



COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND
AGENDA

County Council Meeting
Legislative Session 2022, Legislative Day No. 4
February 7, 2022 – 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

January 18, 2022 – Legislative Day No. 3

- H. Introduction of Bills

BILL NO. 16-22 – AN ORDINANCE concerning: Police Accountability Board – FOR the purpose of establishing a Police Accountability Board; defining certain terms; providing for the composition and terms and removal of members of the Police Accountability Board; providing for a chair of the Police Accountability Board; providing for the meeting standards, training, budget and staff, compensation of members, and recordkeeping standards of the Police Accountability Board; establishing the duties of the Police Accountability Board; requiring annual reports by the Police Accountability Board; providing for the compensation, staffing, and appointment of members of Administrative Charging Committees and Trial Boards; requiring voting members of Police Accountability Board to file financial disclosure statements; and generally relating to boards, commissions, and similar bodies and public ethics

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

BILL NO. 17-22 – AN ORDINANCE concerning: Planning and Development – Master Plan for Water Supply and Sewerage Systems – FOR the purpose of amending the Master Plan for Water Supply and Sewerage Systems, 2017 to alter certain maps; and generally relating to the Master Plan for Water Supply and Sewerage Systems.

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

BILL NO. 18-22 – AN ORDINANCE concerning: Finance, Taxation, and Budget – Opioid Abatement Special Revenue Fund – FOR the purpose of establishing an Opioid Abatement Special Revenue Fund; providing for payment of revenues restricted in use by the State into the Fund; providing that the Fund shall be a special, non-lapsing fund; specifying the purposes for which transfers may be made from the Fund; and generally relating to finance, taxation, and budget.
Introduced by Ms. Rodvien, Chair
(by request of the County Executive)

BILL NO. 19-22 – AN ORDINANCE concerning: Aggregate Net Energy Metering Credit Purchase Agreement – Glenn Burnie Landfill Solar LLC – FOR the purpose of approving an Aggregate Net Energy Metering Credit Purchase Agreement between Glenn Burnie Landfill Solar LLC and Anne Arundel County, Maryland, to provide for the purchase by the County of energy output from a solar facility constructed, owned, and operated by Glenn Burnie Landfill Solar LLC on property leased by Glenn Burnie Landfill Solar LLC from the County under the terms and conditions contained in the Aggregate Net Energy Metering Credit Purchase Agreement; and generally relating to the Aggregate Net Energy Metering Credit Purchase Agreement.
Introduced by Ms. Rodvien, Chair
(by request of the County Executive)

BILL NO. 20-22 – AN ORDINANCE concerning: Legislative Branch – Compensation – Benefits – FOR the purpose of increasing the salaries of members of the County Council as recommended by the Salary Standard Commission with a certain limitation; amending certain benefits and allowances of members of the County Council as recommended by the Salary Standard Commission; and generally relating to the Legislative Branch.
Introduced by Mr. Pruski, Ms. Lacey, and Ms. Pickard

BILL NO. 21-22 – AN ORDINANCE concerning: Subdivision and Development and Zoning – Cluster Development – FOR the purpose of adding subdivision and development and zoning provisions relating to cluster development; exempting applications for cluster development made before a certain date from the new provisions; prohibiting modifications to certain open space requirements for cluster development; allowing “cluster development” as a conditional use in certain residential zoning districts; adding the conditional use requirements for cluster development; repealing the bulk regulations for cluster development in certain residential zoning districts; repealing the conditional use and special exception use requirements for “duplexes and semi-detached dwellings”; making certain conforming changes; and generally relating to subdivision and development and zoning.
Introduced by Ms. Fiedler

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

BILL NO. 103-21 (As Amended) – AN ORDINANCE concerning: Zoning – Commercial Districts – ~~Town Center Districts~~ – Gunsmiths and Ammunition Sales Facilities – FOR the purpose of allowing gunsmiths and ammunition sales facilities as a ~~permitted conditional~~ use in C3 zoning districts ~~except in town center districts~~; adding the conditional use requirement requirements for gunsmiths and ammunition sales facilities; and generally relating to zoning.

Introduced by Ms. Fiedler and Mr. Volke

BILL NO. 104-21 (As Amended) – AN ORDINANCE concerning: Zoning – School Bus Facilities – FOR the purpose of adding a definition of “school bus facility”; allowing school bus facilities as a permitted use in certain commercial and industrial zoning districts; allowing school bus facilities as a conditional use in certain commercial and ~~small business~~ zoning districts; adding the conditional use requirements for school bus facilities; and generally relating to zoning.

Introduced by Ms. Fiedler

BILL NO. 114-21 (As Amended) – AN ORDINANCE concerning: Public Works – Utilities – Charges and Assessments – Late Penalties – FOR the purpose of allowing the waiver of penalties on overdue water and wastewater service charges due to County error or billing or payment delays due to certain events or issues affecting multiple property owners; providing for the application of this Ordinance; and generally relating to public works.

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

BILL NO. 115-21 (As Amended) – AN ORDINANCE concerning: Finance, Taxation, and Budget – Real and Personal Property Taxes – Late Interest and Penalties – FOR the purpose of allowing the waiver of interest and penalties on overdue property taxes due to County error or billing or payment delays due to certain events or issues affecting multiple property owners; providing for the application of this Ordinance; and generally relating to finance, taxation, and budget.

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

BILL NO. 116-21 (As Amended) – AN ORDINANCE concerning: Zoning – Nonconforming Uses – Termination – FOR the purpose of allowing a nonconforming use or structure to be repaired under certain circumstances; amending the method of calculating termination of a nonconforming use; and generally relating to zoning.

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

[BILL NO. 1-22](#) – 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. Rodvien, Chair
(by request of the County Executive)

[BILL NO. 2-22](#) – AN ORDINANCE concerning: : Capital Budget and Program – Cox Creek Dredging 2 and Franklin Manor Dredging capital projects – Fund Transfer – FOR the purpose of amending the Capital Budget for the current fiscal year by transferring an appropriation of funds from the Franklin Manor Dredging capital project to the Cox Creek Dredging 2 capital project; amending the Capital Program and Capital Projects Bond Ordinance for the current fiscal year; and generally relating to appropriation of funds in projects in the Capital Budget for the fiscal year ending June 30, 2022.

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

[BILL NO. 3-22](#) – AN ORDINANCE concerning: Personnel – Positions in the Exempt Service – Public Ethics – Financial Disclosure – Resilience Authority Director – Positions in the Classified Service – FOR the purpose of adding the position of Resilience Authority Director to the exempt service; providing for the pay, pension, and financial disclosure requirements applicable to the Resilience Authority Director; adding a certain number of classified positions in the Office of the Sheriff approved as part of the annual budget and appropriation ordinance; adding an exempt position under the Chief Administrative Officer approved as part of the annual budget and appropriation ordinance; and generally relating to personnel and public ethics.

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

[BILL NO. 4-22](#) – AN ORDINANCE concerning: Finance, Taxation, and Budget – Capital Budget and Capital Program – FOR the purpose of modifying the map requirements for capital projects in the capital budget and capital program; and generally relating to finance, taxation, and budget.

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

[BILL NO. 5-22](#) – AN ORDINANCE concerning: Licenses and Registrations – Amusements – Licensing of Coin-Operated Amusement Devices – FOR the purpose of amending the definition of “coin-operated amusement device”; amending the regulations governing the licensing of coin-operated amusement devices; amending the classes of specific licenses; repealing a location prohibition; allowing prizes and awards of a certain wholesale value; prohibiting the transfer of a certain license; allowing suspension or revocation of a license under certain circumstances; and generally relating to licenses and registrations.

Introduced by Mr. Pruski

[BILL NO. 15-22](#)– AN ORDINANCE concerning: Redistricting – FOR the purpose of revising Councilmanic districts.

Introduced by Mr. Pruski, Ms. Pickard, and Ms. Rodvien

[RESOLUTION NO. 1-22](#) – RESOLUTION proposing an amendment to the Charter of Anne Arundel County to require the establishment of a system of public campaign financing for candidates for County Executive and County Council.

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

J. Other Business

K. 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 February 7, 2022 meeting on local cable channels or via Arundel TV. To find a list of channels or to access Arundel TV, 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: February 2, 2022 (Bill 1-22 updated February 7, 2022)
Subject: Auditor's Review of Legislation for the February 7, 2022 Council Meeting

**Bill 103-21:
Zoning – Commercial
Districts – Gunsmiths and
Ammunition Sales
Facilities (As Amended)**

Summary of Legislation

This bill allows gunsmiths and ammunition sales facilities as a conditional use in C3 zoning districts.

We commented on this bill in our letters dated December 15, 2021, December 23, 2021, and January 12, 2022. At the January 18, 2022 Council meeting, this bill was amended to require gunsmiths engaged in repairing or making firearms to obtain all permits and licenses required by law. We have no further comments on this bill.

**Bill 104-21:
Zoning – School Bus
Facilities (As Amended)**

Summary of Legislation

This bill adds a definition of school bus facility, allows school bus facilities as a permitted use in C4, W2, and W3 zoning districts; allows school bus facilities as a conditional use in the C3 zoning district; allows school bus facilities as a conditional use in small business districts; and adds the conditional use requirements for school bus facilities.

We commented on this bill in our letters dated December 15, 2021, December 23, 2021, and January 12, 2022. At the January 18, 2022 Council meeting, this bill was amended to require a school bus facility as a conditional use in a C3 zoning district to be on a lot of at least one acre and remove school bus facilities as a conditional use in small business districts. We have no further comments on this bill.

**Bill 114-21:
Public Works – Utilities –
Charges and Assessments
– Late Penalties (As
Amended)**

Summary of Legislation

This bill allows the waiver of penalties on overdue water and wastewater service charges due to County error or billing or payment delays due to certain events or issues affecting multiple property owners. This bill applies to such penalty charges assessed on or after October 1, 2021.

We commented on this bill in our letter dated January 12, 2022. At the January 18, 2022 Council meeting, this bill was amended to require the waiver of a penalty charge when there is a County error. We have no further comments on this bill.

**Bill 115-21:
Finance, Taxation, and
Budget – Real and
Personal Property Taxes –
Late Interest and Penalties
(As Amended)**

Summary of Legislation

This bill allows the waiver of interest and penalties on overdue property taxes due to County error or billing or payment delays due to certain events or issues affecting multiple property owners. This bill applies to any overdue property taxes that began to accrue on or after October 1, 2021.

We commented on this bill in our letter dated January 12, 2022. At the January 18, 2022 Council meeting, this bill was amended to require the waiver of a penalty charge when there is a County error. We have no further comments on this bill.

**Bill 116-21:
Zoning – Nonconforming
Uses – Termination (As
Amended)**

Summary of Legislation

This bill allows a nonconforming use or structure to be repaired under certain circumstances and amends the method of calculating termination of a nonconforming use.

We commented on this bill in our letter dated January 12, 2022. At the January 18, 2022 Council meeting, this bill was amended to provide for the reconstruction, repair, or relocation of a nonconforming structure in certain situations and provide that the Office of Planning and Zoning may allow the registration and use of nonconforming dwellings in certain situations. We have no further comments on this bill.

**Bill 1-22:
Current Expense Budget –
Supplementary
Appropriations**

Summary of Legislation

This bill provides a supplementary appropriation of \$1,242,808 to the Grants Special Revenue Fund, \$193,300 to the Office of Information Technology (OIT) in the General Fund, \$10,004,000 to the Revenue Reserve Fund, and \$800,000 to the Community Development Fund.

Review of Fiscal Impact

The \$1,242,808 in additional appropriations for the Grants Special Revenue Fund provide for the following:

- \$107,995 to the Anne Arundel County Office of the Sheriff (Sheriff) related to the body worn camera program, which consists of \$100,000 from the Governor's Office of Crime Prevention, Youth, and Victim Services for the Byrne-Justice Assistance Grant (JAC) program to provide for body worn cameras and related network cabling and workstations for sworn officers and \$7,995 from the U.S. Department of Justice – Office of Justice Programs (DOJ – OJP) for a mobile application that went live in March 2021 to provide enhanced information sharing between the Sheriff and communities at a single point. The award period for the grant from the Governor's Office is from October 1, 2021 through September 30, 2022 whereas the award period for the grant from the DOJ – OJP is from October 1, 2021 through September 30, 2023. These grants were not included in the Fiscal Year 2022 Approved Budget (FY22 Budget) and do not require a matching contribution. Per the Office of the Budget, the body worn camera program will have ongoing costs and will be included in the budget for fiscal year 2023 (FY23) and future budgets.
- \$59,973 from the Maryland Department of Health (MDH) – Office of Population Health Improvement to the Anne Arundel County Department of Health (Health Department) from one-time American Rescue Plan (ARP) supplement funding to support the work of the Local Overdose Fatality Review team to increase their capacity to implement recommendations, assess implemented recommendations, and monitor case review that address systemic factors contributing to the risk of overdose, addiction and substance misuse, and/or behavioral disorders in the perspective communities. The award period is from September 1, 2021 through June 30, 2022. This grant was not included in the FY22 Budget and does not require a matching contribution.
- \$386,621 from MDH – Prevention and Health Promotion Administration to the Health Department for the Childhood Lead Poisoning Prevention and Environmental Case Management Program to improve health outcomes and reduce disparities for eligible children with either blood lead exposure, moderate to severe persistent asthma, or both. The award period is from July 1, 2021 through June 30, 2022. This grant

Bill 1-22 (continued)

- was not included in the FY22 Budget and does not require a matching contribution.
- \$555,907 from the Maryland Department of Aging to the Anne Arundel County Department of Aging and Disabilities for home delivered meals that meet one-third of the recommended dietary allowance for persons over the age of 51 and residents of senior housing who are physically or emotionally disabled, regardless of age by using funds made available by federal ARP Older Americans Act funding. The award period is from April 1, 2021 through September 30, 2024. This grant was not included in the FY22 Budget and does not require a matching contribution.
 - \$44,957 from the DOJ – OJP to the Anne Arundel County Office of the State’s Attorney (State’s Attorney) for the JAC program to partially fund the salary and fringe benefits of a contractual paralegal for the Anne Arundel County Adult Drug Treatment Court that operates under the Circuit Court for Anne Arundel County. The paralegal would vet participants for legal qualifications for the drug court programs. The award period is from October 1, 2020 through September 30, 2024. This grant was not included in the FY22 Budget and does not require a matching contribution.
 - \$87,355 from the DOJ – OJP to the State’s Attorney for the Smart Prosecution – Innovative Prosecution Solutions grant to provide for a decrease in the numbers of expulsions of juveniles from County schools and to decrease the numbers of incarcerated juveniles in the County, while at the same time reducing juvenile crime and increasing safety within the County’s schools and community. The grant will be used by the State’s Attorney to hire a licensed clinical social worker to evaluate and assess juveniles in crisis, provide counseling, and connect juveniles in crisis with trauma informed critical services, such as family counseling, academic coaching, drug treatment, and mental health evaluation and treatment. This supplemental appropriation is for the first year salary of the social worker, but the grant award also provides for the second year salary of the social worker totaling \$89,508 which will be included in the FY23 Proposed Budget. The award period is from October 1, 2021 through September 30, 2023. This grant was not included in the FY22 Budget and does not require a matching contribution.

The \$193,300 in additional appropriations for OIT in the General Fund provide for body worn cameras and related network cabling and workstations related to the Sheriff for a total cost of \$306,750, of which \$100,000 will be funded from the above mentioned Governor’s Office grant for the JAC program. The remaining \$206,750 will be funded with this appropriation of \$193,300 and \$13,450 will be funded from existing FY22 appropriations.

This bill also authorizes a transfer of \$10,004,000 from the unappropriated general fund balance to the Office of Finance (Non-

Bill 1-22 (continued)

Departmental) for a contribution to the Revenue Reserve Fund. On June 30, 2021, per the Anne Arundel County Annual Comprehensive Financial Report (ACFR), the unappropriated general fund balance – budgetary basis was \$243,695,052. The Office of Finance Analyses of Fund Balances Available for Appropriation Governmental Funds indicates \$240,871,679 is available to appropriate. The FY22 Budget appropriated \$110,789,500 of this balance on July 1, 2021 along with \$1,165,000 from Bill 69-21 and \$218,000 from Bill 89-21, leaving \$128,699,179 remaining balance available to appropriate.

The Revenue Reserve Fund is limited to 6% of the estimated general fund revenues for the upcoming fiscal year. Per the FY22 Budget, the estimated FY22 general fund revenues are \$1,762,292,800, so the current Revenue Reserve Fund balance is limited to \$105,737,568. As of January 26, 2022, the total current Revenue Reserve Fund balance is \$95,289,568. This balance includes \$557,062 in FY22 investment income (year to date), \$675,214 in a Generally Accepted Accounting Principles (GAAP) adjustment for unrealized losses, and the \$11,000,000 transfer included in the FY22 Budget. Per County Code § 4-11-106(c), interest earnings shall be retained to the credit of the fund except that the Controller may credit interest earnings to the General Fund if the credited interest earnings cause the Revenue Reserve Fund to exceed the limit. Any additional interest earnings in FY22 will be credited to the Revenue Reserve Fund (up to the limit). The balance after this \$10 million transfer will be \$105,293,568, which is below the 6% limit.

The \$800,000 in additional appropriations for the Community Development Fund provide for a capital improvement grant from the Maryland Department of Aging to construct the Severn Intergenerational Center. The grant was approved by the Maryland Board of Public Works on December 15, 2021.

The Controller certified that these funds are available for appropriation.

**Bill 2-22:
Capital Budget and
Program – Cox Creek
Dredging 2 and Franklin
Manor Dredging Capital
Projects – Fund Transfer****Summary of Legislation**

This bill amends the FY22 Approved Capital Budget and Program (FY22 Capital Budget) by transferring appropriations of funds between two capital projects. These changes to the FY22 Capital Budget have been reviewed by the Planning Advisory Board, and they have offered an advisory recommendation of approval.

Review of Fiscal Impact

This bill transfers appropriations in the total amount of \$97,000 between the Franklin Manor Dredging capital project and the Cox Creek Dredging 2 capital project as follows:

- Franklin Manor Dredging (Project #Q579200) – decreases \$97,000 in general County bonds; and

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- Cox Creek Dredging 2 (Project #Q577300) – increases \$97,000 in general County bonds.

Bill 2-22 (continued)

This transfer is to provide a different site for placement of the dredged material, specifically, the use of the Maryland Port Administration facility at Hawkins Point rather than the County owned and operated Rock Creek Dredged Material Placement site, which will save future maintenance and handling costs of the dredged material. This transfer will also provide additional funding due to permitting delays that have resulted in two additional years of material located in the channel that needs to be dredged. This transfer results in no net change to the amount of general County bonds appropriation in the FY22 Capital Budget.

The Controller certified that these funds are available for appropriation.

**Bill 3-22:
Personnel – Positions in
the Exempt Service –
Public Ethics – Financial
Disclosure – Resilience
Authority Director –
Positions in the Classified
Service**

Summary of Legislation

This bill amends the County Code to add one Resilience Authority Director position to the exempt services for the Chief Administrative Officer and to add three positions (one Management Assistant II position, one Program Specialist II position, and one Deputy Sheriff Corporal position) to the classified service in the Sheriff.

Review of Fiscal Impact

The FY22 Budget for the Chief Administrative Officer included \$500,000 for the Resilience Authority to use for one year of the Executive Director's salary and benefits (range of \$134,700 to \$235,800 for salary and benefits), a support staff position, and other expenses, such as office supplies and contractual support.

The three additional new positions relate to the Sheriff's body worn cameras program and were not included in the FY22 Budget, however, per the Administration's fiscal note, it is anticipated that the cost of these positions can be absorbed in the FY22 Budget without additional appropriations. Annual salary and benefit costs for the one Management Assistant II and the Program Specialist II positions range from \$79,400 to \$140,900 each, and the annual salary and benefit costs for the one Deputy Sheriff Corporal position ranges from \$76,700 to \$129,800.

**Bill 4-22:
Finance, Taxation, and
Budget – Capital Budget
and Capital Program**

Summary of Legislation

This bill modifies the map requirements for capital projects in the capital budget and capital program. This bill removes an obsolete reference to a specific map book company that no longer exists and instead references a map or location reference.

Review of Fiscal Impact

This bill has no direct fiscal impact.

**Bill 5-22:
Licenses and Registrations
– Amusements – Licensing
of Coin-Operated
Amusement Devices**

Summary of Legislation

This bill amends the definition of coin-operated amusement device, amends the regulations governing the licensing of coin-operated amusement devices, amends the classes of specific licenses, repeals a location prohibition, allows prizes and awards of a certain wholesale value, prohibits the transfer of a certain license, and allows the suspension or revocation of a license under certain circumstances.

This bill clarifies that the annual fee for a Class E license is \$100 per coin-operated amusement device. The bill removes the requirement of having a Class I license to obtain a Class E license and increases the number of devices to allow less than 20 devices in a single room or location.

Review of Fiscal Impact

The Department of Inspections and Permits does not expect a change in workload from this bill. This bill results in changes to the current license options, however, the fiscal impact will be dependent upon the specific licenses. For example, a business with a Class FA license (currently \$5,000 annually for 9 or more devices in one location) with less than 20 devices per location can change to being a Class E license holder (\$100 per device with less than 20 devices at one location). There are currently 9 Class I, 10 Class FA, and 96 Class E licenses active.

**Bill 15-22:
Redistricting**

Summary of Legislation

This bill revises the boundaries of the councilmanic districts.

Review of Fiscal Impact

This bill has no direct fiscal impact.

**Resolution 1-22:
Charter Amendment to
Require a System of Public
Campaign Financing**

Summary of Legislation

This resolution proposes an amendment to the Charter of Anne Arundel County to require the establishment of a public campaign financing system (system) for County Executive and County Council candidates for submission to the qualified voters of the County in the General Election in November 2022. If passed, this system would be required to be established by July 1, 2024 for candidates in a general election in 2026 or after.

The resolution provides that the system law include the following provisions:

- Allow candidates to choose whether to participate in the system;
- Establish a public campaign financing system commission (commission) consisting of seven County residents appointed by the County Council and two County residents appointed by the County Executive;
- Provide for the qualifications, terms, and officers of the commission;
- Require the commission to calculate, not later than 180 days prior to fiscal year end, the total amount estimated for the full election cycle and the amount to be included in the current expense budget for the next fiscal year to fully fund the system; and
- Establish a public election fund for County Elective offices that is administered by the Controller.

The resolution provides that each fiscal year the County Executive will include in the Annual Budget and Appropriation Ordinance the amount calculated by the commission as necessary to fully fund the system for the fiscal year except for the following:

- In the current fiscal year, funds have been or are being transferred from the Revenue Reserve Fund to the General Fund; or
- Not later than 120 days prior to fiscal year end, the County Executive certifies to the County Council that the County's fiscal condition makes it imprudent to include such funds, and the County Council approves the certification by a vote of not less than five members.

Review of Fiscal Impact

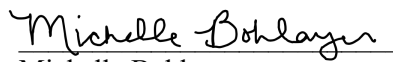
This resolution will have a fiscal impact if the Charter Amendment passes on the ballot. Per Maryland State Board of Elections, to date Baltimore City and Howard, Montgomery, and Prince George's Counties have approved public campaign financing systems but currently only Howard and Montgomery County have operational systems.

**Resolution 1-22
(continued)**

Howard County appropriated \$750,000 in FY21 and \$500,000 in FY22 for its system, however, per Howard County Citizen Election Fund Commission, there has been no expenditures to date since there has been no eligible candidate and all members are volunteers and not paid for the work they do for the Citizen Election Fund.

Montgomery County appropriated \$1 million in FY16, \$5.16 million in FY17, \$5.1 million in FY18, and \$3 million in FY22 for its public campaign financing system. Since the formation of the Montgomery County Public Election Fund, there has been one complete election year, 2018, while the next election year is currently ongoing in 2022. Per Montgomery County Office of Finance, at the start of the 2018 General Election, the Public Election Fund balance was \$11 million while the remaining \$260,000 was appropriated for administrative expenses, such as salaries and software. Of the \$11 million, approximately \$4.08 million was distributed to primary election candidates and \$1.08 million was distributed to general election candidates.

Sincerely,



Michelle Bohlayer
County Auditor

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Minutes of
Legislative Session 2022, Legislative Day No. 3
January 18, 2022 - 7:00 P.M.

The meeting was called to order by Chair Rodvien at 7:00 P.M. and opened with the Invocation given by Ms. Lacey followed by the Pledge of Allegiance. The meeting was held in the County Council Chambers, Arundel Center, Annapolis, Maryland. There were approximately 15 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

Ms. Lacey and Mr. Volke participated via conference phone.

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

ETHICS STATEMENT

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

INVITATION TO AUDIENCE

The Administrative Officer stated there were twenty three submissions of written public testimony received for Invitation to Audience through the online testimony tool, which were shared with the Council and posted on the County Council website.

The following persons spoke on Invitation to Audience:

Amy Leahy, Severna Park
Dawn Pulliam, Crofton
David Morsberger, Davidsonville
Michael Brown, Glen Burnie
Patric Enright, Gambrills

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 Mr. Pruski, 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. Fiedler, the minutes of the meeting of January 3, 2022 and January 7, 2022 were approved as presented.

INTRODUCTION OF BILLS

BILL NO. 8-22 – AN ORDINANCE concerning: Zoning – 2022 Green Infrastructure Master Plan – FOR the purpose of repealing the 2002 Greenways Master Plan and amendments; adopting the 2022 Green Infrastructure Master Plan and appendices as a guide for the future conservation of natural lands in the County; making certain findings of fact and stating the legislative intent relative to the Green Infrastructure Master Plan; making a conforming change; and generally relating to zoning and the County’s 2022 Green Infrastructure Master Plan.

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

BILL NO. 9-22 – AN ORDINANCE concerning: Personnel – Classified Service – Benefits – Holidays – Juneteenth – FOR the purpose of adding Juneteenth as a recognized holiday for eligible County employees; increasing the amount of annual leave for certain classified employees required to work on holidays; and generally relating to personnel.

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

BILL NO. 10-22 – AN ORDINANCE concerning: Approval of private disposition of County-owned properties being part of Old Admiral Court in Annapolis, Maryland – FOR the purpose of approving the terms and conditions under which the County may convey certain County-owned properties to 711 Bestgate Partners, LLC.

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

BILL NO. 11-22 – AN ORDINANCE concerning: Current Expense Budget – Board of Education – Supplementary Appropriation – FOR the purpose of making supplementary appropriations from unanticipated revenues to the Local Education Fund for the current fiscal year; and generally relating to making supplementary appropriations to the current expense budget for the fiscal year ending June 30, 2022.

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

BILL NO. 12-22 – AN ORDINANCE concerning: Capital Budget and Program – Board of Education Security Related Upgrades and Maintenance Backlog capital projects – Supplementary Appropriations – FOR the purpose of amending the Capital Budget for the current fiscal year by making a supplementary appropriation of funds to the Board of

Education Security Related Upgrades and Maintenance Backlog capital projects; amending the Capital Program and Capital Projects Bond Ordinance for the current fiscal year; and generally relating to appropriations of funds in projects in the Capital Budget for the fiscal year ending June 30, 2022.

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

BILL NO. 13-22 – AN ORDINANCE concerning: Finance, Taxation, and Budget – Personal Property Tax Credits and Exemptions – Reduction in Assessment – Qualified Data Center Personal Property – FOR the purpose of defining certain terms; establishing reductions of assessment of qualified data center personal property used in a qualified data center for the purpose of County personal property tax; adding the eligibility requirements for the reduction, the amount of the reduction, and the application process; establishing when the reduction in assessment begins and when the reduction terminates; requiring a certain annual report; and generally relating to finance, taxation, and budget.
Introduced by Mr. Pruski

BILL NO. 14-22 – AN ORDINANCE concerning: Public Safety – Distribution of Literature to Purchasers of Guns or Ammunition – Violations – FOR the purpose of making a violations a Class E civil offense; providing for a delayed effective date; and generally relating to public safety.
Introduced by Mr. Volke

BILL NO. 15-22 – AN ORDINANCE concerning: Redistricting – FOR the purpose of revising councilmanic districts.
Introduced by Mr. Pruski, Ms. Pickard, Ms. Rodvien

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

BILL NO. 99-21 (As Amended)

The Chair called for the public hearing on Bill No. 99-21, as amended, 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; and the Administrative Officer read the title.

Mr. Volke, Sponsor, explained the amended bill.

Pete Baron, Director, Government Affairs, was accompanied by Lori Rhodes, Deputy Chief Administrative Officer, Planning and Zoning, Steven Kaii-Ziegler, Director, Planning and Zoning, Lynn Miller, Assistant Planning and Zoning Officer, Mark Wedemeyer, Director, Inspections and Permits, and Kelly Kenney, Senior Assistant County Attorney.

Mr. Baron stated the Administration supports the bill.

Ms. Haire asked for a description of how the process will work.

Mr. Baron stated that OPZ would follow the process for modification requests.

Mr. Kaii-Zeigler agreed and explained how the process works.

The Chair called for the public hearing on Bill No. 99-21, as amended.

The Administrative Officer stated there were no submissions of public testimony received for Bill No. 99-21, as amended.

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

The Chair called Bill No. 99-21, as amended, An Ordinance concerning: Subdivision and Development – Site Development – Exemptions; and the Administrative Officer read a portion of the title.

Bill No. 99-21, as amended, was passed by the following roll call vote:

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

Nay - None

BILL NO. 102-21 (As Amended)

The Chair called for Bill No. 102-21, as amended, An Ordinance concerning: Zoning – Requirements for Conditional Uses – Adult Independent Dwelling Units – Setbacks – For the purpose of clarifying that structures in an adult independent dwelling facility be located a certain distance from all lot lines the boundary line of the development site; requiring that parking areas for adult independent dwelling units be located a certain distance from residential lot lines; and generally relating to zoning; and the Administrative Officer read the title.

Mr. Volke, Sponsor, explained the amended bill.

Pete Baron, Director, Government Affairs, was accompanied by Lori Rhodes, Deputy Chief Administrative Officer, Planning and Zoning, Steven Kaii-Ziegler, Director, Planning and Zoning, Lynn Miller, Assistant Planning and Zoning Officer, and Kelly Kenney, Senior Assistant County Attorney.

Mr. Baron stated the Administration supports the bill.

The Chair called for the public hearing on Bill No. 102-21, as amended.

The Administrative Officer stated there was one submission of written public testimony received for Bill No. 102-21, as amended, through the online testimony tool, which was shared with the Council and posted on the County Council website.

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

The Chair called Bill No. 102-21, as amended, An Ordinance concerning: Zoning – Requirements for Conditional Uses – Adult Independent Dwelling Units – Setbacks; and the Administrative Officer read a portion of the title.

Bill No. 102-21, as amended, was passed by the following roll call vote:

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

BILL NO. 103-21 (As Amended)

The Chair called for the public hearing on Bill No. 103-21, as amended, An Ordinance concerning: Zoning – Commercial Districts – Town Center Districts – Gunsmiths and Ammunition Sales Facilities – For the purpose of allowing gunsmiths and ammunition sales facilities as a permitted conditional use in C3 zoning districts except in town center districts; adding the conditional use requirement for gunsmiths and ammunition sales facilities; and generally relating to zoning; and the Administrative Officer read the title.

Ms. Fiedler, Sponsor, explained the bill.

Pete Baron, Director, Government Affairs, was accompanied by Lori Rhodes, Deputy Chief Administrative Officer, Planning and Zoning, Steven Kaii-Ziegler, Director, Planning and Zoning, Lynn Miller, Assistant Planning and Zoning Officer, and Kelly Kenney, Senior Assistant County Attorney.

Mr. Baron stated the Administration supports the bill as amended.

The Chair called for the public hearing on Bill No. 103-21, as amended.

The Administrative Officer stated there was one submission of written public testimony received for Bill No. 103-21, as amended, through the online testimony tool, which was shared with the Council and posted on the County Council website.

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

The Chair called Bill No. 103-21, as amended, An Ordinance concerning: Zoning – Commercial Districts – Town Center Districts – Gunsmiths and Ammunition Sales Facilities; and the Administrative Officer read a portion of the title.

Amendment No. 3

This amendment requires gunsmiths engaged in repairing or making firearms to obtain all permits and licenses required by law.

Ms. Fielder, Sponsor, explained the amendment.

Mr. Baron stated the Administration supports the amendment.

Ms. Lacey asked why there needed to be requirement for a gunsmith to obtain the licenses and permits already required by law.

Ms. Fielder responded.

On motion of Ms. Haire, seconded by Ms. Fiedler, Amendment No. 3 was adopted by the following roll call vote:

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

Nay - None

The Chair stated that Bill No. 103-21, as amended, will be heard on February 7, 2022.

BILL NO. 104-21

The Chair called for Bill No. 104-21, An Ordinance concerning: Zoning – School Bus Facilities – For the purpose of adding a definition of “school bus facility”; allowing school bus facilities as a permitted use in certain commercial and industrial zoning districts; allowing school bus facilities as a conditional use in certain commercial and small business zoning districts; adding the conditional use requirements for school bus facilities; and generally relating to zoning; and the Administrative Officer read the title.

Ms. Fiedler, Sponsor, explained the bill.

Pete Baron, Director, Government Affairs, was accompanied by Lori Rhodes, Deputy Chief Administrative Officer, Planning and Zoning, Steven Kaii-Ziegler, Director, Planning and Zoning, Lynn Miller, Assistant Planning and Zoning Officer, and Kelly Kenney, Senior Assistant County Attorney.

Mr. Baron stated the Administration had some concerns about the bill.

The Chair called for the public hearing on Bill No. 104-21, as amended.

The Administrative Officer stated there were no submissions of public testimony received for Bill No. 104-21, as amended.

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

The Chair called Bill No. 104-21, An Ordinance concerning: Zoning – School Bus Facilities; and the Administrative Officer read a portion of the title.

Amendment No. 2

This amendment requires a school bus facility as a conditional use in a C3 commercial district to be on a lot of at least one acre.

Ms. Fiedler, Sponsor, explained the amendment.

Ms. Haire clarified the need for changes in the language.

Ms. Miller agreed.

On motion of Ms. Fiedler, seconded by Ms. Pickard, Amendment No. 2 was adopted by the following roll call vote:

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

Ms. Rodvien

Nay - None

Amendment No. 3

This amendment removes “school bus facilities” as a conditional use in Small Business districts.

Ms. Fielder, Sponsor, explained the amendment.

Mr. Baron stated that the amendment addressed the concerns of the Administration.

On motion of Ms. Haire, seconded by Ms. Fiedler, Amendment No. 3 was adopted by the following roll call vote:

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

Ms. Rodvien

Nay - None

The Chair stated that Bill No. 104-21, as amended, will be heard on February 7, 2022.

BILL NO. 113-21

The Chair called for the public hearing on Bill No. 113-21, An Ordinance concerning: Subdivision and Development – Adequate Public School Facilities – School Utilization Chart – For the purpose of approving the 2023 School Utilization Chart prepared by the Planning and Zoning Officer; and the Administrative Officer read the title.

Pete Baron, Director, Government Affairs, was accompanied by Lori Rhodes, Deputy Chief Administrative Officer, Planning and Zoning, Steven Kaii-Ziegler, Director, Planning and Zoning, Lynn Miller, Assistant Planning and Zoning Officer, Greg Steward, AACPS, and Lori Blair Klasmeier, Deputy County Attorney.

Mr. Baron explained the bill.

Ms. Rodvien expressed her appreciation of the new chart.

Mr. Volke asked about the timing of any legislation recommended by the Administration's "School APF workgroup".

Mr. Baron stated the work is ongoing.

Mr. Kaii-Zeigler explained that at each School APF meeting, there are updates on the timelines and the overall plan.

Ms. Haire asked if there were any suggestions for changes that could be considered now.

Mr. Kaii-Zeigler explained the current state of the workgroup and the process needed to make changes.

Ms. Fiedler asked a question about information in the school chart and shared frustration with the pace of updates.

Mr. Stewart explained the Master Plan process.

Ms. Haire asked about student re-enrollment data.

Mr. Stewart explained a decline in student numbers.

Ms. Pickard talked more about capacity and school APF.

Ms. Rodvien shared concerns with issues of equity in school seats.

Ms. Haire talked more about process and data.

Mr. Pruski reminded the Council of the role that Board of Education serves.

Ms. Fiedler expressed support for more information on school APF being made available to the Council in the future.

Ms. Pickard explained the need to communicate information to the public and to have strong leadership in the school APF process.

The Chair called for the public hearing on Bill No. 113-21.

The Administrative Officer stated there was one submission of written public testimony received for Bill No. 113-21 through the online testimony tool, which was shared with the Council and posted on the County Council website.

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

The Chair called Bill No. 113-21, An Ordinance concerning: Subdivision and Development – Adequate Public School Facilities – School Utilization Chart; and the Administrative Officer read a portion of the title.

Bill No. 113-21 was passed by the following roll call vote:

Aye – Mr. Pruski, Ms. Lacey, Ms. Pickard, Ms. Rodvien

Nay – Ms. Fiedler, Ms. Haire, Mr. Volke

BILL NO. 114-21

The Chair called for the public hearing on Bill No. 114-21, An Ordinance concerning: Public Works – Utilities – Charges and Assessments – Late Penalties – For the purpose of allowing the waiver of penalties on overdue water and wastewater service charges due to County error or billing or payment delays due to certain events or issues affecting multiple property owners; providing for the application of this Ordinance; and generally relating to public works; and the Administrative Officer read the title.

Pete Baron, Director, Government Affairs, was accompanied by Karen Henry, Department of Public Works, Kim Cluney, Department of Public Works, Karin McQuade, Controller, Office of Finance, Billie Penley, Office of Finance, and Kelly Kenney, Senior Assistant County Attorney.

Mr. Baron explained the bill.

The Chair called for the public hearing on Bill No. 114-21.

The Administrative Officer stated there was one submission of written public testimony received for Bill No. 114-21 through the online testimony tool, which was shared with the Council and posted on the County Council website.

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

The Chair called Bill No. 114-21, An Ordinance concerning: Public Works – Utilities – Charges and Assessments – Late Penalties; and the Administrative Officer read a portion of the title.

Amendment No. 1

This amendment requires the waiver of a penalty charge when there is a County error.

Mr. Baron explained the amendment.

Ms. Haire expressed her support of the amendment.

Ms. Fiedler asked if an error would typically be caught before or after the bill was sent out.

Ms. McQuade stated it would depend on the error.

Ms. Fielder asked if a refund would be issued.

Ms. McQuade answered in the affirmative.

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

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

Nay - None

The Chair stated that Bill No. 114-21, as amended, will be heard on February 7, 2022.

BILL NO. 115-21

The Chair called for the public hearing on Bill No. 115-21, An Ordinance concerning: Finance, Taxation, and Budget – Real and Personal Property Taxes – Late Interest and Penalties – For the purpose of allowing the waiver of interest and penalties on overdue property taxes due to County error or billing or payment delays due to certain events or issues affecting multiple property owners; providing for the application of this Ordinance; and generally relating to finance, taxation, and budget; and the Administrative Officer read the title.

Pete Baron, Director, Government Affairs, was accompanied by Karin McQuade, Controller, Office of Finance, Billie Penley, Office of Finance, and Kelly Kenney, Senior Assistant County Attorney.

Mr. Baron explained the bill.

The Chair called for the public hearing on Bill No. 115-21.

The Administrative Officer stated there was one submission of written public testimony received for Bill No. 115-21 through the online testimony tool, which was shared with the Council and posted on the County Council website.

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

The Chair called Bill No. 115-21, An Ordinance concerning: Finance, Taxation, and Budget – Real and Personal Property Taxes – Late Interest and Penalties; and the Administrative Officer read a portion of the title.

Amendment No. 1

This amendment requires the waiver of interest and penalties when there is a County error.

Mr. Baron explained the amendment.

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

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

Nay - None

The Chair stated that Bill No. 115-21, as amended, will be heard on February 7, 2022.

BILL NO. 116-21

The Chair called for the public hearing on Bill No. 116-21, An Ordinance concerning: Zoning – Nonconforming Uses – Termination – For the purpose of allowing a nonconforming use or structure to be repaired under certain circumstances; amending the method of calculating termination of a nonconforming use; and generally relating to zoning; and the Administrative Officer read the title.

Pete Baron, Director, Government Affairs, was accompanied by Lori Rhodes, Deputy Chief Administrative Officer, Planning and Zoning, Steven Kaii-Ziegler, Director, Planning and Zoning, Lynn Miller, Assistant Planning and Zoning Officer, and Kelly Kenney, Senior Assistant County Attorney.

Mr. Baron explained the bill.

The Chair called for the public hearing on Bill No. 116-21.

The Administrative Officer stated there were no submissions of public testimony received for Bill No. 116-21.

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

The Chair called Bill No. 116-21, An Ordinance concerning: Zoning – Nonconforming Uses – Termination; and the Administrative Officer read a portion of the title.

Amendment No. 1

This amendment provides for the reconstruction, repair, or relocation of a nonconforming structure in certain situations and provides that the Office of Planning and Zoning may allow the registration and use of nonconforming dwellings in certain situations.

Mr. Baron explained the amendment.

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

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

The Chair stated that Bill No. 116-21, as amended, will be heard on February 7, 2022.

BILL NO. 117-21

The Chair called for the public hearing on Bill No. 117-21, An Ordinance concerning: Finance, Taxation, and Budget – Commercial Revitalization Area Program – For the purpose of extending the expiration date of the Commercial Revitalization Area Program, formerly titled the Community Revitalization Program, established by Bill No. 97-01 and amended by Bill Nos. 94-06, 4-12, and 6-17; and the Administrative Officer read the title.

Pete Baron, Director, Government Affairs, was accompanied by Lori Rhodes, Deputy Chief Administrative Officer, Planning and Zoning, Steven Kaii-Ziegler, Director, Planning and Zoning, Lynn Miller, Assistant Planning and Zoning Officer, Karin McQuade, Controller, Office of Finance, Billie Penley, Office of Finance, and Kelly Kenney, Senior Assistant County Attorney.

Mr. Baron explained the bill.

Ms. Pickard, co-sponsor, expressed her strong support of the bill.

The Chair called for the public hearing on Bill No. 117-21.

The Administrative Officer stated there were no submissions of public testimony received for Bill No. 117-21.

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

The Chair called Bill No. 117-21, An Ordinance concerning: Finance, Taxation, and Budget – Commercial Revitalization Area Program; and the Administrative Officer read a portion of the title.

Bill No. 117-21 was passed by the following roll call vote:

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

BILL NO. 118-21

The Chair called for the public hearing on Bill No. 118-21, An Ordinance concerning: Sherwood Forest Special Community Benefit District – For the purpose of modifying the purposes of the Sherwood Forest Special Community Benefit District; and the Administrative Officer read the title.

Pete Baron, Director, Government Affairs, was accompanied by Kelly Kenney, Senior Assistant County Attorney.

Mr. Baron explained the bill.

The Chair called for the public hearing on Bill No. 118-21.

The Administrative Officer stated there were no submissions of public testimony received for Bill No. 118-21.

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

The Chair called Bill No. 118-21, An Ordinance concerning: Sherwood Forest Special Community Benefit District; and the Administrative Officer read a portion of the title.

Ms. Haire asked if the required number of petitions were received by the County to allow a change to the SCBD.

Ms. Kenney answered in the affirmative.

Bill No. 118-21 was passed by the following roll call vote:

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

Nay - None

PUBLIC HEARING AND CALL OF RESOLUTION FOR READING AND/OR VOTE

RESOLUTION NO. 64-21

The Chair called for the public hearing on Resolution No. 64-21, Resolution proposing an amendment to the Charter of Anne Arundel County to require the Anne Arundel County Veterans Affairs Commission; and the Administrative Officer read the title.

Mr. Pruski explained the resolution.

Pete Baron, Director, Government Affairs, was accompanied by Kelly Kenney, Senior Assistant County Attorney.

Mr. Baron stated the Administration supports the resolution.

The Administrative Officer stated there were no submissions of public testimony received for Resolution No. 64-21.

The following person spoke on Resolution No. 64-21:

Patrick Enright, Gambrills

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

The Chair called Resolution No. 64-21, Resolution proposing an amendment to the Charter of Anne Arundel County to require the Anne Arundel County Veterans Affairs Commission; and the Administrative Officer read the title.

Ms. Fiedler expressed her thanks for those who worked on and supported the resolution.

Ms. Rodvien expressed her thanks for the resolution.

Resolution No. 64-21 was adopted by the following roll call vote:

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

OTHER BUSINESS

Ms. Pickard acknowledged the Council staff and thanked them for their hard work.

Ms. Rodvien echoed the sentiments.

ADJOURNMENT

There being no further business, on motion of Ms. Pickard, seconded by Ms. Haire, the meeting adjourned at 8:36 P.M.

Respectfully submitted,

By Anna Macaulay

For Laura Corby
Administrative Officer

PROPOSED

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2022, Legislative Day No. 4

Bill No. 16-22

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

By the County Council, February 7, 2022

Introduced and first read on February 7, 2022
Public Hearing set for March 7, 2022
Bill Expires May 13, 2022

By Order: Laura Corby, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Police Accountability Board

2
3 FOR the purpose of establishing a Police Accountability Board; defining certain terms;
4 providing for the composition and terms and removal of members of the Police
5 Accountability Board; providing for a chair of the Police Accountability Board;
6 providing for the meeting standards, training, budget and staff, compensation of
7 members, and recordkeeping standards of the Police Accountability Board;
8 establishing the duties of the Police Accountability Board; requiring annual reports by
9 the Police Accountability Board; providing for the compensation, staffing, and
10 appointment of members of Administrative Charging Committees and Trial Boards;
11 requiring voting members of Police Accountability Board to file financial disclosure
12 statements; and generally relating to boards, commissions, and similar bodies and
13 public ethics.

14
15 BY adding: §§ 3-7A-101 through 3-7A-111 to be under the new title “Title 7A. Police
16 Accountability Board”
17 Anne Arundel County Code (2005, as amended)

18
19 BY renumbering: § 7-6-101(98) through (99), respectively, to be 7-6-101(99) through
20 (100), respectively
21 Anne Arundel County Code (2005, as amended)

22
23 BY adding: § 7-6-101(98)
24 Anne Arundel County Code (2005, as amended)

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

WHEREAS, in 2021 the Maryland General Assembly passed House Bill 670, also known as the Maryland Police Accountability Act of 2021, which becomes effective on July 1, 2022 and requires Anne Arundel County to establish a Police Accountability Board; and

WHEREAS, House Bill 670 also requires the County to have an Administrative Charging Committee to serve countywide law enforcement agencies and local law enforcement agencies in the County; and

WHEREAS, House Bill 670 also requires the County to establish a trial board process; and

WHEREAS, the County Council intends to meet the requirements the Maryland Police Accountability Act of 2021; now, therefore,

SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,* That § 7-6-101(98) through (99), respectively, of the Anne Arundel County Code (2005, as amended) are hereby renumbered to be § 7-6-101(99) through (100), respectively.

SECTION 2. *And be it further enacted,* That Section(s) of the Anne Arundel County Code (2005, as amended) read as follows:

ARTICLE 3. BOARDS, COMMISSIONS, AND SIMILAR BODIES

TITLE 7A. POLICE ACCOUNTABILITY BOARD

3-7A-101. Definitions.

THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(1) “LAW ENFORCEMENT AGENCY” MEANS A GOVERNMENTAL POLICE FORCE, SHERIFF’S OFFICE, OR SECURITY FORCE OR LAW ENFORCEMENT ORGANIZATION OF THE STATE, A COUNTY, OR A MUNICIPAL CORPORATION THAT BY STATUTE, ORDINANCE, OR COMMON LAW IS AUTHORIZED TO ENFORCE THE GENERAL CRIMINAL LAWS OF THE STATE.

(2) “POLICE MISCONDUCT” MEANS A PATTERN, PRACTICE, OR CONDUCT BY A POLICE OFFICER OR LAW ENFORCEMENT AGENCY THAT INCLUDES:

(I) DEPRIVING PERSONS OF RIGHTS PROTECTED BY THE CONSTITUTION OR LAWS OF THE STATE OR THE UNITED STATES;

(II) A VIOLATION OF A CRIMINAL STATUTE; AND

(III) A VIOLATION OF LAW ENFORCEMENT AGENCY STANDARDS AND POLICIES.

(3) “POLICE OFFICER” HAS THE MEANING SET FORTH IN § 3-201 OF THE PUBLIC SAFETY ARTICLE OF THE STATE CODE.

3-7A-102. Police Accountability Board created.

PURSUANT TO TITLE 3, SUBTITLE 1 OF THE PUBLIC SAFETY ARTICLE OF THE STATE CODE, THERE IS A POLICE ACCOUNTABILITY BOARD.

3-7A-103. Membership.

(A) Voting members.

(1) THE POLICE ACCOUNTABILITY BOARD CONSISTS OF NINE MEMBERS APPOINTED AS FOLLOWS:

(I) EIGHT VOTING MEMBERS SHALL HAVE RESIDED IN THE COUNTY FOR AT LEAST THREE YEARS PRIOR TO APPOINTMENT AND SHALL BE APPOINTED BY THE COUNTY EXECUTIVE AND APPROVED BY RESOLUTION OF THE COUNTY COUNCIL; AND

(II) ONE VOTING MEMBER SHALL HAVE BEEN A RESIDENT OF THE CITY OF ANNAPOLIS FOR AT LEAST THREE YEARS AND SHALL BE APPOINTED BY THE COUNTY EXECUTIVE UPON RECOMMENDATION OF THE MAYOR AND CITY COUNCIL.

(2) AN ACTIVE POLICE OFFICER MAY NOT BE A VOTING MEMBER OF THE POLICE ACCOUNTABILITY BOARD.

(3) TO THE EXTENT PRACTICABLE, THE VOTING MEMBERSHIP OF THE POLICE ACCOUNTABILITY BOARD SHALL REFLECT THE RACIAL, GENDER, AND CULTURAL DIVERSITY OF THE COUNTY.

(4) TO THE EXTENT PRACTICABLE, THE VOTING MEMBERSHIP OF THE POLICE ACCOUNTABILITY BOARD SHALL INCLUDE REPRESENTATION FROM COMMUNITIES THAT EXPERIENCE A HIGHER FREQUENCY OF INTERACTIONS WITH LAW ENFORCEMENT.

(5) TO THE EXTENT PRACTICABLE, THE VOTING MEMBERSHIP OF THE POLICE ACCOUNTABILITY BOARD SHALL INCLUDE A DIVERSITY OF EXPERIENCE AND EXPERTISE, INCLUDING IN SUCH AREAS AS:

(I) COMMUNITY ORGANIZATION;

(II) CIVIL RIGHTS;

(III) LAW ENFORCEMENT;

(IV) CRIMINAL LAW;

(V) BEHAVIORAL HEALTH;

(VI) FAITH-BASED LEADERSHIP;

(VII) COMMUNITY POLICING;

(VIII) POLICING STANDARDS;

(IX) SOCIOLOGY;

(X) EDUCATION;

(XI) SOCIAL WORK;

(XII) CRIMINOLOGY;

(XIII) PERSONNEL MANAGEMENT AND DISCIPLINE; AND

(XIV) JUVENILE SERVICES; OR

(XV) OTHER LIFE EXPERIENCE THAT MAY BE VALUABLE TO THE BOARD.

(6) (I) VOTING MEMBERS SHALL BE SUBJECT TO A CRIMINAL BACKGROUND INVESTIGATION BEFORE BEGINNING TO SERVE.

(II) A PERSON MAY NOT BE APPOINTED AS A VOTING MEMBER OF THE BOARD IF THE PERSON HAS BEEN CONVICTED OF A CRIME OF VIOLENCE, AS DEFINED IN § 14-401 OF THE CRIMINAL LAW ARTICLE OF THE STATE CODE; A CRIME THAT IS A FELONY IN ANOTHER STATE OR IN A FEDERAL PROCEEDING THAT WOULD BE A FELONY IN MARYLAND; OR OF THEFT, DISHONESTY, FRAUD, OR ANOTHER CRIME OF MORAL TURPITUDE.

(III) A PERSON WHO HAS BEEN CONVICTED OF CRIMES OTHER THAN AS SET FORTH IN PARAGRAPH (II) MAY BE APPOINTED TO SERVE AS A VOTING MEMBER OF THE BOARD SUBJECT TO THE APPOINTMENT PROCEDURES IN THIS TITLE.

(7) VOTING MEMBERS SHALL FILE FINANCIAL DISCLOSURE FORMS AS REQUIRED BY § 7-6-101 OF THIS CODE, AND SHALL BE SUBJECT TO ALL OTHER PROVISIONS OF ARTICLE 7 OF THIS CODE THAT ARE APPLICABLE TO COUNTY EMPLOYEES, INCLUDING ALL PROVISIONS RELATING TO CONFLICTS OF INTEREST.

(B) Ex officio members. THE FOLLOWING SHALL SERVE AS NON-VOTING EX OFFICIO MEMBERS OF THE BOARD:

(1) THE CHIEF OF THE ANNE ARUNDEL COUNTY POLICE DEPARTMENT OR THE CHIEF'S DESIGNEE;

(2) THE CHIEF OF THE ANNAPOLIS POLICE DEPARTMENT OR THE CHIEF'S DESIGNEE;

(3) THE ANNE ARUNDEL COUNTY SHERIFF OR THE SHERIFF'S DESIGNEE;

(4) THE DIRECTOR OF EQUITY, DIVERSITY, AND INCLUSION; AND

(5) THE HUMAN RELATIONS OFFICER.

(C) Application process. FOR THE MEMBERS APPOINTED PURSUANT TO (A)(1)(I):

(1) AN ADVERTISEMENT TO APPLY FOR MEMBERSHIP SHALL BE PUBLISHED AT LEAST 30 DAYS PRIOR TO ANY APPOINTMENT BY THE COUNTY EXECUTIVE; AND

(2) THE RESOLUTION APPROVING ANY APPOINTMENT SHALL BE ADVERTISED AT LEAST ONCE AFTER INTRODUCTION AND SHALL HAVE A PUBLIC HEARING BEFORE ANY VOTE BY THE COUNTY COUNCIL.

(D) Vacancies. VACANCIES SHALL BE FILLED FOR ANY UNEXPIRED TERM IN THE SAME MANNER AS THE ORIGINAL APPOINTMENT.

3-7A-104. Chair.

EVERY THREE YEARS, THE COUNTY EXECUTIVE SHALL DESIGNATE A CHAIR FROM THE MEMBERSHIP OF THE BOARD SUBJECT TO THE APPROVAL OF THE COUNTY COUNCIL BY RESOLUTION.

1 **3-7A-105. Terms of voting members.**

2
3 (A) **Generally.**

4
5 (1) THE INITIAL TERMS OF VOTING MEMBERS SHALL BE STAGGERED SO THAT FOUR
6 MEMBERS, INCLUDING THE CHAIR, SHALL SERVE INITIAL TERMS OF THREE YEARS AND
7 FIVE MEMBERS SHALL SERVE INITIAL TERMS OF TWO YEARS.

8
9 (2) AFTER THE INITIAL TERMS, THE TERM OF A VOTING MEMBER IS THREE YEARS.

10
11 (3) AT THE END OF ANY TERM, A VOTING MEMBER CONTINUES TO SERVE UNTIL A
12 SUCCESSOR IS APPOINTED AND QUALIFIES.

13
14 (4) A VOTING MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES
15 ONLY FOR THE REMAINDER OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND
16 QUALIFIES.

17
18 (5) A VOTING MEMBER MAY NOT SERVE MORE THAN TWO FULL CONSECUTIVE
19 TERMS.

20
21 (B) **Removal.**

22
23 (1) THE COUNTY EXECUTIVE MAY REMOVE A MEMBER FOR CAUSE, INCLUDING
24 IMPROPER USE OR DISCLOSURE OF INFORMATION, BEING CHARGED WITH A CRIME,
25 IMMORAL CONDUCT, OR ABSENCE FROM 25% OR MORE OF THE SCHEDULED MEETINGS
26 DURING ANY 12-MONTH PERIOD.

27
28 (2) THE CHAIR OF THE BOARD SHALL:

29
30 (I) NOTIFY THE COUNTY EXECUTIVE OF ANY MEMBER WHO IS ABSENT FROM
31 25% OR MORE OF THE SCHEDULED MEETINGS OF THE BOARD DURING ANY 12-MONTH
32 PERIOD;

33
34 (II) INCLUDE IN THE NOTIFICATION ANY KNOWN EXTENUATING
35 CIRCUMSTANCES; AND

36
37 (III) SEND A COPY OF THE NOTIFICATION TO EACH MEMBER OF THE BOARD.

38
39 (3) THE COUNTY EXECUTIVE MAY EXCUSE ABSENCES FOR GOOD CAUSE SUCH AS
40 ILLNESS, EMERGENCY SITUATIONS, OR OTHER EXTENUATING CIRCUMSTANCES.

41
42 **3-7A-106. Quorum; meetings.**

43
44 (A) **Quorum.** FIVE VOTING MEMBERS OF THE BOARD IS A QUORUM. AN AFFIRMATIVE
45 VOTE OF A MAJORITY OF THE VOTING MEMBERS PRESENT AT ANY MEETING AT WHICH
46 THERE IS A QUORUM SHALL BE SUFFICIENT FOR ANY ACTION OF THE BOARD.

47
48 (B) **Meetings.** THE BOARD SHALL MEET AT THE CALL OF THE CHAIR OR AT THE
49 REQUEST OF FIVE MEMBERS AS FREQUENTLY AS REQUIRED TO PERFORM THE DUTIES OF
50 THE BOARD, BUT NO LESS THAN QUARTERLY. ALL MEETINGS SHALL COMPLY WITH THE
51 MARYLAND OPEN MEETINGS ACT AND THIS CODE.

52
53 **3-7A-107. Training.**

54
55 AS SOON AS PRACTICABLE AFTER APPOINTMENT AND AT THE INTERVALS SPECIFIED,
56 EACH VOTING MEMBER OF THE BOARD SHALL COMPLETE THE FOLLOWING TRAINING:

1 (A) ETHICS TRAINING ANNUALLY;

2
3 (B) IMPLICIT BIAS TRAINING ANNUALLY;

4
5 (C) THE CITIZEN'S POLICE ACADEMY ONE TIME PER TERM; AND

6
7 (D) ANY OTHER TRAINING SPECIFIED BY THE STATE, THE COUNTY EXECUTIVE, OR
8 MAJORITY VOTE OF THE BOARD.

9
10 **3-7A-108. Budget and staff.**

11
12 (A) **Budget.** THE COUNTY EXECUTIVE SHALL PROPOSE A BUDGET FOR THE BOARD TO
13 BE INCLUDED IN THE ANNUAL BUDGET AND APPROPRIATION ORDINANCE ADOPTED BY
14 THE COUNTY COUNCIL.

15
16 (B) **Executive Director.** THERE SHALL BE AN EXECUTIVE DIRECTOR TO THE BOARD
17 AND AN ADMINISTRATIVE SECRETARY TO THE EXECUTIVE DIRECTOR, WHICH SHALL BE
18 IN THE EXEMPT SERVICE, TO PROVIDE SUPPORT AND ASSISTANCE TO THE BOARD.

19
20 (C) **Other staff and contractual services.** THE BOARD MAY BE ASSIGNED ADDITIONAL
21 STAFF AND PROVIDED WITH CONTRACTUAL SERVICES AS NEEDED AND AS PROVIDED FOR
22 IN THE ANNUAL BUDGET.

23
24 **3-7A-109. Compensation and expenses.**

25
26 (A) **Compensation.** VOTING MEMBERS OF THE BOARD MAY BE COMPENSATED FOR
27 THEIR SERVICES AS PROVIDED FOR IN THE ANNUAL BUDGET.

28
29 (B) **Expenses.** NON-VOTING MEMBERS OF THE BOARD MAY BE REIMBURSED FOR
30 EXPENSES INCURRED RELATED TO THEIR DUTIES AT THE DISCRETION OF THE EXECUTIVE
31 DIRECTOR AND SUBJECT TO APPROPRIATION AND AVAILABILITY OF FUNDS IN THE
32 ANNUAL BUDGET.

33
34 (C) **Administrative Charging Committees and Trial Boards.**

35
36 (1) MEMBERS OF ANY ADMINISTRATIVE CHARGING COMMITTEES AND TRIAL
37 BOARDS REQUIRED BY STATE LAW MAY BE COMPENSATED AS PROVIDED FOR IN THE
38 ANNUAL BUDGET.

39
40 (2) ADMINISTRATIVE CHARGING COMMITTEES AND TRIAL BOARDS MAY BE
41 ASSIGNED ADDITIONAL STAFF AND PROVIDED WITH CONTRACTUAL SERVICES AS NEEDED
42 AND AS PROVIDED FOR IN THE ANNUAL BUDGET.

43
44 **3-7A-110. Duties.**

45
46 (A) **Meetings with law enforcement.** THE BOARD SHALL HOLD AT LEAST QUARTERLY
47 MEETINGS WITH HEADS OF LAW ENFORCEMENT AGENCIES AND OTHERWISE WORK WITH
48 LAW ENFORCEMENT AGENCIES AND OTHER COUNTY AGENCIES TO IMPROVE MATTERS OF
49 POLICING.

50
51 (B) **Appointments.** THE BOARD SHALL APPOINT MEMBERS TO THE ADMINISTRATIVE
52 CHARGING COMMITTEES AND TRIAL BOARDS AS PROVIDED FOR IN TITLE 3, SUBTITLE 1 OF
53 THE PUBLIC SAFETY ARTICLE OF THE STATE CODE AND THIS CODE.

(C) Complaints.

(1) THE BOARD SHALL RECEIVE COMPLAINTS OF POLICE MISCONDUCT FROM MEMBERS OF THE PUBLIC.

(2) COMPLAINTS OF POLICE MISCONDUCT MAY BE FILED USING AN ONLINE PORTAL.

(3) COMPLAINTS OF POLICE MISCONDUCT FILED WITH THE BOARD MUST BE IN WRITING AND SHALL INCLUDE:

(I) THE NAME OF THE POLICE OFFICER ACCUSED OF MISCONDUCT;

(II) A DESCRIPTION OF THE FACTS ON WHICH THE COMPLAINT IS BASED; AND

(III) CONTACT INFORMATION FOR THE COMPLAINANT OR A PERSON FILING ON BEHALF OF THE COMPLAINANT FOR INVESTIGATIVE FOLLOW-UP.

(4) COMPLAINTS OF POLICE MISCONDUCT NEED NOT BE NOTARIZED.

(5) COMPLAINTS OF POLICE MISCONDUCT FILED WITH THE BOARD SHALL BE FORWARDED TO THE APPROPRIATE LAW ENFORCEMENT AGENCY WITHIN THREE DAYS AFTER RECEIPT BY THE BOARD.

(D) Reporting.

(1) ON A QUARTERLY BASIS, THE BOARD SHALL REVIEW OUTCOMES OF DISCIPLINARY MATTERS CONSIDERED BY THE ADMINISTRATIVE CHARGING COMMITTEE REQUIRED BY § 3-104 OF THE PUBLIC SAFETY ARTICLE OF THE STATE CODE.

(2) ON OR BEFORE DECEMBER 31 OF EACH YEAR, THE BOARD SHALL SUBMIT A REPORT TO THE COUNTY EXECUTIVE AND THE COUNTY COUNCIL THAT:

(I) IDENTIFIES ANY TRENDS IN THE DISCIPLINARY PROCESS OF POLICE OFFICERS IN THE COUNTY; AND

(II) MAKES RECOMMENDATIONS ON CHANGES TO POLICY THAT WOULD IMPROVE POLICE OFFICER ACCOUNTABILITY IN THE COUNTY.

3-7A-111. Recordkeeping.

(A) **Maintenance.** THE EXECUTIVE DIRECTOR OF THE BOARD SHALL KEEP AND MAINTAIN RECORDS OF THE BOARD.

(B) **Retention.** THE BOARD SHALL FORMULATE A RETENTION SCHEDULE FOR THE RECORDS OF THE BOARD THAT IS CONSISTENT WITH STATE AND COUNTY LAW.

(C) **Production.** RECORDS AND OTHER INFORMATION SHALL BE PRODUCED AS PERMITTED AND REQUIRED BY THE MARYLAND PUBLIC INFORMATION ACT. ANY RECORDS OR INFORMATION THAT IS NOT PERMITTED TO BE PRODUCED TO THE PUBLIC SHALL BE KEPT CONFIDENTIAL BY ALL MEMBERS AND STAFF OF THE BOARD.

ARTICLE 7. PUBLIC ETHICS

TITLE 6. FINANCIAL DISCLOSURE

1 **7-6-101. Persons required to file statements.**

2
3 (a) **Generally.** Each of the following and each candidate for the County Executive or
4 the County Council shall file with the Ethics Commission the statements provided for in
5 this title:

6
7 (98) EACH VOTING MEMBER OF THE POLICE ACCOUNTABILITY BOARD;

8
9 SECTION 3. *And be it further enacted,* That this Ordinance shall take effect 45 days
10 from the date it becomes law.

**ANNE ARUNDEL COUNTY, MARYLAND
OFFICE OF THE BUDGET**

BILL NUMBER: 16-22

INTRO. DATE: February 7, 2022

FISCAL NOTE

**BILL: AN ORDINANCE CONCERNING: BOARDS, COMMISSIONS, AND
SIMILAR BODIES – POLICE ACCOUNTABILITY BOARD**

SUMMARY OF LEGISLATION

The purpose of this legislation is to establish a Police Accountability Board for Anne Arundel County, as required by the Maryland Police Accountability Act (House Bill 670) of 2021. State law requires the Board to (1) hold quarterly meetings with heads of law enforcement agencies and otherwise work with law enforcement agencies and the county government to improve matters of policing; (2) appoint members to charging committees and trial boards; (3) receive complaints of police misconduct filed by members of the public; (4) review outcomes of disciplinary matters considered by charging committees; and (5) annually report on trends in the disciplinary process of police officers and recommendations on changes to policy that would improve police accountability in the county.

FISCAL IMPACT

Implementation of these State-mandated police accountability measures will require additional county resources and expenses. The primary fiscal impact will relate to personnel costs. In order to fulfill the duties and responsibilities mandated by State law, the County will create an Executive Director and an Administrative Secretary in the exempt service to provide support and assistance to the Board. The creation of these positions will be accomplished through future legislation. **Exhibit 1** summarizes the estimated pay grade, salary range, and benefit costs associated with the positions.

Exhibit 1					
Police Accountability Board Positions					
Position	Grade	Salary Range	Benefits*	Total	
Administrative Secretary	E-01	\$46,696 - \$78,837	\$16,344 - \$27,593	\$63,040 - \$141,877	
Executive Director	E-07	\$104,797 - \$184,147	\$36,679 - \$64,451	\$141,476 - \$325,623	

*For this analysis, benefits are assumed to be 35% of salary costs.

Other possible costs associated with the Board, Administrative Charging Committee, and Trial Boards may be provided for in the annual budget, such as additional staff, contractual services, compensation for members, and expense reimbursements for non-voting Board members. These potential costs will be considered in the FY23 budget process and included in the proposed budget as needed.



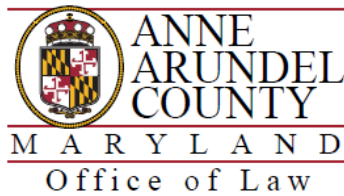
Chris Trumbauer
Budget Officer

2/3/2022

Date

Prepared by: Hannah Dier

cc: Karin McQuade, Controller



Gregory J. Swain, County Attorney

MEMORANDUM

To: Members, Anne Arundel County Council

From: Lori L. Blair Klasmeier, Deputy County Attorney /s/

Via: Gregory J. Swain, County Attorney /s/

Date: February 7, 2022

Subject: Bill No.: 16-22 – Police Accountability Board

Legislative Summary

This summary was prepared by the Anne Arundel County Office of Law for use by members of the Anne Arundel County Council during consideration of Bill No. 16-22 related to the creation of the County's Police Accountability Board.

Background. In 2021, over the Governor's veto, the Maryland General Assembly passed House Bill 670, which is effective July 1, 2022, and requires each county to have a Police Accountability Board ("PAB") to: hold meetings and work with local law enforcement agencies and county government officials to improve matters of policing; receive complaints of police misconduct; review outcomes of disciplinary matters; and report to the County Executive and the County Council identifying any trends in the police disciplinary process and making recommendations on changes in policy to improve accountability in the County. House Bill 670 requires each county to establish the membership of its PAB, establish the budget and staff of its PAB, appoint a Chair of its PAB, and establish procedures for recordkeeping by a PAB. The State law does prohibit an active police officer from being a member of a PAB, and states that, to the extent practicable, the membership of a PAB should reflect the racial, gender, and cultural diversity of the county.

Under the State law, complaints of police misconduct must be in writing and may be filed with the PAB or with the law enforcement agency. If filed with the PAB, the complaint is forwarded to the law enforcement agency, and, under either scenario, the law enforcement agency is required to investigate the complaint.

Each county is also required to have an Administrative Charging Committee ("ACC") that serves countywide law enforcement and local law enforcement agencies. In Anne Arundel

Note: This Legislative Summary provides a synopsis of the bill as introduced. It does not address subsequent amendments to the bill.

County, this will include the Annapolis City Police Department, the Crofton Police Department, and the Anne Arundel Community College Police. The ACC reviews the investigation of each complaint, determines if the police officer should be administratively charged, and recommends any discipline (based on a model uniform disciplinary matrix being created by the Maryland Police Training Standards Commission) to the law enforcement agency. The composition and duties of the ACC are established by the State law.

If an officer is administratively charged, the charge is adjudicated by a Trial Board. Each law enforcement agency is required to establish its own trial board process, however, a small law enforcement agency may use the trial board process of another law enforcement agency by mutual agreement. The composition and duties of trial boards are set forth in the State law.

Purpose. The purpose of this Bill is to establish the County's PAB and to require members of the PAB to file the Ethics Commission's financial disclosure form.

The Bill. **SECTION 1** of the Bill is uncodified and rennumbers § 7-6-101(a), the provision of the Public Ethics Article that lists the persons required to file the Ethics Commission's financial disclosure form.

SECTION 2 adds provisions related to the PAB as Title 7A to Article 3 of the County Code. **Section 3-7A-101** defines certain terms consistent with House Bill 670. **Section 3-7A-102** establishes the PAB. **Section 3-7A-103** sets forth the membership of the PAB, including 9 voting members and 5 non-voting ex officio members. The section also details the qualifications of the members; the appointment process for the members; and the requirement that members be subject to a criminal background investigation and may not serve if they have been convicted of certain crimes.

Section 3-7A-104 provides that the County Executive shall designate a chair of the PAB every three years.

Section 3-7A-105 provides that the terms of voting members shall generally be 3 years, but that initial terms shall be staggered, with 4 members serving three-year terms, and 5 members serving two-year terms. Members will be limited to serving two full consecutive terms. Members may be removed for cause, including improper use of information, being charged with a crime, immoral conduct, or unexcused absences from 25% or more of the scheduled meetings during any 12-month period.

Section 3-7A-106 provides that 5 voting members of the PAB constitutes a quorum, that a majority of the members present when there is a quorum is sufficient for any action of the board, and that the PAB shall meet at least quarterly.

Section 3-7A-107 states that members of the PAB will complete specified training, including ethics training, implicit bias training, and the Citizens Police Academy, as soon as practicable after appointment and at specified intervals thereafter.

Section 3-7A-108 provides that the PAB shall have the budget provided for it in the annual budget ordinance. It also states that there will be an Executive Director to the Board, as well as an Administrative Secretary to the Executive Director. Both positions will be in the County's exempt service. Other County staff and contractual services may be made available consistent with the annual budget.

Section 3-7A-109 states that PAB, ACC, and Trial Board members may be compensated as provided for in the annual budget. PAB members may be reimbursed for expenses at the discretion of the County Executive and subject to appropriation in the annual budget. ACCs and Trial Boards may be provided with other County staff and contractual serves as provided in the annual budget.

Section 3-7A-110 sets forth the duties of the PAB as stated in and required by State law: holding at least quarterly meetings and working with local law enforcement agencies and county government officials to improve matters of policing; appointing members of ACCs and Trial Boards; receiving complaints of police misconduct and forwarding them to the appropriate law enforcement agency for investigation; reviewing outcomes of disciplinary matters; and reporting to the County Executive and the County Council identifying any trends in the police disciplinary process and making recommendations on changes in policy to improve accountability in the County. This section also sets forth the requirements for a complaint of police misconduct that are set forth in the State law, including that the complaint be in writing, name the officer that is the subject of the complaint, and describe the alleged misconduct.

Section 3-7A-111 provides for the maintenance and retention of PAB records.

Section 7-6-101 is modified to require voting members of the PAB to file the Ethics Commission's annual financial disclosure form.

The Office of Law is available to answer any additional questions regarding this bill.

cc: Honorable Steuart Pittman, County Executive
Dr. Kai Boggess-de Bruin, Chief of Staff
Matthew Power, Chief Administrative Officer
Peter Baron, Director of Government Relations
Chris Trumbauer, Budget Officer

PROPOSED

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2022, Legislative Day No. 4

Bill No. 17-22

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

By the County Council, February 7, 2022

Introduced and first read on February 7, 2022
Public Hearing set for March 7, 2022
Bill Expires May 13, 2022

By Order: Laura Corby, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Planning and Development – Master Plan for Water Supply
2 and Sewerage Systems
3

4 FOR the purpose of amending the Master Plan for Water Supply and Sewerage Systems,
5 2017 to alter certain maps; and generally relating to the Master Plan for Water Supply
6 and Sewerage Systems.
7

8 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
9 That the maps of the Anne Arundel County Master Plan for Water Supply and Sewerage
10 Systems, 2017, as amended (the “Plan”) are hereby amended as follows:
11

12 1. As shown on Exhibit A, attached hereto, on Sewer Map S-6, change the sewer
13 service category on Tax Map 36, Parcels 29 and 30 from No Public Service to Planned
14 Service; and in addition move the sewer service area boundary to include this parcel in the
15 Patuxent Sewer Service Area.
16

17 2. As shown on Exhibit B, attached hereto, on Water Map W-6, change the water
18 service category on Tax Map 36, Parcels 29 and 30 from No Public Service to Planned
19 Service; and in addition move the water service area boundary to include this parcel in the
20 Kings Heights / Odenton Water Pressure Zone.
21

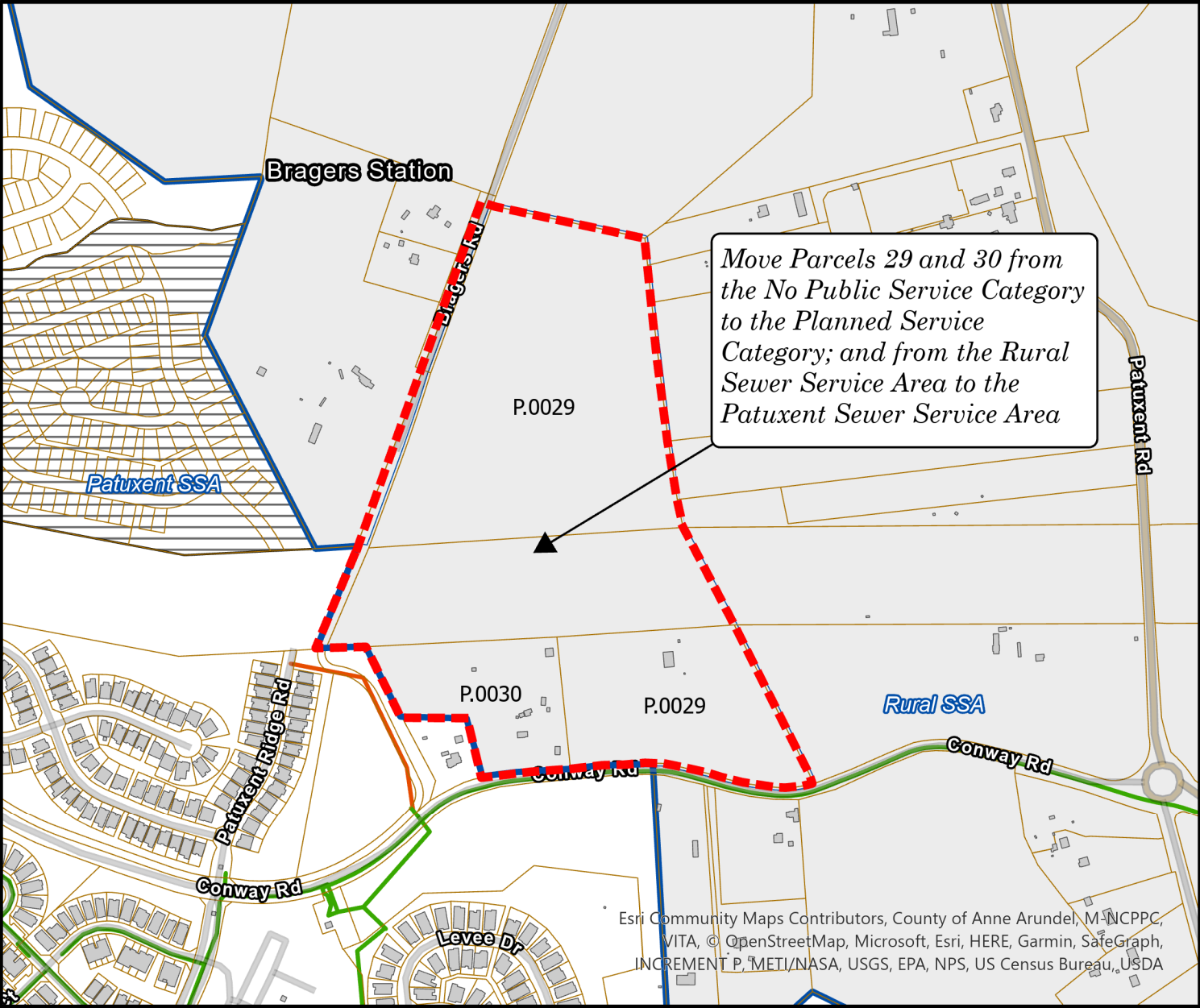
22 SECTION 2. *And be it further enacted,* That a certified copy of the Plan as amended
23 by this Ordinance shall be permanently kept on file with the Administrative Officer to the
24 County Council and the Office of Planning and Zoning.
25

26 SECTION 3. *And be it further enacted,* That a certified copy of the map amendments
27 to the Plan shall be permanently kept on file with the Administrative Officer to the County
28 Council and the Office of Planning and Zoning.

1 SECTION 4. *And be it further enacted*, That this Ordinance shall take effect 45 days
2 from the date it becomes law or upon approval of the Maryland Department of the
3 Environment under the authority granted by § 9-507 of the Environment Article of the State
4 Code, whichever is later. If approved, in whole or in part, after the 45 days the approved
5 provisions of this Ordinance shall take effect on the date the notice is received by the Office
6 of Planning and Zoning. If disapproved, in whole or in part, the disapproved portions of
7 this Ordinance shall be null and void without further action by the County Council. The
8 Office of Planning and Zoning, within 5 days after receiving any notice from the Maryland
9 Department of the Environment, shall forward a copy to the Administrative Officer to the
10 County Council.

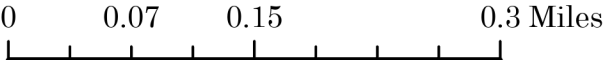
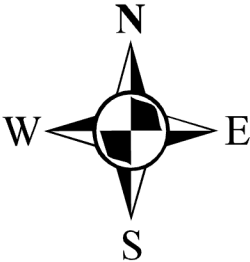
Sewer Map S-6

Bill No. 17-22
Exhibit A

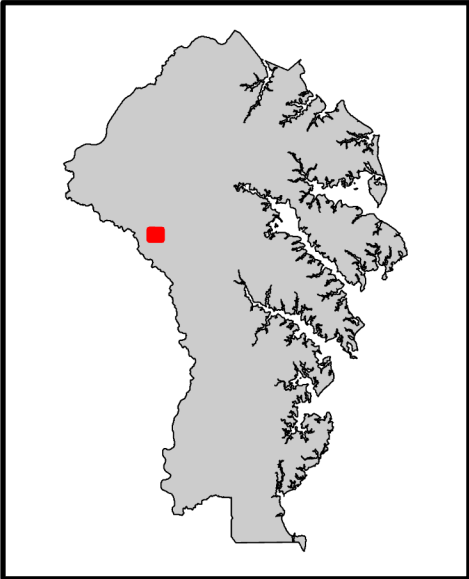


Legend

- | | |
|---------------------|-------------------------------------|
| Existing Service | Existing Gravity Sewer Pipes |
| Planned Service | Planned Service Gravity Sewer Pipes |
| Future Service | |
| No Public Service | |
| Other | |
| Sewer Service Areas | |
| Amendment Change | |



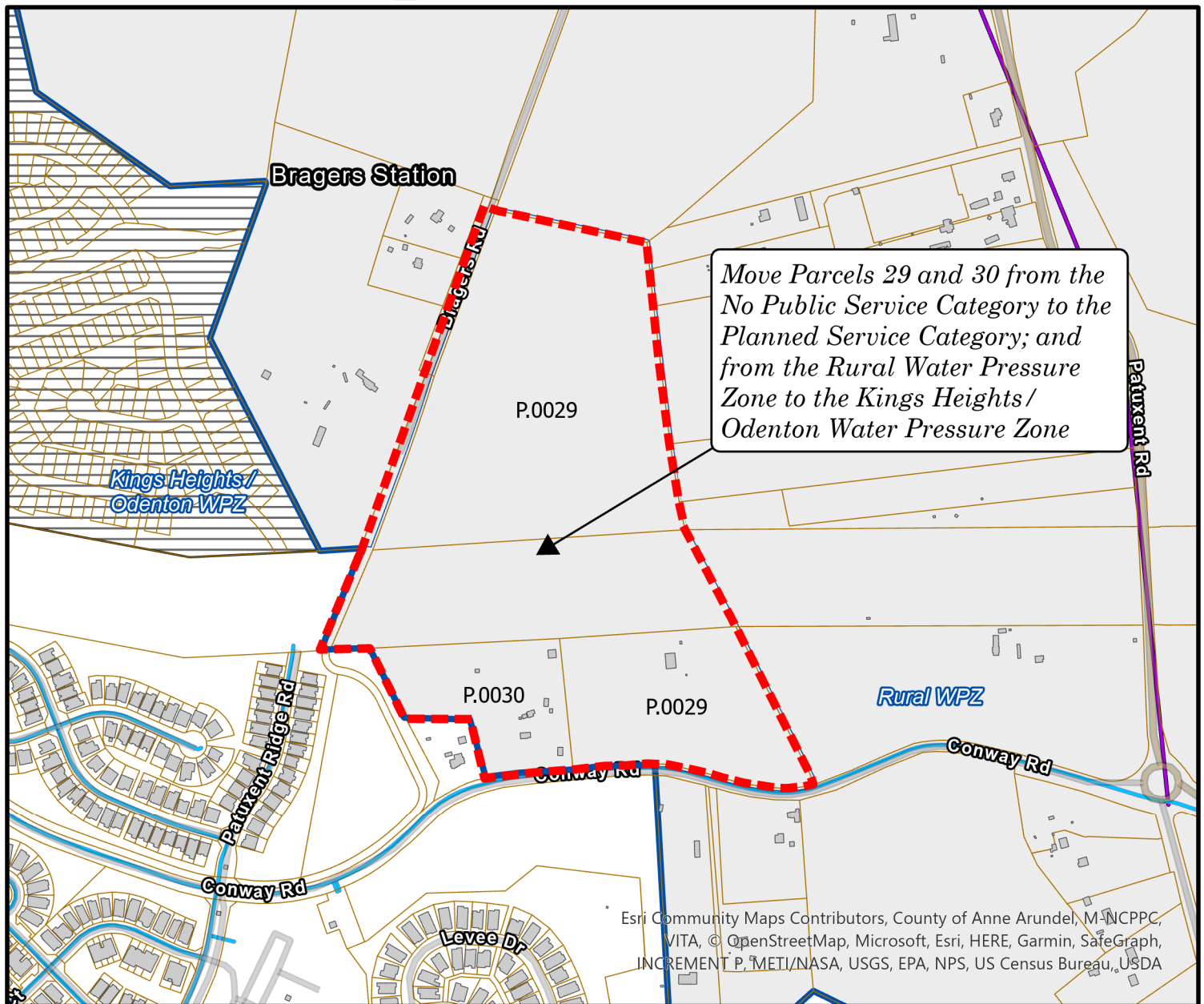
Date Revised: 01/10/2022



Water Map W-6

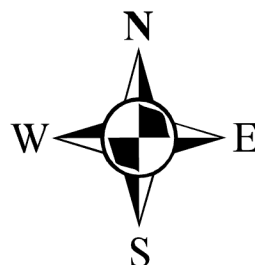
Bill No. 17-22

Exhibit B



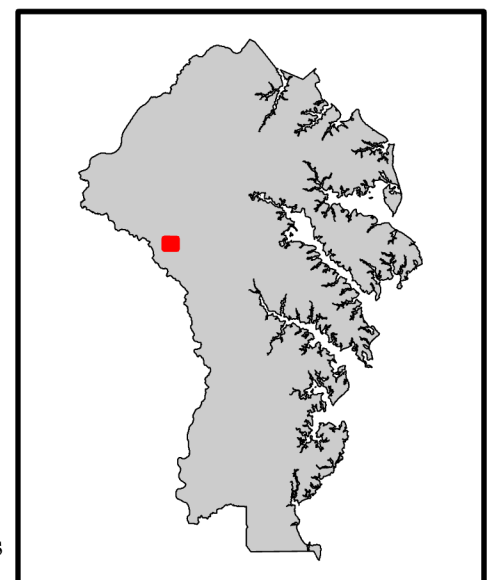
Legend

- | | |
|----------------------|----------------------|
| Existing Service | Existing Water Pipes |
| Planned Service | Future Water Pipes |
| Future Service | |
| No Public Service | |
| Other | |
| Water Pressure Zones | |
| Amendment Change | |



0 0.07 0.15 0.3 Miles

Date Revised: 01/10/2022



**ANNE ARUNDEL COUNTY, MARYLAND
OFFICE OF THE BUDGET**

BILL NUMBER: 17-22

INTRO. DATE: February 7, 2022

FISCAL NOTE

**BILL: AN ORDINANCE CONCERNING: PLANNING AND DEVELOPMENT –
MASTER PLAN FOR WATER SUPPLY AND SEWERAGE SYSTEMS**

SUMMARY OF LEGISLATION

The purpose of this legislation is to amend the Master Plan for Water Supply and Sewerage Systems, 2017 to alter certain maps.

FISCAL IMPACT

There is no anticipated fiscal impact associated with this legislation.



Chris Trumbauer
Budget Officer

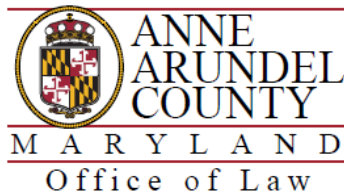
2/3/2022

Date

Prepared by: Samantha Chiriaco

Reviewed by: Hannah Dier

cc: Karin McQuade, Controller



Gregory J. Swain, County Attorney

MEMORANDUM

To: Council Members, Anne Arundel County Council

From: Kelly Phillips Kenney, Supervising County Attorney /s/

Through: Gregory J. Swain, County Attorney /s/

Date: February 7, 2022

Subject: Bill No. 17-22, Planning and Development – Master Plan for Water Supply and Sewerage Systems

Legislative Summary

This summary was prepared by the Anne Arundel County Office of Law for use by members of the Anne Arundel County Council during consideration of Bill No. 17-22.

Background. The County Master Plan for Water Supply and Sewerage Systems, 2017, as amended (the “Plan”) was originally adopted by this Council in 2017. Any amendments to the plan must also be approved by the Council.

Purpose. The primary purpose of the Bill is to approve several amendments to the Plan that will apply to the future Two Rivers school site.

In **Section 1** of the Ordinance, two amendments to the Plan are set forth. The first is to change the sewer service of the property shown from No Public Service to Planned Service and to move the sewer service area boundary accordingly.

The second change is to change the water service category for the same property from No Public Service to Planned Service and to move the water service area boundary accordingly.

Sections 2 and 3 require that a certified copy of the Plan and map amendments be kept on file with the Administrative Officer to the County Council and the Office of Planning and Zoning (“OPZ”).

Section 4 provides that the Ordinance shall take effect 45 days from the date it becomes

Note: This Legislative Summary provides a synopsis of the bill as introduced. It does not address subsequent amendments to the bill.

law or upon approval by the Maryland Department of the Environment (“MDE”), whichever is later. Section 9-507 of the Environment Article of the State Code requires that MDE approve or disapprove a proposed revision or amendment to the Plan. The County is required to have a Plan that is approved by MDE. (Md. Code Ann., Envir., § 9-503).

Consistent with the provisions in § 9-507, **Section 4** of the Ordinance also provides that, if the changes to the Plan are approved by MDE in whole or in part 45 days after the date it becomes law, the Ordinance shall take effect upon OPZ’s receipt of MDE’s approval. If the amendments are disapproved in whole or in part by MDE, the disapproved portions of the Ordinance become null and void without further action by the County Council. Lastly, **Section 4** requires OPZ to send a copy of the notice from MDE to the Administrative Officer to the County Council.

The Office of Law is available to answer any additional questions regarding this Bill.

Thank you.

cc: Honorable Steuart Pittman, County Executive
Matthew Power, Chief Administrative Officer
Dr. Kai Boggess-de Bruin, Chief of Staff
Peter Baron, Legislative Liaison
Steve Kaii-Ziegler, Planning and Zoning Officer
Lori Rhodes, Deputy Chief Administrative Officer for Land Use
Cindy Carrier, Long Range Planning
Chris Trumbauer, Budget Officer

PROPOSED

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2022, Legislative Day No. 4

Bill No. 18-22

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

By the County Council, February 7, 2022

Introduced and first read on February 7, 2022
Public Hearing set for March 7, 2022
Bill Expires May 13, 2022

By Order: Laura Corby, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Finance, Taxation, and Budget – Opioid Abatement
2 Special Revenue Fund

3
4 FOR the purpose of establishing an Opioid Abatement Special Revenue Fund; providing
5 for payment of revenues restricted in use by the State into the Fund; providing that the
6 Fund shall be a special, non-lapsing fund; specifying the purposes for which transfers
7 may be made from the Fund; and generally relating to finance, taxation, and budget.

8
9 BY adding: § 4-11-125
10 Anne Arundel County Code (2005, as amended)

11
12 WHEREAS, Anne Arundel County and its residents have been harmed by an
13 epidemic of opioid addiction and overdose deaths, as well as by the myriad costs to
14 the health, economic well-being, and welfare of all County residents caused by the
15 epidemic; and

16
17 WHEREAS, certain pharmaceutical manufacturers, distributors, and dispensers
18 engaged in unlawful conduct related to the manufacture, marketing, promotion,
19 distribution, and dispensing of opioids that has caused these harms; and

20
21 WHEREAS, many States and local governments engaged in litigation and
22 settlement negotiations with the manufacturers and distributors in an effort to hold
23 them accountable for their unlawful conduct and to obtain funds to be used to abate
24 the epidemic; and

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

1 WHEREAS, settlement negotiations have resulted in funding available to Anne
2 Arundel County to use to abate the widespread harm of the opioid epidemic; now,
3 therefore,
4

5 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
6 That Section(s) of the Anne Arundel County Code (2005, as amended) read as follows:
7

8 **ARTICLE 4. FINANCE, TAXATION, AND BUDGET**
9

10 **TITLE 11. BUDGET**
11

12 **4-11-125. Opioid Abatement Special Revenue Fund.**
13

14 (A) **Fund established.** THERE IS AN OPIOID ABATEMENT SPECIAL REVENUE FUND INTO
15 WHICH SHALL BE PAID THE COUNTY'S SHARE OF SETTLEMENT PROCEEDS FROM THE
16 NATIONAL SETTLEMENT AGREEMENT OF THE STATE AND NATIONAL LITIGATION
17 RELATED TO THE OPIOID INDUSTRY, INCLUDING THE MANUFACTURING, MARKETING,
18 PROMOTION, DISTRIBUTION, AND DISPENSING OF OPIOIDS.
19

20 (B) **Special Fund.** THE OPIOID ABATEMENT SPECIAL REVENUE FUND IS A SPECIAL,
21 NONLAPSING FUND.
22

23 (C) **Purposes.** THE REVENUE PAID INTO THE FUND SHALL BE USED AS PERMITTED BY
24 THE "STATE-SUBDIVISION AGREEMENT BETWEEN THE STATE OF MARYLAND AND LOCAL
25 GOVERNMENTS ON PROCEEDS RELATING TO THE SETTLEMENT OF OPIOIDS LITIGATION",
26 DATED JANUARY 21, 2022, AND § 7-331(F) OF THE STATE FINANCE AND PROCUREMENT
27 ARTICLE OF THE STATE CODE, AS AMENDED FROM TIME TO TIME.
28

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

**ANNE ARUNDEL COUNTY, MARYLAND
OFFICE OF THE BUDGET**

BILL NUMBER: 18-22

INTRO. DATE: February 7, 2022

FISCAL NOTE

**BILL: AN ORDINANCE CONCERNING: FINANCE, TAXATION, AND BUDGET
– OPIOID ABATEMENT SPECIAL REVENUE FUND**

SUMMARY OF LEGISLATION

The purpose of this legislation is to establish the Opioid Abatement Special Revenue Fund to retain the county's share of settlement proceeds from the national settlement agreement of the state and national litigation related to the opioid industry. Funds may be used as permitted by state law and the state-subdivision agreement between the State of Maryland and local governments, which incorporates the requirements of the national settlement agreements.

FISCAL IMPACT

The distributors (McKesson, Cardinal Health, and AmerisourceBergen) and Johnson & Johnson have until February 25, 2022 to formally accept the settlement. After the settlement is accepted, Anne Arundel County expects to receive annual payments from the distributors over a period of 18 years beginning in April 2022, and from Johnson & Johnson over a period of 9 years beginning in July 2022. Maryland's subdivisions could receive a total of up to \$337.1 million from the distributors and Johnson & Johnson. However, the exact amount that each jurisdiction will receive depends on the total subdivision participation in the state.

All funds from the settlement will flow through the State before being deposited in the Opioid Abatement Special Revenue Fund created by this legislation. Funds must generally be used for opioid abatement purposes. Under the settlement agreement, a portion of the funds may be used to reimburse past opioid abatement expenses. Section 7-331 of the Maryland State Finance and Procurement Article further establishes several uses of funds, which include:

- improving access to medications proven to prevent or reverse an overdose;
- supporting peer support specialists and screening, brief intervention, and referral to treatment services for hospitals, correctional facilities, and other high-risk populations;
- increasing access to medications that support recovery from substance use disorders;

- expanding and establishing safe stations, mobile crisis response systems, and crisis stabilization centers; and
- supporting and expanding other evidence-based interventions for overdose prevention and substance use treatment.



Chris Trumbauer
Budget Officer

2/3/2022

Date

Prepared by: Hannah Dier

cc: Karin McQuade, Controller

PROPOSED

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2022, Legislative Day No. 4

Bill No. 19-22

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

By the County Council, February 7, 2022

Introduced and first read on February 7, 2022
Public Hearing set for March 7, 2022
Bill Expires May 13, 2022

By Order: Laura Corby, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Aggregate Net Energy Metering Credit Purchase
2 Agreement – Glenn Burnie Landfill Solar LLC
3

4 FOR the purpose of approving an Aggregate Net Energy Metering Credit Purchase
5 Agreement between Glenn Burnie Landfill Solar LLC and Anne Arundel County,
6 Maryland, to provide for the purchase by the County of energy output from a solar
7 facility constructed, owned, and operated by Glenn Burnie Landfill Solar LLC on
8 property leased by Glenn Burnie Landfill Solar LLC from the County under the terms
9 and conditions contained in the Aggregate Net Energy Metering Credit Purchase
10 Agreement; and generally relating to the Aggregate Net Energy Metering Credit
11 Purchase Agreement.
12

13 WHEREAS, Glenn Burnie Landfill Solar LLC (“Glenn Burnie Solar”) has leased
14 property in the County from the County at the Glen Burnie Landfill, Dover Road,
15 Glen Burnie, Maryland (the “Property”), which lease was approved by this Council
16 by the passage of Bill No. 12-21; and
17

18 WHEREAS, Glenn Burnie Solar intends to construct, own, and operate one
19 photovoltaic generation facility, with a generating capacity of approximately 2,765
20 kilowatts DC (the “Solar Facility”) and a separate community solar project, on the
21 Property; and
22

23 WHEREAS, the County Executive proposes to enter into an Aggregate Net Energy
24 Metering Credit Purchase Agreement (the “Agreement”) for the Solar Facility
25 through which the County will purchase some of the energy output from the Solar
26 Facility under the terms and conditions contained in the Agreement; and

1 WHEREAS, the Agreement requires that it be approved by the County Council as
2 a condition precedent to its effectiveness; and
3

4 WHEREAS, entering into the Agreement is in the best interests of the County; now,
5 therefore
6

7 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
8 That the Agreement related to the Solar Facility, incorporated herein by reference as if fully
9 set forth, is approved and adopted.
10

11 SECTION 2. *And be it further enacted,* That a copy of the Agreement shall be kept
12 permanently on file with the Administrative Officer to the County Council.
13

14 SECTION 3. *And be it further enacted,* That the County Executive or his authorized
15 designee is hereby authorized on behalf of the County to execute and deliver the Agreement
16 in substantially the same form hereby approved with (i) such changes in form or such
17 changes in content which do not materially affect the interests of the County, and (ii) such
18 other changes as may be approved by Resolution or Resolutions of the County Council.
19

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

**ANNE ARUNDEL COUNTY, MARYLAND
OFFICE OF THE BUDGET**

BILL NUMBER: 19-22

INTRO. DATE: February 7, 2022

FISCAL NOTE

**BILL: AN ORDINANCE CONCERNING: AGGREGATE NET ENERGY
METERING CREDIT PURCHASE AGREEMENT – GLENN BURNIE
LANDFILL SOLAR LLC**

SUMMARY OF LEGISLATION

The purpose of this legislation is to approve an Aggregate Net Energy Metering Credit Purchase Agreement between Glenn Burnie Landfill Solar LLC and Anne Arundel County, Maryland, and to provide for the purchase by the County of energy output from a solar facility constructed, owned, and operated by Glenn Burnie Landfill Solar LLC.

FISCAL IMPACT

Exhibit 1 compares estimated County electricity purchasing costs from the grid to the Power Purchase Agreement (PPA) over 25 years. Due to a projected increase in the cost of electricity purchased from the grid over time, the PPA is projected to save the County approximately \$2.8 million over the 25-year period of the agreement.

Exhibit 1	
Estimated 25-Year Nominal Electricity Costs	
Market (Grid)	\$12,516,945
Power Purchasing Agreement (PPA)	\$9,680,960
Savings Associated with PPA	\$2,835,985


Chris Trumbauer
Budget Officer

2/3/2022
Date

Prepared by: Samantha Chiriaco
Reviewed by: Hannah Dier

cc: Karin McQuade, Controller

PROPOSED

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2022, Legislative Day No. 4

Bill No. 20-22

Introduced by Mr. Pruski, Ms. Lacey, and Ms. Pickard

By the County Council, February 7, 2022

Introduced and first read on February 7, 2022
Public Hearing set for March 7, 2022
Bill Expires on May 13, 2022

By Order: Laura Corby, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Legislative Branch – Compensation – Benefits

2
3 FOR the purpose of increasing the salaries of members of the County Council as
4 recommended by the Salary Standard Commission with a certain limitation; amending
5 certain benefits and allowances of members of the County Council as recommended by
6 the Salary Standard Commission; and generally relating to the Legislative Branch.
7

8 BY repealing: § 2-2-101
9 Anne Arundel County Code (2005, as amended)

10
11 BY adding: § 2-2-101
12 Anne Arundel County Code (2005, as amended)

13
14 BY repealing and reenacting, with amendments: § 2-2-102(b), (c), and (d)
15 Anne Arundel County Code (2005, as amended)

16
17 WHEREAS, on December 20, 2021 the Anne Arundel County Salary Standard
18 Commission submitted its report and recommended certain increases to the salaries
19 and benefits for the members of the County Council for the Council term beginning
20 in December, 2022; and

21
22 WHEREAS, the Anne Arundel County Council now wishes to adopt the increases
23 to the salaries, subject to a limitation, and benefits for the members of the County
24 Council, as recommended by the 2021 Salary Standard Commission; now,
25 therefore,

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.

SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
That § 2-2-101 of the Anne Arundel County Code (2005, as amended) be repealed.

SECTION 2. *And be it further enacted,* That Section(s) of the Anne Arundel County
Code (2005, as amended) read as follows:

ARTICLE 2. BRANCHES OF COUNTY GOVERNMENT

TITLE 2. LEGISLATIVE BRANCH

2-2-101. Compensation.

(A) **General.** EXCEPT AS PROVIDED IN SUBSECTION (B), THE SALARIES OF THE
MEMBERS OF THE COUNTY COUNCIL SHALL BE AS FOLLOWS:

(1) THE CHAIR OF THE COUNTY COUNCIL SHALL RECEIVE, WHILE IN THAT OFFICE,
AN ANNUAL SALARY AS FOLLOWS:

(I) \$ 47,153 BEGINNING THE FIRST MONDAY IN DECEMBER, 2022;

(II) \$ 48,332 BEGINNING THE FIRST MONDAY IN DECEMBER, 2023;

(III) \$ 49,540 BEGINNING THE FIRST MONDAY IN DECEMBER, 2024; AND

(IV) \$ 50,779 BEGINNING THE FIRST MONDAY IN DECEMBER, 2025.

(2) THE VICE CHAIR OF THE COUNTY COUNCIL SHALL RECEIVE, WHILE IN THAT
OFFICE, AN ANNUAL SALARY AS FOLLOWS:

(I) \$ 43,271 BEGINNING THE FIRST MONDAY IN DECEMBER, 2022;

(II) \$ 44,353 BEGINNING THE FIRST MONDAY IN DECEMBER, 2023;

(III) \$ 45,461 BEGINNING THE FIRST MONDAY IN DECEMBER, 2024; AND

(IV) \$ 46,598 BEGINNING THE FIRST MONDAY IN DECEMBER, 2025.

(3) EACH OTHER MEMBER OF THE COUNTY COUNCIL SHALL RECEIVE, WHILE IN
THAT OFFICE, AN ANNUAL SALARY AS FOLLOWS:

(I) \$ 42,161 BEGINNING THE FIRST MONDAY IN DECEMBER, 2022;

(II) \$ 43,215 BEGINNING THE FIRST MONDAY IN DECEMBER, 2023;

(III) \$ 44,295 BEGINNING THE FIRST MONDAY IN DECEMBER, 2024; AND

(IV) \$ 45,402 BEGINNING THE FIRST MONDAY IN DECEMBER, 2025.

(B) **Limitation.** IF THE RATE INCREASES IN THE ANNUAL SALARIES FOR THE
COUNCILMEMBERS FOR A PARTICULAR YEAR EXCEED THE TOTAL RATE OF ANY COST-OF-
LIVING ADJUSTMENT PROVIDED TO CLASSIFIED EMPLOYEES ON THE NR PAY SCHEDULE
FOR THAT FISCAL YEAR, THEN THE SALARY INCREASES OF THE COUNCILMEMBERS SHALL
BE LIMITED TO THE TOTAL COST-OF-LIVING ADJUSTMENT FOR THAT FISCAL YEAR.

1 **2-2-102. Benefits.**

2
3 (b) **Health insurance benefit.** Members of the County Council may participate in
4 health programs in the same manner as County employees subject to the following
5 conditions:

6
7 (1) Any Council member who is a retired County employee as of the beginning of
8 their first elected, first appointed or non-consecutive term in office shall be eligible to
9 participate in the County health insurance program as a retiree and pay the prevailing retiree
10 premium cost.

11
12 (2) Any Council member who is not a retired County employee as of the beginning
13 of their first elected, first appointed, or non-consecutive term in office on or after [[July 1,
14 2009]] DECEMBER 5, 2022 shall pay [[100%]] 50% of the premium cost of coverage set by
15 the Personnel Officer for health insurance during their term.

16
17 (c) **Transportation allowance.** [[Subject to approval in the budget, a]] A member of
18 the County Council shall [[be eligible for compensation]] RECEIVE \$450 for transportation
19 expenses[[, not to exceed \$350]] per month[[,]] for use of a personal vehicle to conduct
20 County business [[and provided the member makes an annual election by January 1 for the
21 upcoming fiscal year]].

22
23 (d) **Technology allowance.** A member of the County Council shall [[be eligible for]]
24 RECEIVE a technology allowance[[, not to exceed]] OF \$100 per month[[,]] to cover the
25 expense of using a personal computer, tablet, or cellular phone to conduct Council
26 business.

27
28 SECTION 3. *And be it further enacted,* That this Ordinance shall take effect 45 days
29 from the date it becomes law.

**ANNE ARUNDEL COUNTY COUNCIL
2021 SALARY STANDARD COMMISSION**

Arundel Center
Annapolis, MD 21401

December 20, 2021

Anne Arundel County Council
44 Calvert Street
Annapolis, MD 21401

Dear Chairwoman Rodvien and Members of the County Council:

I am pleased to present the final report of the 2021 Salary Standards Commission with our recommendations for Anne Arundel County Council Members elected in November 2022.

By Council Resolution 43-21, adopted on September 7, 2021, and consistent with the requirements of the Annotated Code of Maryland and the Anne Arundel County Charter, the members appointed to the Commission included myself (O'Brien Atkinson), serving as Chair, Idella Gregory, serving as Vice Chair, Phiona "Quincy" Bareebe, Brian Griffiths, Douglas Nichols, Tyler Patton, and William Kraus.

Over the past several months, the Commission conducted research and received information from the incumbents, the Personnel Officer, Budget Officer, and other County staff. We also reviewed data related to the Anne Arundel County budget, coupled with a review of the compensation and history of our County Council and County Council members of comparable jurisdictions.

All of our meetings were open to the public in accordance with the Maryland Open Meetings Act.

The ability of the Commission to complete our work in a timely and thorough manner is a reflection of the commitment of the Commission and County staff who assisted us with coordination, research, and legal opinions. In particular, the Commission would like to thank Laura Corby, Administrative Officer, Kaley Schultze, Assistant Administrative Officer, Susan F. Cline, Legislative Secretary, Linda Schuett, Esq., Legislative Counsel, Lori L. Blair Klasmeier, Deputy County Attorney.

The members of the Commission thank you for giving us the opportunity to serve the citizens of Anne Arundel County in this assignment. Although our formal charge is complete upon submission of our report, we are available to provide further advice or consultation at your request.

Sincerely,



O'Brien Atkinson, IV

Chair, Anne Arundel County Council 2021 Salary Standard Commission

**REPORT AND RECOMMENDATIONS OF THE
ANNE ARUNDEL COUNTY COUNCIL
2021 SALARY STANDARD COMMISSION**

Introduction

The 2021 Salary Standard Commission is pleased to submit its report and recommendation for compensation and allowances to be paid to members of the County Council who are elected to office at the 2022 general election.

The Salary Standard Commission is made up of an eclectic group of representatives with differing viewpoints on how our elected officials should be compensated. As highlighted by prior Commissions, members of the County Council are not “employees” in the traditional sense. They are elected officials who hold offices of public trust. The Charter Board that developed the County’s charter is on record having stated, “The Charter board is convinced that membership on the Council is an honor, a duty, and a responsibility of the citizens of the community.”

Determining the proper level of compensation and allowances for members of the County Council, as also noted in previous reports, is neither a science nor an art. It requires a balancing of many factors. While many of these factors remain consistent year to year, new factors present themselves, and the weight of each of these factors varies with each passing Commission.

The fact that compensation for County Council members is less today than it was twenty years ago weighed heavily on many of our Commission members, however, the Commission was consistently reminded that reductions in benefits and allowances were done without the recommendation or support of prior Salary Standards Commission members. Cuts were made under the banner of fiscal conservatism at the hands of the County Council members themselves.

Four years ago, the Salary Standards Commission shone a bright light on the fact that the salaries and benefits for County Council members had fallen drastically behind over the last twenty years, as demands for constituent services and community outreach have increased dramatically. The County Council, at that time, approved the recommendations of the Commission with little to no fanfare. Although they carried little weight with the current Commission, the key findings of the 2017 Commission were considered.

We sincerely hope that the County Council will accept and implement the recommendations of our Commission for the next Council. A great deal of work went into the formulation of our recommendations and we remain available to address any questions or concerns that the County Council may have with regard to those recommendations.

Summary of Recommendations:

Salary Adjustment	2023	2024	2025	2026
Councilmember	\$42,161	\$43,215	\$44,295	\$45,402
Vice Chair	\$43,271	\$44,353	\$45,461	\$46,598
Chairman	\$47,153	\$48,332	\$49,540	\$50,779

Current Council Member salaries are as follows:

Councilmember	\$41,133
Council Vice Chair	\$42,216
Council Chair	\$46,003

Recommended Constituent Outreach Allowances	Phone, Internet	Automobile Allowance
Councilmember	\$100/month	\$450/month
Vice Chair	\$100/month	\$450/month
Chairman	\$100/month	\$450/month

Current Outreach Allowances	Phone, Internet	Automobile Allowance
Councilmember	\$100/month	\$350/month
Vice Chair	\$100/month	\$350/month
Chairman	\$100/month	\$350/month

Healthcare

When compared to other comparable jurisdictions, it was discovered that most receive healthcare benefits as a part of their compensation. Anne Arundel County Council members also receive healthcare benefits. However, unlike other jurisdictions, members of the Anne Arundel County Council must currently pay 100% of the premium costs for the county health care plan—there is no County contribution toward health care costs for Council Members. Conversely, both fulltime and part time employees in Anne Arundel County are provided with healthcare subsidies as a matter of practice.

According to documentation provided to the Commission, County employees have health benefits which were once enjoyed by County Council Members, however, those benefits were removed by a vote of the Council themselves. Full-time employees and part-time employees working 50% or more are eligible for medical, dental, visions, FSA, basic and supplemental life insurance. A full-time employee that is enrolled in the County's healthcare plan pays 15% of the cost. Part-time employees pay more for health insurance based on their percentage of employment. For example, if the County pays \$1414.51 per month for a full-time employee, a part time employee working 50% of that time will only receive \$707.26. The employee is responsible for the remainder.

Without making a determination or judgement as to whether County Council membership is employment per se, much less full-time or part-time, the Commission is recommending a 50% subsidy for County Council members who receive their healthcare benefits through the County Government. The justification for this recommendation is that the Commission feels that providing health coverage, even at a 50/50 cost sharing, will aid in encouraging citizens to run for positions on the Council. The Commission recognizes that good government is not best served if only the wealthy can afford to serve. While many of the current Council have health benefits, the Commission felt that this is not universally true of all our County residents, so providing an option to obtain coverage was a benefit that would serve to increase the pool of qualified candidates for service on the Council.

Pension

When compared to other comparable jurisdictions, Anne Arundel County Council members are currently listed as providing pension benefits. However, unlike other jurisdictions, members of the Anne Arundel County Council are currently only eligible to receive a benefit after 10 years of actual plan service plus transferred service from the State or a political subdivision of the State. Council Members are limited to 2 consecutive 4-year terms. Unless they have additional service, they will likely not vest in the pension plan and therefore receive no pension benefits. While we discussed this fact, the Commission is making no recommendations for modifying pension benefits at this time.

Cost of Living Adjustments

There was a great deal of discussion about providing a cost of living adjustment to the recommendation provided by the Commission, however, the Commission decided that there would be no structured cost of living adjustments at this time as the members felt that the proposed salary increase adequately addressed the issue of compensation.

Background

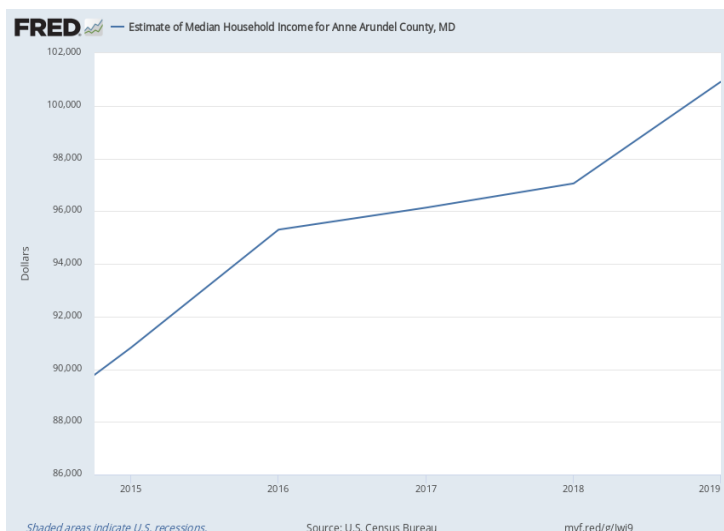
There was considerable discussion and debate surrounding the best way that our Commission could honor the wishes of the Charter Board, consider the needs of the constituents, and balance the need to provide fair compensation for anyone wishing to take on the responsibility of public service on the County Council.

The Commission also noted that many of the Council members work considerable hours in fulfilling both legislative and constituent duties. While we recognize that how much time a Council member works is a factor of their own choosing, and should not form the basis of determining compensation, we recognize the considerable time and effort our Council members put forth in the fulfillment of their offices and that was a motivating factor in our recommendations today.

In the end, one Commissioner was able to strike the delicate balance which brought together our recommendations for this session. Commissioner William Kraus provided his insight to the Commission and offered several thoughts. He pointed out that on three occasions, the Council chose not to accept a recommendation, or did not put forward a bill, to raise their salaries. We also discussed the fact that many of the cuts to benefits provided to the County Council were made, voted on, and approved by members of past County Council themselves. As such, he said that we should feel no obligation to make up for their past choices, nor feel compelled to compare our situation and needs to those of other counties in Maryland. He also pointed out that council jobs are not fungible, with labor traveling to wherever they can get the most for their talents. People run to serve in the County that they choose to make their home. As a result, while he and other members found the other county salaries informative, many did not believe they should dictate how we would proceed with our recommendation.

That said, we all agree that good governance is fundamental to a harmonious and prosperous community, and providing a reasonable compensation for the Council will help entice people to consider taking on the duties and responsibilities of these positions, which in itself creates a public good. While the success of our citizens is properly attributed to their own efforts and talents, it cannot be denied that an efficient county government materially contributes to the education, health, public safety and constructive business environment that gives its citizens the environment, resources and opportunities they need to succeed and prosper.

Commissioner Kraus noted that in 2019, the US Census Bureau reported the median household income in Anne Arundel County was \$90,825. Today, the Census Bureau reports it to be \$100,798. This equates to a 9% increase in the last 3 years. Similarly, the County estimates that revenue to the County Government will increase in 2022 by 9%. Curiously enough, according to the Census Bureau, between the 2010 and 2020 census, the County's population rose by 9% (from 539,284 to 588,261). He painted a very clear picture of where he was headed.



He made the case that these figures present a realistic point to use in assessing what is an appropriate increase in the Council member's salaries. It is by the Council's efforts that our citizens have had the kind of governance that promotes the educational and business opportunities and the community environment for people to prosper. It is only reasonable and appropriate that the Council should be rewarded for that effort.

Commissioner Kraus stated, "In searching to find a reasonable amount, I have considered the figures I just recounted to you. While I recognize this measure is not always going to be appropriate as a means of recommending a salary for the Council, and it may not be the best, it seems, in these uncertain economic times, a reasonable basis in this instance. It presents an easily identified and rational figure that is not only responsive to the progress made in our County but also within the range of amounts and percentages that has been expressed by many of the members of the Commission." In an effort to identify a workable and easily budgeted amount, the Commission ultimately agreed to recommend a 2.5% increase each year, for the next four years, resulting in a 10% increase overall.

Considerations Discussed

Despite recommendations to do so, the Council did not raise salaries for future Council Members from 2003 - 2017.

Two Salary Standard Commissions held since 2003 recommended increases for the Council. One recommended no increase and none recommended reductions in other benefits and allowances.

- The Salary Standard Commission of 2005 recommended an increase on a graduated basis of 2% per year in each of the four years of the following term of office.
- In the midst of the recession, the Salary Standard Commission of 2009 recommended no increase in salary.
- The Salary Standard Commission of 2013 recommended a salary increase of 3% annually for the subsequent 4 years.

Despite recommendations to maintain certain benefits, the County Council has stripped themselves of several benefits worth more than half of a current Council member's salary.

The total compensation package of Council members has worsened over the past few years, as salary levels have been held flat and benefits and allowances have been removed. Even during the midst of the recession, the Salary Standard Commission of 2009 recommended maintaining all benefits and allowances. Instead, the Council reduced and eliminated benefits in 2010, and again in 2013.

Total Compensation Package

The Commission reviewed the salary and benefits as a total compensation package, and found that the modest salary increases, accompanied by limited healthcare benefits, and reasonable allowances for vehicle use and computer and phone communications would result in a total compensation package was reasonable, fiscally prudent, and would seek to encourage citizens to not be dissuaded from public service by the compensation available in a Council position.

a. Year beginning January 2023

	2022 Salary	Increase	2023 Salary	Increase of	Phone/Internet	Car Use
Council	\$41,133	2.5%	\$42,161	\$1,028	\$100/month	\$450/month
Vice Chair	\$42,216	2.5%	\$43,271	\$1,055	\$100/month	\$450/month
Chairman	\$46,003	2.5%	\$47,153	\$1,150	\$100/month	\$450/month

b. Year beginning January 2024

	2023 Salary	Increase	2024 Salary	Increase of	Phone/Internet	Car Use
Council	\$42,161	2.5%	\$43,215	\$1,054	\$100/month	\$450/month
Vice Chair	\$43,271	2.5%	\$44,353	\$1,082	\$100/month	\$450/month
Chairman	\$47,153	2.5%	\$48,332	\$1,179	\$100/month	\$450/month

c. Year beginning January 2025

	2024 Salary	Increase	2025 Salary	Increase of	Phone/Internet	Car Use
Council	\$43,215	2.5%	\$44,295	\$1,080	\$100/month	\$450/month
Vice Chair	\$44,353	2.5%	\$45,461	\$1,108	\$100/month	\$450/month
Chairman	\$48,332	2.5%	\$49,540	\$1,179	\$100/month	\$450/month

d. Year beginning January 2026

	2025 Salary	Increase	2026 Salary	Increase of	Phone/Internet	Car Use
Council	\$44,295	2.5%	\$45,402	\$1,107	\$100/month	\$450/month
Vice Chair	\$45,461	2.5%	\$46,598	\$1,137	\$100/month	\$450/month
Chairman	\$49,540	2.5%	\$50,779	\$1,239	\$100/month	\$450/month

Legal Authority for the Establishment of the Commission

MD Code, Local Government, § 10-302, (a) states that “by ordinance, a county may establish a commission to recommend compensation and allowances for members of the county legislative body.” MD Code, Local Government, § 10-302, (b)(2) provides that “the commission may recommend an increase or decrease in the compensation and allowances for members of the county legislative body.”

The Anne Arundel County Charter provides that, “each member of the County Council shall be paid for the performance of his duties as provided in this Chapter the sum of Twenty-one Hundred Dollars (\$2,100.00) per annum...as full compensation for all services required by law or by this Charter to be performed by members of the County Council.”

-Anne Arundel County Charter, § 204 (1964)

Pursuant to § 3-9-101 of the Anne Arundel County Code, “there is a Salary Standard Commission composed of seven members appointed by the County Council. The Commission shall report to the County Council in accordance with Local Government Article, § 10-302, of the State Code.” Additionally, by Bill No. 107-73, the Council created a seven-member Salary Standard Commission for Anne Arundel County. Anne Arundel County Code, Article 2, § 201(a). This provides that the Commission shall report to the County Council in accordance with Article 25A, §5AA of the State Code.”

The County Council Salaries are defined in § 2-2-101 of the County Code as follows:

- (1) The Chair of the County Council is entitled to receive, while in that office, an annual salary of \$41,133 for the entire term beginning the first Monday in December, 2021.
- (2) The Vice Chair of the County Council is entitled to receive, while in that office, an annual salary of \$42,216 for the entire term beginning the first Monday in December, 2021.
- (3) Each other member of the County Council is entitled to receive, while in that office, an annual salary of \$46,003 for the entire term beginning the first Monday in December, 2021.

The County Council pursuant to Resolution 43-21 adopted on September 7, 2021, established the 2021 Salary Standard Commission to set compensation and allowances to be paid to members of the County Council. A copy of Resolution 43-21 is included in the Appendix to this Report as Exhibit A.

Summary of Recommendations:

The Commission believes that these recommendations for compensation to be paid to members of the County Council who will be elected in November 2022 are fair and reasonable to members of the Council and the public to whom they serve.

We strongly urge the County Council to implement these recommendations.

PROPOSED

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2022, Legislative Day No. 4

Bill No. 21-22

Introduced by Ms. Fiedler

By the County Council, February 7, 2022

Introduced and first read on February 7, 2022
Public Hearing set for March 7, 2022
Bill Expires May 13, 2022

By Order: Laura Corby, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Subdivision and Development and Zoning – Cluster
2 Development

3
4 FOR the purpose of adding subdivision and development and zoning provisions relating to
5 cluster development; exempting applications for cluster development made before a
6 certain date from the new provisions; prohibiting modifications to certain open space
7 requirements for cluster development; allowing “cluster development” as a conditional
8 use in certain residential zoning districts; adding the conditional use requirements for
9 cluster development; repealing the bulk regulations for cluster development in certain
10 residential zoning districts; repealing the conditional use and special exception use
11 requirements for “duplexes and semi-detached dwellings”; making certain conforming
12 changes; and generally relating to subdivision and development and zoning.

13
14 BY repealing: §§ 18-1-101(31); 18-10-122; and 18-11-123
15 Anne Arundel County Code (2005, as amended)

16
17 BY renumbering: §§ 17-1-101(16) through (101), respectively, to be 17-1-101(17) through
18 (102), respectively; 17-2-108(b) through (f), respectively, to be 17-2-108(c) through
19 (g), respectively; 18-1-101(32) through (163), respectively, to be 18-1-101(31) through
20 (162), respectively; 18-10-115 through 18-10-166, respectively, to be 18-10-116
21 through 18-10-166, respectively; and 18-11-124 through 18-11-167, respectively to be
22 18-11-123 through 18-11-166, respectively
23 Anne Arundel County Code (2005, as amended)

EXPLANATION: CAPITALS indicate new matter added to existing law.
[[Brackets]] indicate matter repealed 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 BY repealing and reenacting, with amendments: §§ 17-2-101(b)(13) and (14); 17-2-108(a);
2 17-3-502(b); 17-3-505; 17-8-205(4); 18-4-106; 18-4-301; 18-4-401(a)(1); 18-4-501;
3 18-4-601; and 18-4-701

4 Anne Arundel County Code (2005, as amended)

6 BY adding: §§ 17-1-101(16); 17-2-101(15); 17-2-108(b); and 18-10-115

7 Anne Arundel County Code (2005, as amended)

9 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
10 That §§ 18-1-101(31), 18-10-122, and 18-11-123 of the Anne Arundel County Code (2005,
11 as amended) are hereby repealed.

13 SECTION 2. *And be it further enacted,* That §§ 17-1-101(16) through (101), 17-2-
14 108(b) through (f), 18-1-101(32) through (163), 18-10-115 through 18-10-166, and 18-11-
15 124 through 18-11-167, respectively, of the Anne Arundel County Code (2005, as
16 amended) are hereby renumbered to be §§ 17-1-101(17) through (102), 17-2-108(c)
17 through (g), 18-1-101(31) through (162), 18-10-116 through 18-10-166, and 18-11-123
18 through 18-11-166, respectively.

20 SECTION 3. *And be it further enacted,* That Section(s) of the Anne Arundel County
21 Code (2005, as amended) read as follows:

23 **ARTICLE 17. SUBDIVISION AND DEVELOPMENT**

25 **TITLE 1. GENERAL PROVISIONS**

27 **17-1-101 Definitions.**

29 Unless defined in this article, the Natural Resources Article of the State Code, or
30 COMAR, the definitions of words defined elsewhere in this Code apply in this article. The
31 following words have the meanings indicated:

33 (16) "CLUSTER DEVELOPMENT" MEANS A RESIDENTIAL DEVELOPMENT IN WHICH
34 DWELLING UNITS ARE CONCENTRATED IN A SELECTED AREA OR SELECTED AREAS OF THE
35 DEVELOPMENT THROUGH FLEXIBILITY IN LOT DESIGN, SO AS TO PRESERVE AND PROTECT
36 NATURAL FEATURES OR OTHER OPEN SPACE ON THE REMAINDER OF THE SITE, WHILE NOT
37 EXCEEDING THE ALLOWED DENSITY WITHIN THE ZONING DISTRICT.

39 **TITLE 2. GENERAL PROVISIONS**

41 **17-2-101. Scope; applicability.**

43 (b) **Applicability to pending and future proceedings.** Subject to the grandfathering
44 provisions of COMAR Title 27, this article applies to all pending and future proceedings
45 and actions of any board, department, or agency empowered to decide applications under
46 this Code, except that:

48 (13) an application for sketch plan approval, final plan approval, preliminary plan
49 approval, or approval of a building or grading permit associated with a site development

plan filed before January 1, 2019 shall be governed by the provisions of § 17-6-110 as they existed prior to April 14, 2019; ~~[[and]]~~

(14) the following shall be governed by the law as it existed prior to January 9, 2020:

(i) an application for approval of a sketch plan, final plan, final infrastructure construction plan, preliminary plan, or site development plan, and any building or grading permits associated with these plans, filed on or before December 15, 2019;

(ii) applications for building and grading permits that are not associated with a final plan or site development plan filed on or before December 15, 2019;

(iii) revisions to the plans and permits referenced in subparagraphs (i) and (ii) that do not materially alter the proposed or actual limits of disturbance; and

(iv) an application for a special exception filed on or before December 15, 2019 and all applications associated with the special exception~~[[.]]~~; AND

(15) AN APPLICATION FOR APPROVAL OF A SKETCH PLAN OR FINAL PLAN FOR A CLUSTER DEVELOPMENT, AND ANY BUILDING PERMIT, GRADING PERMIT, OR OTHER APPLICATION ASSOCIATED WITH A CLUSTER DEVELOPMENT, FILED BEFORE THE EFFECTIVE DATE OF BILL NO. 21-22 SHALL BE GOVERNED BY THE LAW AS IT EXISTED PRIOR TO THE EFFECTIVE DATE OF BILL NO. 21 -22.

17-2-108. Modifications.

(a) **Generally.** ~~[[The]]~~ EXCEPT AS PROVIDED IN SUBSECTION (B), THE Planning and Zoning Officer may approve an application for a modification to any provision of this article ~~[[other than § 17-2-107 or one contained in Titles 5, 8, or 9, except as allowed by §§ 17-5-203(b), 17-5-205(b), 17-8-201(b), 17-8-203(c), 17-8-403, 17-8-601(b)(2), 17-8-601(c), 17-8-901, or 17-9-401,]]~~ and to any applicable regulations, manuals, or specifications, including the DPW Design Manual, upon making specific findings, enumerated in writing, that the modification request satisfies each of the following criteria:

(1) practical difficulties or unnecessary hardship will result from strict application of this article or, for a modification relating to forest conservation, unwarranted hardship will result due to special features of the site or other circumstances;

(2) the purposes of this article, including minimization and mitigation of environmental impacts through the use of clustering or other available design alternatives to preserve the character of the impacted area, will be served by an alternative proposal;

(3) the modification is not detrimental to the public health, safety, or welfare, is not injurious to other properties, or, if the modification relates to forest conservation, does not adversely affect water quality;

(4) the modification does not have the effect of nullifying the intent and purpose of this article, the General Development Plan, or Article 18 of this Code; and

(5) the applicant has submitted written verification to the Office of Planning and Zoning that:

(i) the requested modification was disclosed and discussed at a community meeting required under this article; or

(ii) all owners of property located within 300 feet of the affected property were mailed a notice explaining the reason for the modification, along with a copy of the request for modification.

(B) Modifications not allowed. THE PLANNING AND ZONING OFFICER MAY NOT APPROVE AN APPLICATION FOR A MODIFICATION TO:

(1) § 17-2-107;

(2) ANY PROVISION CONTAINED IN TITLES 5, 8, OR 9, EXCEPT AS ALLOWED BY §§ 17-5-203(B), 17-5-205(B), 17-8-201(B), 17-8-203(C), 17-8-403, 17-8-601(B)(2), 17-8-601(C), 17-8-901, OR 17-9-401; OR

(3) THE OPEN SPACE REQUIREMENTS OF § 17-6-111 FOR A CLUSTER DEVELOPMENT.

TITLE 3. SUBDIVISION

17-3-502. Lot design criteria.

(b) **Building envelope.** A residential lot shall be of sufficient size to have a building envelope[. Residential dwelling units on residential lots shall be clustered to the maximum extent practicable as determined by the Office of Planning and Zoning. In determining the extent to which clustering will be required for a minor subdivision or subdivision of lots shown on a previously recorded plat, the Planning and Zoning Officer shall evaluate the development patterns and lot sizes of adjoining properties and approve development that does not substantially alter the character of the neighborhood. The lots shall be of sufficient size to have a building envelope] unencumbered by easements or restrictions that substantially restrict the use of the building envelope.

17-3-505. Residential subdivisions abutting heavy industrial zones.

A residential subdivision on property abutting a W3 Heavy Industrial Zone shall be a cluster development pursuant to [[§ 17-3-502]] ARTICLES 17 AND 18 OF THIS CODE. [[For a residential subdivision developed on a parcel of at least 20 acres under this section, the Office of Planning and Zoning shall approve a development in accordance with bulk regulations under § 18-4-601 of this Code in order to ensure, to the extent reasonably practicable, sufficient buffers for the cluster subdivision for sight obstruction and to shield against nuisances, including noise, light, vibrations, noxious odors, dust, or debris emanating from the abutting industrial zone.]]

TITLE 8. CRITICAL AREA OVERLAY

17-8-205. Development in the IDA.

Development in the IDA shall comply with the following criteria in accordance with COMAR requirements:

(4) Proposed development shall use cluster development IN ACCORDANCE WITH ARTICLES 17 AND 18 OF THIS CODE as a means to reduce lot coverage and maximize areas of vegetation.

ARTICLE 18. ZONING

TITLE 4. RESIDENTIAL DISTRICTS

18-4-106. Permitted, conditional, and special exception uses.

The permitted, conditional, and special exception uses allowed in each of the residential districts are listed in the chart in this section using the following key: P = permitted use; C = conditional use; SE = special exception use. A blank means that the use is not allowed in the district. Except as provided otherwise in this article, uses and structures customarily accessory to the listed uses also are allowed, except that guest houses as accessory structures are prohibited and outside storage as an accessory use is limited to the lesser of 10% of the allowed lot coverage or 500 square feet.

Permitted, Conditional, and Special Exception Uses	RA	RLD	R1	R2	R5	R 10	R 15	R 22

Clay and borrow pits or sand and gravel operations	SE							
CLUSTER DEVELOPMENT	C	C	C	C	C			

Dwellings, duplex and semi-detached				[[SE]]	[[C]]	P	P	

18-4-301. Bulk regulations.

Except FOR CLUSTER DEVELOPMENT OR as provided otherwise in this article, the following bulk regulations are applicable in an RA District:

[[Cluster development:	

Minimum lot size	20,000 square feet
Maximum lot size	120,000 square feet
Minimum width at front of building restriction line	80 feet
Minimum setbacks for principal structures:	
Front lot line	5 feet, but if parking is located in the front yard, 18 feet
Rear lot line	15 feet
Side lot line	10 feet
Boundary line of the cluster development site	50 feet from adjacent residentially zoned and developed property, except that the setback may be reduced by the Planning and Zoning Officer to preserve environmental features and the setback may be reduced to 25 feet if the adjoining lot is an open space lot created under § 17-6-111 of this Code
Minimum setbacks from side and rear lot lines for accessory structures other than sheds that do not exceed 64 square feet in area and eight feet in height	10 feet or, for structures less than 8 feet in height (other than swimming pools, tennis courts, basketball courts, and similar private recreational facilities accessory to single-family detached, duplex, or semi-detached dwellings), 5 feet]]

18-4-401. Bulk regulations.

(a) Generally.

(1) Except FOR CLUSTER DEVELOPMENT OR as provided otherwise in this article, the following bulk regulations are applicable in an RLD District:

[[Cluster development:	
Minimum setbacks for principal structures:	
Front lot line	5 feet, but if parking is located in the front yard, 18 feet
Rear lot line	15 feet
Side lot lines	10 feet
Boundary line of the cluster development site	50 feet from adjacent residentially zoned and developed property, except that the setback may be reduced by the Planning and Zoning Officer to preserve environmental features and the setback may be reduced to 25 feet if

	the adjoining lot is an open space lot created under § 17-6-111 of this Code
Minimum setbacks from side and rear lot lines for accessory structures other than sheds that do not exceed 64 square feet in area and eight feet in height	10 feet or, for structures less than 8 feet in height (other than swimming pools, tennis courts, basketball courts, and similar private recreational facilities accessory to single-family detached, duplex, or semi-detached dwellings), 5 feet]]

18-4-501. Bulk regulations.

Except FOR CLUSTER DEVELOPMENT OR as provided otherwise in this article, the following bulk regulations are applicable in an R1 District:

[[Cluster development:	
Minimum lot size	None, except for adult independent dwelling unit developments served by public sewer with a minimum net area of 50 acres, each of which units shall be on a lot not less than 10,000 square feet
Maximum individual lot coverage by structures	Determined by setbacks and constraints imposed by characteristics of lot, coverage not to exceed 50%
Minimum width at front building restriction line	80 feet or, for adult independent dwelling unit developments served by public sewer with a minimum net area of 50 acres, 60 feet
Minimum setbacks for principal structures:	
Front lot line	5 feet, but if parking is located in the front yard, 18 feet
Rear lot line	10 feet
Side lot lines	7 feet
Boundary line of the cluster development site	50 feet from adjacent residentially zoned and developed property, except that the setback may be reduced by the Planning and Zoning Officer to preserve environmental features and the setback may be reduced to 25 feet if the adjoining lot is an open space lot created under § 17-6-111 of this Code
Minimum setbacks from side and rear lot lines for accessory structures other than sheds that do not exceed 64 square	7 feet or, for structures less than 8 feet in height (other than swimming pools, tennis courts, basketball courts, and similar private recreational facilities accessory to single-family detached, duplex, or semi-detached dwellings), 5 feet]]

feet in area and eight feet in height	
---------------------------------------	--

18-4-601. Bulk regulations.

Except FOR CLUSTER DEVELOPMENT OR as provided otherwise in this article, the following bulk regulations are applicable in an R2 District:

[[Cluster development:	
Maximum individual lot coverage by structures	Determined by setbacks and constraints imposed by characteristics of lot, coverage not to exceed 60%
Minimum width at front building restriction line	50 feet
Minimum setbacks for principal structures:	
Front lot line	5 feet, but if parking is located in the front yard, 18 feet
Rear lot line	10 feet
Side lot lines	7 feet
Boundary line of the cluster development site	50 feet from adjacent residentially zoned and developed property, except that the setback may be reduced by the Planning and Zoning Officer to preserve environmental features and the setback may be reduced to 25 feet if the adjoining lot is an open space lot created under § 17-6-111 of this Code
Minimum setbacks from side and rear lot lines for accessory structures other than sheds that do not exceed 64 square feet in area and eight feet in height	7 feet or, for structures less than 8 feet in height (other than swimming pools, tennis courts, basketball courts, and similar private recreational facilities accessory to single-family detached, duplex, or semi-detached dwellings), 5 feet]]

18-4-701. Bulk regulations.

Except FOR CLUSTER DEVELOPMENT OR as provided otherwise in this article, the following bulk regulations are applicable in an R5 District:

[[Cluster development:	
Maximum individual lot coverage by structures	Determined by setbacks and constraints imposed by characteristics of lot, coverage not to exceed 75%

Minimum width at front building restriction line	40 feet
Minimum setbacks for principal structures:	
Front lot line	5 feet, but if parking is located in the front yard, 18 feet
Rear lot line	15 feet
Side lot lines	7 feet
Boundary line of the cluster development site	50 feet from adjacent residentially zoned and developed property, except that the setback may be reduced by the Planning and Zoning Officer to preserve environmental features and the setback may be reduced to 25 feet if the adjoining lot is an open space lot created under § 17-6-111 of this Code
Minimum setbacks from side and rear lot lines for accessory structures other than sheds that do not exceed 64 square feet in area and eight feet in height	7 feet or, for structures less than 8 feet in height (other than swimming pools, tennis courts, basketball courts, and similar private recreational facilities accessory to single-family detached, duplex, or semi-detached dwellings), 5 feet]]

TITLE 10. REQUIREMENTS FOR CONDITIONAL USES

18-10-115. Cluster development.

A CLUSTER DEVELOPMENT SHALL COMPLY WITH ALL OF THE FOLLOWING REQUIREMENTS.

(1) SINGLE-FAMILY DETACHED DWELLINGS ARE ALLOWED IN CLUSTER DEVELOPMENTS LOCATED IN RA, RLD, R1, R2, AND R5 ZONING DISTRICTS. DUPLEX AND SEMI-DETACHED DWELLINGS ARE ALLOWED IN CLUSTER DEVELOPMENTS LOCATED IN R2 AND R5 ZONING DISTRICTS. NO OTHER TYPES OF DWELLING UNITS ARE ALLOWED IN CLUSTER DEVELOPMENTS.

(2) A CLUSTER DEVELOPMENT SHALL PROTECT ENVIRONMENTALLY SENSITIVE AREAS AND SHALL PERMANENTLY CONSERVE OPEN SPACE AND NATURAL FEATURES.

(3) IN RA, RLD, R1, R2, AND R5 ZONING DISTRICTS, THE FOLLOWING BULK REGULATIONS SHALL APPLY:

	RA	RLD	R1	R2	R5
MINIMUM LOT SIZE	20,000 SQUARE FEET	20,000 SQUARE FEET	10,000 SQUARE FEET	8,000 SQUARE FEET	3,500 SQUARE FEET
MAXIMUM INDIVIDUAL LOT	25%	25%	40%	50%	55%

COVERAGE BY STRUCTURES					
MINIMUM SETBACKS FOR PRINCIPAL STRUCTURES:					
FRONT LOT LINE	5 FEET, OR 20 FEET IF PARKING IS LOCATED IN THE FRONT YARD	5 FEET, OR 20 FEET IF PARKING IS LOCATED IN THE FRONT YARD	5 FEET, OR 20 FEET IF PARKING IS LOCATED IN THE FRONT YARD	5 FEET, OR 20 FEET IF PARKING IS LOCATED IN THE FRONT YARD	5 FEET, OR 20 FEET IF PARKING IS LOCATED IN THE FRONT YARD
REAR LOT LINE	15 FEET	15 FEET	15 FEET	15 FEET	15 FEET
SIDE LOT LINES	10 FEET	10 FEET	7 FEET	7 FEET	7 FEET
MINIMUM LOT WIDTH AT THE BUILDING RESTRICTION LINE:	80 FEET	80 FEET	60 FEET	50 FEET	40 FEET
MINIMUM SETBACKS FROM SIDE AND REAR LOT LINES FOR ACCESSORY STRUCTURES	3 FEET	3 FEET	3 FEET	3 FEET	3 FEET
MAXIMUM HEIGHT:	AS REQUIRED IN THE UNDERLYING ZONING DISTRICT	AS REQUIRED IN THE UNDERLYING ZONING DISTRICT	AS REQUIRED IN THE UNDERLYING ZONING DISTRICT	AS REQUIRED IN THE UNDERLYING ZONING DISTRICT	AS REQUIRED IN THE UNDERLYING ZONING DISTRICT

(4) RESIDENTIAL DENSITY MAY NOT EXCEED THE DENSITY ALLOWED IN THE ZONING DISTRICT IN WHICH THE CLUSTER DEVELOPMENT IS LOCATED.

(5) OPEN SPACE SHALL MEET THE GREATER OF THE OPEN SPACE REQUIREMENTS OF § 17-6-111 OF THIS CODE OR AN AREA EQUAL TO THE REDUCTION IN LOT SIZES BELOW THE MINIMUM LOT SIZE FOR NON-CLUSTER DEVELOPMENTS IN THE ZONING DISTRICT OF THE PROPERTY.

(6) STREETS, PARKING AREAS, AND SIMILAR FEATURES OR FACILITIES MAY NOT BE LOCATED IN OPEN SPACE.

(7) RECREATION AREAS, STORMWATER MANAGEMENT AREAS, AND SIMILAR FEATURES OR FACILITIES MAY BE LOCATED IN REQUIRED OPEN SPACE. UTILITY AND STORM DRAIN EASEMENTS MAY BE INCLUDED IN OPEN SPACE, PROVIDED THE USE OF SUCH AREAS FOR PASSIVE OR ACTIVE RECREATION USE IS NOT RESTRICTED BY THE TERMS OF THE UTILITY OR STORM DRAIN EASEMENT.

(8) EASEMENTS FOR FOREST CONSERVATION, FLOODPLAIN, OR OTHER ENVIRONMENTAL FEATURES MAY NOT BE PLACED ON INDIVIDUAL LOTS.

1 (9) A PLATTED OPEN SPACE BUFFER OF AT LEAST 50 FEET IN DEPTH SHALL BE
2 PROVIDED ALONG ALL BOUNDARY LINES ADJACENT TO EXISTING NON-CLUSTER SINGLE-
3 FAMILY RESIDENTIAL DEVELOPMENT, EXCEPT THAT THE BUFFER MAY BE REDUCED TO 25
4 FEET IN DEPTH IF THE ADJOINING LOT IS AN OPEN SPACE LOT CREATED UNDER § 17-6-111
5 OF THIS CODE.

6
7 (10) THE DEVELOPER SHALL PROVIDE NARRATIVE AND ILLUSTRATIVE
8 DOCUMENTATION SHOWING THAT THE SCREENING AND DESIGN TREATMENTS PROTECT
9 THE PATTERN OF RESIDENTIAL DEVELOPMENT ADJACENT TO THE CLUSTER
10 DEVELOPMENT.

11
12 (11) THE DEVELOPER SHALL PROVIDE A DECLARATION GOVERNING
13 MAINTENANCE AND CONTROL OF COMMON AREAS, INCLUDING RECREATIONAL
14 FACILITIES, OPEN SPACE, STORMWATER CONVEYANCE AND STORMWATER MANAGEMENT
15 FACILITIES, WHICH SHALL BE REVIEWED BY THE OFFICE OF PLANNING AND ZONING AND
16 THE OFFICE OF LAW AND SHALL BE RECORDED AMONG THE LAND RECORDS OF ANNE
17 ARUNDEL COUNTY. THE DECLARATION SHALL REQUIRE THE ESTABLISHMENT OF A
18 HOMEOWNER'S OR COMMUNITY ASSOCIATION BEFORE ANY LOT IN THE DEVELOPMENT IS
19 SOLD OR ANY BUILDING OCCUPIED AND SHALL ADDRESS THE POWER AND AUTHORITY OF
20 THE ASSOCIATION TO:

21
22 (I) MAINTAIN EXERCISE AND CONTROL OVER COMMON AREAS AND FACILITIES;
23 AND

24
25 (II) COMPEL CONTRIBUTIONS FROM RESIDENTS OF THE DEVELOPMENT TO
26 COVER THEIR PROPORTIONATE SHARES OF THE COSTS ASSOCIATED WITH THE
27 MAINTENANCE AND UPKEEP OF COMMON AREAS AND FACILITIES, INCLUDING ADEQUATE
28 NOTICE OF SUCH RESPONSIBILITIES AND ASSESSMENTS TO PROSPECTIVE PURCHASERS
29 AND EXISTING RESIDENTS.

30
31 SECTION 4. *And be it further enacted*, That all references in this Ordinance to “the
32 effective date of Bill No. 21-22”, or words that that effect, shall, upon codification, be
33 replaced with the actual date on which this Ordinance takes effect under Section 307 of the
34 County Charter as certified by the Administrative Officer to the County Council.

35
36 SECTION 5. *And be it further enacted*, That this Ordinance shall take effect 45 days
37 from the date it becomes law.

AMENDMENT TO BILL NO. 5-22
(Licenses and Registrations – Amusements – Licensing of Coin-Operated Amusement Devices)

February 7, 2022

Introduced by Mr. Pruski

Amendment No. 1

On page 2 of the proposed bill, in line 45, after the closing bracket, insert “FOR EACH PLAY”.

(This amendment clarifies that the maximum value of coin-operated amusement device prizes or awards applies per play of the device.)