opinion on these financial statements based on an audit and to conduct the audit to obtain reasonable assurance that the financial statements are free from material misstatement.

Conclusion

Unmodified Opinion
Required communications - Communications to those charged with governance on key components
Report on internal control and compliance
Report on the Schedule of Expenditures of Federal Awards

Governmental Accounting Standards Board Update

Effective Dates

- 2021
    - **Statement 84—Fiduciary Activities**
    - Statement 90—Majority Equity Interests
    - Statement 97—Certain Component Unit Criteria
- 2022
    - **Statement 87—Leases**
    - Statement 89—Accounting for Interest Cost Incurred before the End of a Construction Period
    - Statement 92—Omnibus 2020
    - Statement 93—Replacement of Interbank Offered Rates
- 2023
    - Statement 91—Conduit Debt Obligations
    - Statement 94—Public-Private and Public-Public Partnerships and Availability Payment Arrangements
    - **Statement 96—Subscription-Based Information Technology Arrangements**

GASB GOVERNMENTAL ACCOUNTING STANDARDS BOARD

Local Coronavirus Relief Fund (CRF) Expenditures (As of June 30, 2020)

Costs are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID–19)

Cost were not accounted for in the budget most recently approved as of March 27, 2020 for the State or government

Cost were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020

(in thousands)

Recipient	Award	$ Spent	% Spent
Delaware	$1,250,000	$80,067	6.4%
Maryland	$2,344,277	$1,012,078	43.2%
Virginia	$3,309,738	$ 823,061	24.9%
New Castle County, DE	$322,767	$2,674	0.8%
Anne Arundel County, MD	$101,072	$41,631	41.2%
Baltimore County, MD	$144,370	$21,295	14.8%
Baltimore City, MD	$103,559	$51,152	49.4%
Montgomery County, MD	$183,337	$43,906	23.9%
Prince Georges County, MD	$158,671	$20,636	13.0%
Fairfax County, VA	$200,235	$52,234	26.1%

American Rescue Plan Act (ARPA) Eligible Use Categories

Support Public Health Response
Fund COVID-19 mitigation efforts, medical expenses, behavioral healthcare, and certain public health and safety staff

Address Negative Economic Impacts
Respond to economic harms to workers, families, small businesses, impacted industries, and the public sector

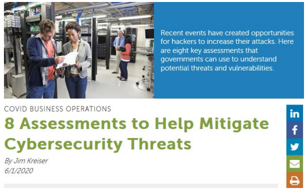
Replace Public Sector Revenue Loss
Use funds to provide government services to the extent of the reduction in revenue experienced due to the pandemic

Premium Pay for Essential Workers
Offer additional support to those who have and will bear the greatest health risks because of their service in critical infrastructure sectors

Water and Sewer Infrastructure
Make necessary investments to improve access to clean drinking water and invest in wastewater and stormwater infrastructure

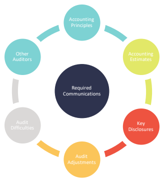
Broadband Infrastructure
Make necessary investments to provide unserved or underserved locations with new or expanded broadband access

8 Assessments to Help Mitigate Cybersecurity Threats



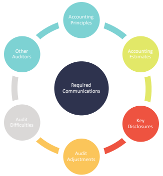
- Network penetration and wireless testing — Help keep hackers away by knowing your current level of exposure and your monitoring functions, as well as how to recognize and respond to breaches in your network systems.
- Web and application penetration testing — From business partners requesting access through your firewall to your staff requiring 24/7 mobile connectivity, it is imperative to understand your current risk profile and how to strengthen your defenses.
- Application and general controls review — How recently have you reviewed your general controls (i.e., your people or policies)? Develop an IT risk assessment and internal audit plan. Identify simple and moderate (low-cost) controls that can be applied to mitigate application and data security risks.
- Social engineering assessment — Do your employees know and understand how to protect sensitive information and respond to email phishing or pretext calls? Analyze the effectiveness of your administrative, physical, and technical safeguards.
- GLBA information, HIPAA, **and** PCI data protection **risk assessments**—Avoid compliance risks and impacts, loss of funds, or reputation loss due to data breach or stolen credentials, by thoroughly understanding your compliance levels and any gaps in process, tools, and functions.
- Security policy review and development — The weakest link in a cybersecurity strategy is often the end user. Do you have security policies that help develop the proper culture of awareness and communication among your staff?
- Security awareness training — Is your team aware of the types of current attacks and trends, and how to respond to or avoid these threats? Teach your staff how to recognize threats and use security controls.
- Incident response **and** forensic investigation — Are you confident in your policies and responses? Align your strategy with proven practices when identifying, assessing, and documenting security incidents

Required Communications



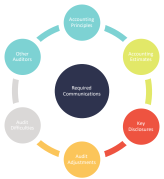
Topic	Communication
Our Responsibility Under Generally Accepted Auditing Standards	• Express an opinion on the fair presentation of the financial statements in conformity with GAAP • Plan and perform the audit to obtain reasonable, but not absolute, assurance that the financial statements are free of material misstatement • Evaluate internal control over financial reporting • Utilize a risk-based audit approach • Communicate significant matters to appropriate parties
Planned Scope and Timing of the Audit	• Performed the audit according to the planned scope and timing previously communicated
Other Information in Documents Containing the Audited Financial Statements	• Financial statements may only be used in their entirety • Our approval is required to use our audit report in a client prepared document • We have no responsibility to perform procedures beyond those related to the financial statements

Required Communications



Topic	Communication
Significant Accounting Policies	• Management is responsible for the accounting policies of the organization • Accounting policies are outlined in Note 1 to the financial statements • No significant changes to the accounting policies during the year • Accounting policies deemed appropriate • No unusual transactions occurred
Significant Accounting Estimates	• An area of focus under a risk-based audit approach • Significant estimates include: allowance for doubtful accounts, landfill liability, claims/IBNR and the Net Pension and OPEB Liability • Estimates determined by management based on their knowledge and experience • No management bias indicated • Estimates were deemed reasonable • Estimate uncertainty is disclosed in the financial statements
Management Representation Letter	• Management provided a signed representation letter prior to finalization of the audit report
Other	• No difficulties encountered in performing the audit • No issues discussed prior to retention as independent auditors • No disagreements with management regarding accounting, reporting, or other matters • No consultations with other independent auditors • No other findings or issues were discussed with, or communicated to, management

Internal Control Matters



Topic	Communication
Purpose	• Express an opinion on the financial statements, not on the effectiveness of internal controls. • Our consideration of internal controls was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies and therefore material weaknesses or significant deficiencies may exist that were not identified. In addition, because of inherent limitations in internal control, including the possibility of management override of controls, misstatements due to fraud or error may occur and not be detected by such controls.
Material Weakness	• Reasonable possibility that a material misstatement would not be prevented, or detected and corrected on a timely basis.
Significant Deficiencies	• Less significant than a material weakness, yet important enough to merit the attention of governance. • Finding related to presentation of the SEFA
Restricted Use	• This communication is intended solely for the information and use of management, the audit committee, and others within the County, and is not intended to be, and should not be, used by anyone other than these specified parties.
Results	• No material weaknesses identified • Uncorrected misstatements related to the Maryland Live Casino liability ($4.3m), no significant corrected adjustments included in governance communication

Uniform Grant Audit Status

Any entity receiving more than $750,000 in federal grants or awards is generally required to receive a single audit, which encompasses an audit of the financial statements, as well as an audit of the Schedule of Expenditures of Federal Awards (SEFA). In auditing the SEFA, a few federal awards will be selected for testing. This testing is performed according to 2 CFR 200, and the Office of Management and Budget (OMB) Circular A-133 Compliance Supplement for the year being audited. Key information about the SEFA and audit are below:

- Total Federal expenditures of $70,274,180
- Total Federal expenditures of $26,527,948 passed through to subrecipients
- Type A threshold of $2,108,225
- Audit coverage of 66%
- Adjustment to SEFA of $138k

Programs Tested	Expenditures	Results
21.019 Coronavirus Relief Fund	$41,631,378	Charges to the grant in the amount of $1,015,000 were applied to the grant, however these costs encumbered but not incurred as of year end.
14.218 Community Development Block Grant	$2,825,931	No material weaknesses or significant deficiencies identified.
93.Aging Aging Cluster	$2,353,461	No material weaknesses or significant deficiencies identified.

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WEALTH ADVISORY | OUTSOURCING | AUDIT, TAX, AND CONSULTING

PROPOSED

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2021, Legislative Day No. 21

Bill No. 96-21

Introduced by Ms. Lacey, Chair
(by request of the County Executive)

By the County Council, November 1, 2021

Introduced and first read on November 1, 2021
Public Hearing set for December 6, 2021
Bill Expires February 4, 2022

By Order: Laura Corby, Administrative Officer

A BILL ENTITLED

AN ORDINANCE concerning: Cedarhurst-on-the-Bay Shore Erosion Control District – Approval of Loan and Assignment Agreement

FOR the purpose of obligating the County to levy the special tax known as the shore erosion control district assessment on the Cedarhurst-on-the-Bay Shore Erosion Control District in an amount sufficient to repay a loan from Severn Savings Bank to the Cedarhurst Citizens Association, Inc., in each of up to six (6) fiscal years during the term of the loan.

WHEREAS, the Cedarhurst-on-the-Bay Shore Erosion Control District has been duly formed and created, pursuant to procedures set forth in Maryland Code, Local Government § 21-204; and

WHEREAS, the Cedarhurst Citizens Association, Inc. (the "Association") is the civic or community association that meets the requirements of § 4-7-101(d) that administers the District; and

WHEREAS, the Association is entering into a loan agreement with Severn Savings Bank in the amount of $346,000, with a term of six (6) years, to refinance a loan with Sandy Spring Bank for maintenance of an existing shore erosion, bulkhead, and dredging project (the "Loan"); and

WHEREAS, to enable the Association to obtain the Loan from Severn Savings Bank by providing a source of funds for repayment of the Loan, the County is undertaking the obligation set forth in this Ordinance; now, therefore,

SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,* That the County shall be obligated to levy the special tax known as the shore erosion control district assessment on the Cedarhurst-on-the-Bay Shore Erosion Control District in an amount sufficient to repay the Loan from Severn Savings Bank to Cedarhurst Citizens Association, Inc., in each of up to six (6) fiscal years during the term of the Loan.

SECTION 2. *And be it further enacted*, That the County undertakes no obligation with regard to the Loan except as expressly described in this Ordinance, is neither a co-obligor nor guarantor of the Loan, and does not commit the full faith and credit of the County to repayment of the Loan.

SECTION 3. *And be it further enacted*, That the County Executive is hereby authorized to enter into such other and further agreements with the Association and Severn Savings Bank as are necessary to disburse directly to Severn Savings Bank such amounts of the shore erosion control assessment levied on the Cedarhurst-on-the-Bay Shore Erosion Control District as are collected by the County and are necessary to repay the Loan consistent with this Ordinance.

SECTION 4. *And be it further enacted*, That this Ordinance shall take effect 45 days from the date it becomes law.

ANNE ARUNDEL COUNTY, MARYLAND
OFFICE OF THE BUDGET

BILL NUMBER: 96-21

INTRO. DATE: November 1, 2021

FISCAL NOTE

BILL: **AN ORDINANCE CONCERNING: CEDARHURST-ON-THE-BAY SHORE EROSION CONTROL DISTRICT – APPROVAL OF LOAN AND ASSIGNMENT AGREEMENT**

SUMMARY OF LEGISLATION

The purpose of this legislation is to is to provide the authority for the County to levy a special tax known as the shore erosion control district assessment on the Cedarhurst-on-the-Bay Shore Erosion Control District in an amount sufficient to repay a loan of $346,000 from Severn Savings Bank during the six-year term of the loan.

FISCAL IMPACT

The costs that the County will incur in administering the Cedarhurst Shore Erosion Control District multi-year payment of the loan will be offset by the administrative fee charged when taxes are collected.

Chris Trumbauer
_______________________ 10/28/2021
Chris Trumbauer **Date**
Budget Officer

Prepared by: Janae Moulden
Reviewed by: Hannah Dier

cc: Karin McQuade, Controller

PROPOSED

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2021, Legislative Day No. 21

Bill No. 97-21

Introduced by Ms. Lacey, Chair
(by request of the County Executive)

By the County Council, November 1, 2021

Introduced and first read on November 1, 2021
Public Hearing set for December 6, 2021
Bill Expires February 4, 2022

By Order: Laura Corby, Administrative Officer

A BILL ENTITLED

AN ORDINANCE concerning: Personnel – Benefits – Annual Leave

FOR the purpose of allowing annual leave accrued as of the end of pay period calendar year 2021 to be carried over and used during the first pay period of pay period calendar year 2022; increasing permitted carry over of accumulated annual leave accrued as of the end of pay period calendar year 2021; providing for the application of this Ordinance; and generally relating to personnel.

SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,* That employees accruing leave under § 6-1-302 of the Code are permitted to carry over and use annual leave accrued as of the end of pay period calendar year 2021 (ending December 22, 2021) during the first pay period of pay period calendar year 2022 (December 23, 2021, through and including January 5, 2022).

SECTION 2. *And be it further enacted*, That employees entitled to accumulation of annual leave accrued under § 6-1-302 may carry over 40 days of annual leave accrued as of the end of pay period calendar year 2021 into pay period calendar year 2022. The annual leave accrued as of the end of pay period calendar year 2021 available for carry over shall be calculated based on the accrued and accumulated annual leave available as of December 22, 2021, less any leave used pursuant to Section 1 of this Ordinance.

SECTION. 3. *And be it further enacted*, That this Ordinance shall be construed to apply retroactively to pay period calendar year 2021.

SECTION 4. *And be it further enacted*, That this Ordinance shall take effect 45 days from the date it becomes law.

ANNE ARUNDEL COUNTY, MARYLAND
OFFICE OF THE BUDGET

BILL NUMBER: 97-21

INTRO. DATE: November 1, 2021

FISCAL NOTE

BILL: **AN ORDINANCE CONCERNING: PERSONNEL – BENEFITS – ANNUAL LEAVE**

SUMMARY OF LEGISLATION

The purpose of this legislation is to allow annual leave accrued as of the end of pay period calendar year 2021 to be used during the first pay period of pay period calendar year 2022; increasing permitted carry over of accumulated annual leave accrued as of the end of pay period calendar year 2021; and generally relating to personnel.

FISCAL IMPACT

There is expected to be a minimal fiscal impact as a result of an expected increase in annual leave payouts for employees that leave County service, as well as an expected increase in overtime due to increased leave use for applicable positions.

Chris Trumbauer
Chris Trumbauer
Budget Officer

10/29/2021
Date

Prepared by: Steven Theroux
Reviewed by: Hannah Dier

cc: Karin McQuade, Controller

PROPOSED

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2021, Legislative Day No. 21

Bill No. 98-21

Introduced by Ms. Lacey, Chair
(by request of the County Executive)

By the County Council, November 1, 2021

Introduced and first read on November 1, 2021
Public Hearing set for December 6, 2021
Bill Expires February 4, 2022

By Order: Laura Corby, Administrative Officer

A BILL ENTITLED

AN ORDINANCE concerning: Boards, Commissions, and Similar Bodies – Human Relations Commission – Student Member

FOR the purpose of making the student member of the Human Relations Commission a voting member; adding the Executive Director of Arundel Community Development Services as a voting member of the Commission; and generally relating to boards, commissions, and similar bodies.

BY repealing and reenacting, with amendments: §§ 3-5A-103; and 3-5A-104(a)
Anne Arundel County Code (2005, as amended)

SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,* That Section(s) of the Anne Arundel County Code (2005, as amended) read as follows:

ARTICLE 3. BOARDS, COMMISSIONS, AND SIMILAR BODIES

TITLE 5A. HUMAN RELATIONS COMMISSION

3-5A-103. Composition; Human Relations Officer; Student Member.

(a) **Number and type of members.** The Commission consists of **[[**11**]]** 13 voting members, all of whom shall be residents of the County, nominated by the County Executive and approved by resolution of the County Council. Of the voting members:

EXPLANATION: CAPITALS indicate new matter added to existing law.
[[Brackets**]]** indicate matter deleted from existing law.
Captions and taglines in **bold** in this bill are catchwords and are not law.
Asterisks *** indicate existing Code provisions in a list or chart that remain unchanged.

(1) There shall be one member from each councilmanic district recommended by the County Council member for the district;

(2) There shall be four members recommended by the County Executive;

(3) THERE SHALL BE ONE STUDENT MEMBER;

(4) ONE SHALL BE THE EXECUTIVE DIRECTOR OF ARUNDEL COMMUNITY DEVELOPMENT SERVICES, INC.;

[[(3)**]]** (5) At least four of the **[[**eleven**]]** THIRTEEN members shall reflect the ethnicity and minority diversity of the residents of the County; and

[[(4)**]]** (6) At least one of the **[[**eleven**]]** THIRTEEN members shall be trained in or have experience with mediation.

(b) **Human Relations Officer.**

(1) The Human Relations Officer shall be a County employee designated as such by the County Executive.

(2) The Human Relations Officer shall be a non-voting ex officio member of the Commission.

(c) **Student member.**

[[(1) The Commission shall include a non-voting student member appointed by the County Executive.

(2)**]]** The student member shall: be of good character; be in good standing in an Anne Arundel County public high school; be nominated by the Chesapeake Regional Association of Student Councils of Anne Arundel County in accordance with a method of its choosing; serve a term of one year beginning on July 1 of each year; and continue to serve until a successor is appointed.

3-5A-104. Term of members.

(a) **Generally.** The initial terms of the members OTHER THAN THE STUDENT MEMBER AND THE EXECUTIVE DIRECTOR OF ARUNDEL COMMUNITY DEVELOPMENT SERVICES, INC. shall be staggered so that four members shall serve initial terms of one year, four members shall serve initial terms of two years, and three members shall serve initial terms of three years. After the expiration of the initial terms, all members OTHER THAN THE STUDENT MEMBER AND THE EXECUTIVE DIRECTOR OF ARUNDEL COMMUNITY DEVELOPMENT SERVICES, INC. shall serve three year terms. A member whose term has expired holds over until a successor is appointed.

SECTION 2. *And be it further enacted*, That this Ordinance shall take effect 45 days from the date it becomes law.

ANNE ARUNDEL COUNTY, MARYLAND
OFFICE OF THE BUDGET

BILL NUMBER: 98-21

INTRO. DATE: November 1, 2021

FISCAL NOTE

BILL: **AN ORDINANCE CONCERNING: BOARDS, COMMISSIONS, AND SIMILAR BODIES – HUMAN RELATIONS COMMISSION – STUDENT MEMBER**

SUMMARY OF LEGISLATION

The purpose of this legislation is to make the student member of the Human Relations Commission a voting member and to add the Executive Director of Arundel Community Development Services as a voting member to the committee.

FISCAL IMPACT

There is no estimated fiscal impact associated with this legislation. Members of the Commission receive no compensation for their services.

Chris Trumbauer

Chris Trumbauer
Budget Officer

10/28/2021
Date

Prepared by: Steven Theroux
Reviewed by: Hannah Dier

cc: Karin McQuade, Controller

PROPOSED

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2021, Legislative Day No. 21

Bill No. 99-21

Introduced by Mr. Volke

By the County Council, November 1, 2021

Introduced and first read on November 1, 2021
Public Hearing set for December 6, 2021
Bill Expires on February 4, 2022

By Order: Laura Corby, Administrative Officer

A BILL ENTITLED

AN ORDINANCE concerning: Subdivision and Development – Site Development – Exemptions

FOR the purpose of exempting improvements to an existing nonresidential structure outside the critical area or bog protection area from the site development plan process under certain conditions; repealing an exemption relating to certain grading permits; and generally relating to subdivision and development.

BY repealing and reenacting, with amendments: § 17-4-101 (as amended by Bill No. 74-21)
Anne Arundel County Code (2005, as amended)

SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,* That Section(s) of the Anne Arundel County Code (2005, as amended) (and as amended by Bill No. 74-21) read as follows:

ARTICLE 17. SUBDIVISION AND DEVELOPMENT

TITLE 4. SITE DEVELOPMENT

17-4-101. Scope.

This title applies to site development only and does not apply to:

(1) a tenant permit in a structure previously approved by the County;

EXPLANATION: CAPITALS indicate new matter added to existing law.
[[Brackets**]]** indicate matter deleted from existing law.
Captions and taglines in **bold** in this bill are catchwords and are not law.

(2) permits relating to a final infrastructure construction plan and lot clearing shown on an approved final plan previously approved under this article;

(3) permits relating to improvements **[[**that do not result in leasable space, a test for adequacy of public facilities, or, with the exception of property in**]]** TO AN EXISTING NONRESIDENTIAL STRUCTURE LOCATED OUTSIDE the critical area or A designated bog PROTECTION area**[[**, an increase of impervious surface of no more than 1,000 square feet;**]]** IF THE OFFICE OF PLANNING AND ZONING, AFTER CONSIDERING ANY COMMENTS FROM REVIEWING AGENCIES, DETERMINES THAT THE IMPROVEMENTS DO NOT RESULT IN:

(I) ADDITIONAL CUMULATIVE FLOOR AREA OF MORE THAN 1,000 SQUARE FEET;

(II) AN INCREASE OF IMPERVIOUS SURFACE OF MORE THAN 1,000 SQUARE FEET;

(III) A USE THAT WILL GENERATE FIVE OR MORE CUMULATIVE EQUIVALENT DWELLING UNITS;

(IV) A LIMIT OF DISTURBANCE OF 5,000 SQUARE FEET OR MORE;

(V) MORE THAN 50 DAILY VEHICLE TRIPS IN THE SCHEDULED COMPLETION YEAR OF THE IMPROVEMENTS OR A REQUIREMENT FOR A TRAFFIC IMPACT STUDY;

(VI) INSUFFICIENT WATER SUPPLY FOR PROVIDING ADEQUATE FIRE SUPPRESSION;

(VII) A DEFICIENCY IN THE PARKING REQUIREMENTS CONTAINED IN ARTICLE 18 OF THIS CODE OR AN INABILITY TO PROVIDE ADEQUATE ONSITE STACKING CAPACITY;

(VIII) THE NEED FOR A VARIANCE TO THE APPLICABLE BULK REGULATIONS CONTAINED IN ARTICLE 18 OF THIS CODE;

(IX) INADEQUATE LAND AREA TO MEET LANDSCAPE REQUIREMENTS; OR

(X) IMPACTS TO CULTURAL RESOURCES OR SCENIC OR SCENIC OR HISTORIC ROADS;

[[(4) at the discretion of the Planning and Zoning Officer, a grading permit that contains or is accompanied by all information required by this article;**]]**

[[(5)**]]** (4) an agricultural building that does not require a permit under § 105.2.1.14 of the construction code;

[[(6)**]]** (5) accessory uses to farming, such as farm stores or stands that sell farm products or value-added farm products directly to consumers, that:

(i) do not exceed a cumulative 1,200 square feet of floor area; and

(ii) have a proposed cumulative limit of disturbance of less than 5,000 square feet; or

[[(7)**]]** (6) a temporary use authorized under § 18-2-203 of this Code.

SECTION 2. *And be it further enacted*, That this Ordinance shall take effect 45 days from the date it becomes law.

COUNTY COUNCIL OF
ANNE ARUNDEL COUNTY
MARYLAND

LEGISLATIVE SUMMARY[*]

To: All Councilmembers of the Anne Arundel County Council

From: Linda M. Schuett, Legislative Counsel

Date: October 4, 2021

Subject: Bill No. 99-21

Bill No. 99-21 exempts certain small improvements from the need to go through the site development process, as contained in Article 17, Title 4. The improvements must relate to existing nonresidential structures, and the structures must be located outside the critical area or a bog protection area.

Additional conditions are that the improvements do not result in the following:

- Additional cumulative floor area of more than 1,000 square feet;
- An increase of impervious surface of more than 1,000 square feet;
- A use that will generate five or more cumulative equivalent dwelling units;
- A limit of disturbance of 5,000 square feet or more;
- More than 50 daily vehicle trips in the scheduled completion year of the improvements or a requirement for a traffic impact study;
- Insufficient water supply for providing adequate fire suppression;
- A deficiency in Code parking requirements or an inability to provide adequate onsite stacking capacity;
- The need for a variance to bulk regulations;
- Inadequate land area to meet landscaping requirements; or
- Impacts to cultural resources or to scenic or scenic/historic roads.

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[*] This Legislative Summary provides a synopsis of the bill as introduced. It does not address subsequent amendments to the bill.

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2021, Legislative Day No. 21

Resolution No. 58-21

Introduced by Ms. Lacey, Chair
(by request of the County Executive)

By the County Council, November 1, 2021

RESOLUTION supporting the Anne Arundel County Board of Education's Fiscal Year 2023 Public School Construction Capital Improvement Program request for submission to the Interagency Commission on School Construction

WHEREAS, § 5-302 of the Education Article of the State Code provides that the Interagency Commission on School Construction shall prepare projections of school construction and capital improvement needs for the purpose of allocating State school construction funds to local boards of education; and

WHEREAS, the rules, regulations, and procedures of the Interagency Commission on School Construction require that each local board of education annually submit to the Interagency Commission on School Construction an updated capital improvement program request for the following fiscal year, and for the ensuing five fiscal years, which shall be accompanied by written local governmental support; and

WHEREAS, the County Executive supports the County Board of Education's Fiscal Year 2023 Public School Construction Capital Improvement Program Request for submission to the Interagency Commission on School Construction, and refers this support for submission to the County Council for confirmation; and

WHEREAS, the attached letter from the County Executive to the Executive Director of the Interagency Commission on School Construction formally expresses this support; now, therefore, be it

Resolved by the County Council of Anne Arundel County, *Maryland*, That it hereby confirms the County Executive's support and letter of support for the Fiscal Year 2023 School Construction Capital Improvement Program Request of the Anne Arundel County Board of Education for submission to the Interagency Commission on School Construction, attached hereto as Exhibit A; and be it further

Resolved, That a copy of this Resolution be sent to County Executive Steuart Pittman, and to Melissa Ellis, President of the Anne Arundel County Board of Education.

ANNE ARUNDEL COUNTY
M A R Y L A N D

Office of the County Executive
STEUART PITTMAN

October 14, 2021

Mr. Robert A. Gorrell
Executive Director
Maryland State Department of Education
Interagency Commission on School Construction
200 W. Baltimore Street
Baltimore, MD 21201

Dear Mr. Gorrell:

The Fiscal Year 2023 (FY23) Public School Construction Capital Improvement Program (PSC CIP) request, as submitted to the Interagency Commission on School Construction (IAC) by the Anne Arundel County Local Education Authority (AAC LEA), has been received and reviewed by County Government.

In accordance with procedures set forth by the IAC, written local government support for the PSC CIP request and any subsequent amendments to that request is required by 11/30/21. I support the FY23 PSC CIP request to be submitted to the IAC by the AAC LEA earlier this month, and urge your recommendation of State funding for all FY23 requests presented therein.

As you are aware, the Board of Education's official request for FY23 local funding will not be submitted to the County until March of 2022. The County Charter requires a budget process that provides final approval in June of 2022. It should be noted, that despite the fact that State aid amounts to less than one-quarter of the total approved CIP, I am aware of no instances where the County has not supported a Board of Education project that has been approved for funding by the State.

The general guidelines outlined in section 102.1.A.1.a. and b. of the PSC CIP procedures manual are well stated. Accordingly, County support for the FY23 PSC CIP request submitted by the AAC LEA is similarly prioritized in light of the "anticipated availability of both local and State funds" and the recognition that "local capital needs for school construction projects far exceed both local and State resources."

The priority requests submitted by the AAC LEA, accounting for $41.8 million (the entire PSC CIP request for FY23), have already been fully supported by prior approved (FY22 and prior) appropriation authority provided by the County to the Anne Arundel County Board of Education. In other words, County funding has already been made available to the County Board of Education to spend on these projects. These requests should take precedence over any remaining requests.

As a general rule, the County supports the relative priorities assigned by the AAC LEA and a listing of the entire PSC CIP request for FY23 is attached.

I appreciate your continued support of our efforts to deliver quality public education to the more than 80,000 public school students in Anne Arundel County.

Sincerely,

Steuart Pittman
County Executive

cc: Sarah F. Lacey, Chairperson, County Council
Members, County Council
Melissa Ellis, President, Board of Education
Members, Board of Education
George Arlotto, Superintendent of Schools

Resolution No. 58-21
Exhibit A
Page 3

Fiscal Year 2023 Public School Construction Capital Improvement Program Request (FY23 PSC CIP Request)
As Submitted to the Interagency Commission on School Construction (IAC)
By the Anne Arundel County Local Education Authority (AAC LEA)

											AACPS CONSTRUCTION STATUS RPT (July 2021)		
AAC LEA Priority	AAC Project Name	BOE - PROJECT TITLE	TOTAL EST. COST	NON-PSCP/IAC FUNDS	TOTAL STATE FUNDS	PRIOR PSCP/IAC FUNDS	CURRENT REQUESTS ($ OR LP)	FY 2023	FY 2024	FY 2025	Current Phase	Construction Start Date	Anne Arundel County Government Support for FY22 PSC CIP Request
1	Quarterfield ES	Quarterfield Elem - Replacement	$45,080,000	$30,938,000	$14,142,000	$2,288,000		$11,854,000			Construction	Apr-21	Prior Year Funding & FY22
2	All Day K and Pre K	Brock Bridge ES - K Addition	$5,910,000	$4,049,000	$1,861,000		LP	$1,861,000			Design / Construction	Jul-21	Prior Year Funding & FY22
3	All Day K and Pre K	Meade Heights ES - K Addition	$4,346,000	$2,822,000	$1,524,000		LP	$1,524,000			Design	Feb-22	Prior Year Funding & FY22
4	Building Systems	Bates MS - HVAC/Controls/Chiller/Boilers/Pipir	$33,450,000	$17,650,000	$15,800,000			$15,800,000			Feasibility Study Fall 2021	Mar-23	Prior Year Funding & FY22
5	West County ES	West County Elem - New	$44,321,000	$29,397,000	$14,924,000		LP	$5,970,000	$8,954,000		Design	May-22	Prior Year Funding & FY22
6	Old Mill MS South	Old Mill Middle South - Replacement	$85,766,000	$67,767,000	$17,999,000			LP	$10,799,000	$7,200,000	Design	Jun-22	Prior Year Funding & FY22
7	Building Systems	Glen Burnie High - Exterior Walls/Windows	$4,100,000	$2,155,000	$1,945,000			$1,945,000			Construction	Jun-20	Prior Year Funding & FY22
8	Additions	Crofton Middle - Classroom Addition	$6,980,000	$4,183,000	$2,797,000		LP	$2,797,000			New	Jun-22	Prior Year Funding & FY22
								$41,751,000					

ANNE ARUNDEL COUNTY, MARYLAND
OFFICE OF THE BUDGET

RES. NUMBER: __58-21__

INTRO. DATE: November 1, 2021

FISCAL NOTE

RESOLUTION: SUPPORTING THE ANNE ARUNDEL COUNTY BOARD OF EDUCATION'S FISCAL YEAR 2023 PUBLIC SCHOOL CONSTRUCTION CAPITAL IMPROVEMENT PROGRAM REQUEST FOR SUBMISSION TO THE INTERAGENCY COMMISSION ON SCHOOL CONSTRUCTION

SUMMARY OF LEGISLATION

The purpose of this legislation is to affirm the County Executive's support for the fiscal 2023 Capital Improvement Program request submitted by the Anne Arundel County Board of Education (BOE) to the Interagency Commission (IAC) on School Construction for funding under the State's Public School Construction Program. Procedures set forth by the IAC require a written letter of support from the "local government." In accordance with Section 1014 of the County Charter, such a requirement must be acted upon by the County Executive and then referred to the County Council for confirmation.

FISCAL IMPACT

There is no estimated fiscal impact associated with this legislation at this time. The County's fiscal 2023 Capital Budget and Program, including the BOE's request for County funding and overall appropriation authority, will be reviewed and acted on by the County Council during the fiscal 2023 budget process in May and June of 2022. The fiscal impact will be determined at that time and will be described in the fiscal 2023 budget documents.

Chris Trumbauer
______________________________ _10/28/2021_________
Chris Trumbauer **Date**
Budget Officer

Prepared by: Naomi Carrigan
Reviewed by: Hannah Dier

cc: Karin McQuade, Controller

AMENDMENT TO BILL NO. 85-21
(Subdivision and Development – Adequate Public Facilities – Public Schools)

November 1, 2021

Introduced by Ms. Lacey
(by request of the County Executive)

Amendment No. 1

On page 1 of the proposed bill, in lines 9 through 10, strike "17-5-501(a)(2)" and substitute "17-5-501(a)(1) and (2)".

On page 2, after line 43, insert:

"(1) each public elementary, middle, and high school is designated as "open" on the school utilization chart described in § 17-5-502 for the geographical attendance areas for the development in the third school year after the school year in which the determination is being made, AND THE NUMBER OF STUDENTS PROJECTED TO BE GENERATED BY THE DEVELOPMENT IN THE THIRD SCHOOL YEAR AFTER THE SCHOOL YEAR IN WHICH THE DETERMINATION IS BEING MADE BASED ON THE STUDENT GENERATION FACTORS FOR THE DEVELOPMENT DOES NOT EXCEED 85% OF THE AVAILABLE CAPACITY OF EACH OPEN SCHOOL AS OF THE DATE OF THE LAST APPROVED OR UPDATED SCHOOL CHART, AS DETERMINED BY THE OFFICE OF PLANNING AND ZONING;".

(This amendment adds as 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.)

AMENDMENT TO BILL NO. 85-21
(Subdivision and Development – Adequate Public Facilities – Public Schools)

November 1, 2021

Introduced by Ms. Lacey
(by request of the County Executive)

Amendment No. 2

On page 1 of the proposed bill, in line 6, after the semi-colon, insert "adding the option of donating land to the Board of Education for future construction of school facilities to pass the test for adequate school facilities;"; and in lines 9 through 10, strike "and 17-5-501(a)(2)" and substitute "17-5-501(a)(2) through (4); and 17-5-901(a) and (h)".

On page 3, in line 2, insert opening and closing brackets before and after "or"; and after line 2, insert:

"(3) the developer has executed an approved School Capacity Mitigation Agreement under the provisions of § 17-5-901**[[.]]**; OR

(4) THE PLANNING AND ZONING OFFICER AND THE BOARD OF EDUCATION APPROVE A DONATION OF LAND FOR FUTURE CONSTRUCTION OF SCHOOL FACILITIES AS PROVIDED IN § 17-5-901(H)(2).".

On page 4, after line 36, insert:

"**17-5-901. Mitigation.**

(a) **General requirement.** Except as provided in this section, mitigation consists of the construction or funding of improvements to offsite public facilities by a developer that increase capacity are compatible with the function, safety, and capacity of multi-modal transportation infrastructure, and improve environmental effectiveness or safety of each public facility that is below the minimum standard in the impact area so that the capacity, environmental effectiveness or safety of the facility in the scheduled completion year will be equal to or greater than if the development had not been constructed. A SCHOOL CAPACITY mitigation plan may also include DONATION OF LAND TO THE BOARD OF EDUCATION FOR FUTURE SCHOOL FACILITIES CONSTRUCTION. A mitigation plan may include DONATION OF LAND TO THE BOARD OF EDUCATION FOR FUTURE SCHOOL FACILITIES CONSTRUCTION PURSUANT TO SUBSECTION (H)(2), physical improvements secured by bond, letter of credit or other security acceptable to the County, which shall be provided under a public works agreement or grading permit, or an agreement with the Board of Education to construct school facilities, including a contract school, or payment of storm drain fees in excess of those required by Title 11, or contributions to existing capital projects and shall be approved by the Planning and Zoning Officer. The developer shall submit THE MOST RECENT TAX ASSESSMENT INFORMATION FOR ANY LAND TO BE DONATED TO THE BOARD OF EDUCATION, a cost estimate to establish the value of construction or off-site improvements offered in mitigation, and a cost estimate for construction and improvements in conformance with County specifications may be approved by the Planning and Zoning Officer, who may also require a mitigation agreement to ensure compliance with the requirements of this section. An agreement with the Board of Education to construct school facilities OR FOR THE DONATION OF LAND FOR A SCHOOL SITE must comply with applicable State law and be approved by resolution introduced by the County Executive and adopted by the County Council.

(h) **School Capacity Mitigation Agreement.**

(1) Pursuant to this section and § 17-5-501, a developer may enter into a School Capacity Mitigation Agreement acceptable to the Planning and Zoning Officer to provide capital improvements to increase school capacity, including construction of a contract school, to resolve existing capacity deficiencies and to mitigate the predicted increase in student enrollment in schools required to be adequate for the development, as determined by the Board of Education, so that the capacity of the school in the scheduled completion year will be equal to or greater than if the development had not been constructed. Approvals of the development may not be granted until the capital improvements are completed by the developer and accepted by the Board of Education, or adequate security for completion of the capital improvements is provided by the developer. The capital improvements provided by the developer pursuant to a School Capacity Mitigation Agreement shall be available to any portion of the developer's specified property or project and shall provide school capacity to allow approval of subdivision sketch plan applications filed for the property or project within six years of the date of the School Capacity Mitigation Agreement. The six year filing deadline may be extended by the Planning and Zoning Officer for good cause shown.

(2) IF ENROLLMENT AT AN ELEMENTARY, MIDDLE, OR HIGH SCHOOL IS IN EXCESS OF 95% BUT LESS THAN 100% OF THE STATE-RATED CAPACITY, THEN PURSUANT TO THIS SECTION AND § 17-5-501, A DEVELOPER MAY ENTER INTO AN AGREEMENT ACCEPTABLE TO THE PLANNING AND ZONING OFFICER AND APPROVED BY THE BOARD OF EDUCATION TO DONATE LAND TO THE BOARD OF EDUCATION FOR FUTURE SCHOOL FACILITIES CONSTRUCTION.

(I) LAND DONATIONS AS SCHOOL MITIGATION MAY NOT BE APPROVED BY THE PLANNING AND ZONING OFFICER UNLESS THE PLANNING AND ZONING OFFICER AND THE BOARD OF EDUCATION DETERMINE THAT:

1. THE LAND TO BE DONATED IS SUITABLE FOR A SCHOOL SITE IN THE SAME FEEDER DISTRICT AS THE DEVELOPMENT;

2. THE LAND TO BE DONATED IS SUITABLE TO BE ADDED TO AN EXISTING SCHOOL SITE FOR A SCHOOL THAT IS OVER THE STATE-RATED CAPACITY, IN THE SAME SCHOOL FEEDER DISTRICT AS THE DEVELOPMENT, AND SUITABLE FOR EXPANSION; OR

3. THE LAND TO BE DONATED IS SUITABLE FOR USE AS A PORTION OF A SCHOOL SITE IN THE SAME FEEDER DISTRICT AS THE DEVELOPMENT, AND THE BOARD OF EDUCATION REASONABLY EXPECTS OTHER SCHOOL MITIGATION LAND DONATIONS SUFFICIENT TO COMPRISE A DEVELOPABLE SCHOOL SITE; AND

4. THAT DEVELOPMENT OF A DONATED SITE OR PARTIAL SITE FOR NEW OR EXPANDED SCHOOL FACILITIES CAN REASONABLY BE EXPECTED TO PROCEED TO CONSTRUCTION NO LATER THAN SIX YEARS AFTER THE DATE OF DONATION.

(II) A LAND DONATION SHALL MITIGATE SCHOOL CAPACITY DEFICIENCIES BASED ON THE FOLLOWING FORMULA: THE PER-STUDENT SCHOOL CAPACITY CREATED BY A LAND DONATION SHALL BE CALCULATED BY DIVIDING THE STATE TAX ASSESSMENT AT THE TIME OF DONATION OF THE PROPERTY DONATED BY THE CURRENT COST-PER-STUDENT COST OF SCHOOL CONSTRUCTION (AS PROVIDED BY THE BOARD OF EDUCATION) OF THE SAME CLASS OF SCHOOL FACILITY AS THAT WHICH WAS DEFICIENT IN THE FEEDER DISTRICT.

(III) MITIGATION BY LAND DONATION MUST BE SUFFICIENT TO MITIGATE EXISTING SCHOOL DEFICIENCIES AS WELL AS THE ADDITIONAL CAPACITY GENERATED BY THE DEVELOPMENT.

(IV) THE CAPACITY CREATED BY A LAND DONATION SHALL BE AVAILABLE TO ANY PORTION OF THE DEVELOPER'S SPECIFIED PROPERTY OR PROJECT AND SHALL PROVIDE SCHOOL CAPACITY TO ALLOW APPROVAL OF SUBDIVISION SKETCH PLAN APPLICATIONS FILED FOR THE PROPERTY OR PROJECT WITHIN SIX YEARS OF THE DATE OF THE SCHOOL CAPACITY MITIGATION AGREEMENT. THE SIX YEAR FILING DEADLINE MAY BE EXTENDED BY THE PLANNING AND ZONING OFFICER FOR GOOD CAUSE SHOWN.".

(This amendment provides for an additional mitigation option when schools are over 95% state-rated capacity but less than 100%, and allows donations of land for new or expanded school facilities to mitigate capacity deficiencies based on the value of the land donated and the actual costs of construction of new or expanded school facilities.)

AMENDMENT TO BILL NO. 85-21
(Subdivision and Development – Adequate Public Facilities – Public Schools)

November 1, 2021

Introduced by Ms. Pickard

Amendment No. 3

On page 2 of the proposed bill, in line 17, before "application" insert "AN INITIAL SUBDIVISION OR SITE DEVELOPMENT PLAN".

(This amendment clarifies that the application referred to is the initial application for subdivision or a site development plan.)

AMENDMENT TO BILL NO. 85-21
(Subdivision and Development – Adequate Public Facilities – Public Schools)

November 1, 2021

Introduced by Ms. Pickard

Amendment No. 4

On page 1 of the proposed bill, in line 7, after the semi-colon insert "providing for the termination of this Ordinance;".

On page 4, after line 38, insert:

"SECTION 3. *And be it further enacted*, That the provisions of this Ordinance shall remain in effect until May 1, 2023, after which it shall stand repealed and, with no further action required by the County Council, be of no further force and effect.";

and in line 40, strike "3." and substitute "4.".

(This amendment provides that the provisions of this Ordinance will terminate on May 1, 2023.)