

Office of the County Auditor

Auditor's Analysis

Council Bill No. 27-2025

Introduced: April 7, 2025

Auditors: Diane Zagorski-Kelly

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.

According to the Director of the Department of Planning and Zoning (DPZ) there could be additional compensation time for up to six staff members if meetings are held outside of core business hours. Although the exact costs can't be determined at this time, an estimate of personnel and equipment expenses anticipated by department for Fiscal Year (FY) 2026 have been provided:

Department	Number of Staff	Estimated Costs ¹
Planning & Zoning	3	\$30,000
Community Sustainability	1	10,000
Public Works	1	14,000
Recreation & Parks	1	14,500
Total:	6	\$ 68,500

Source: Department of Planning & Zoning

¹Costs will not be reflected in Proposed FY26 Operating Budget

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 27-2025 seeks to add a requirement that meetings to consider waiver petitions under County Code Section 16.116 and 12.1216 must follow the Open Meetings Act found in Title 3 of the General Provisions Article of the Annotated Code of Maryland.

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 DPZ, the Director of the Department of Public Works (DPW), and the Administrator of the Office of Community Sustainability (OCS). 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.

According to the Director of DPZ, with overlapping submission and review deadlines as outlined in section 16.104(b) and 16.144, processing timelines to comply with this proposed bill could cause additional requests for reviews and fees to prevent default under Section 16.103(d). There have been zero automatic approvals under section 16.103(d) between FY 2020 and FY 2025.

The DPZ has an interactive map on the County's Alternative Compliance website that shows the public the process of each waiver request and the outcome.

For additional context, **Attachment A** provides a summary showing the historical volume and dispositions of alternative compliance waivers under Section 16.116 and 16.1216 as published on the DPZ Alternative Compliance webpage.

Attachment A Revised¹

	Approved	Deferred	Denied	Withdrawn	Revise & Resubmit	Total
2020	151	70	10	4	10	245
2021	168	37	4	7	11	227
2022	139	73	21	7	10	250
2023	179	41	3	19	3	245
2024	153	47	19	14	0	233
Total	790	268	57	51	34	1200

Source: DPZ Alternative Compliance Statistics
(<https://www.howardcountymd.gov/planning-zoning/alternative-compliance>)

¹ Alternative compliance statistics were revised to reflect a correction made by DPZ due to a reporting error.