

# Office of the County Auditor

## Auditor's Analysis

### Council Bill No. 8-2024

Introduced: February 5, 2024

Auditors: Diane Zagorski-Kelly

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#### Fiscal Impact:

The fiscal impact of this legislation is undetermined, as the number of potential open meetings related to alternative compliance waivers, and any potential incremental costs of such meetings, are dependent upon the unknown volume of future waiver petitions.

To the extent costs may increase as a result of this legislation, the fees associated with submitting a waiver petition could be adjusted to offset the additional costs.

#### Purpose:

Council Bill 8-2024 adds a requirement that meetings to consider waiver petitions under County Code Section 16.116 must follow the Open Meetings Act found in Title 3 of the General Provisions Article of the Annotated Code of Maryland. In addition, it codifies a reporting requirement to include the Directors' and Administrators' written decision granting or denying the petition.

#### Other Comments:

For reference, Council Bill 61-2019, which became effective in February 2020, established a multi-disciplinary waiver review process that requires approval from the Director of the Department of Planning and Zoning, the Director of the Department of Public Works, and the Administrator of the Office of Community Sustainability. During the review of Council Bill 61-2019 the County Auditor and County Administration did not anticipate any fiscal impact to result from its passage.

The Director of the DPZ indicated that the passage of this legislation may impact their current practice of scheduling waiver petition review meetings on short notice, convening in the field to address issues with a petition, or concluding a review outside of a formal meeting based on the receipt of requested information from a petitioner.

For additional context, **Attachment A** provides a summary showing the historical volume and dispositions of alternative compliance waivers under Section 16.116.

**Attachment A**

<b>Waiver Status</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>Total</b>
Approved	20	14	20	54
Deferred	0	3	2	5
Denied	1	6	0	7
Revise & Resubmit	0	1	1	2
Withdrawn	2	1	5	8
<b>Total</b>	<b>23</b>	<b>25</b>	<b>28</b>	<b>76</b>