Montgomery County Council

Committee: GO
Committee Review: Completed
Staff: Christine Wellons, Chief Legislative Attorney
Purpose: Final action – vote expected

AGENDA ITEM #5B
December 1, 2026
Action

SUBJECT

Expedited Bill 50-26, Administration - Non-merit Appointments – Deputy Directors

Lead Sponsor: Councilmember Jawando

Co-Sponsors: Councilmembers Evans, Glass, Katz, Mink, and Sayles

EXPECTED ATTENDEES

Director or Director's Designee, Office of Human Resources

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

- The Government Operations and Fiscal Policy (GO) Committee recommended (2 affirmative, with Councilmember Katz absent) the enactment of Expedited Bill 50-26 with amendments.

DESCRIPTION/ISSUE

Expedited Bill 50-26 would:

(1) convert to non-merit status certain leadership positions within the Executive branch of County government, including positions within the Office of the County Attorney, the Department of Finance, Montgomery County Fire and Rescue Services, the Department of General Services, the Department of Health and Human Services, the Office of Human Resources, the Department of Permitting Services, the Office of Public Information, the Office of Animal Services, the Office of Community Use of Public Facilities, the Office of Human Rights, the Office of Emergency Management and Homeland Security, and the Commission for Women; and

(2) generally amend the law regarding County personnel and appointments.

SUMMARY OF KEY DISCUSSION POINTS

The GO Committee adopted amendments to:

- retain as a merit system position the Executive Director of the Commission for Women; and
- retain as a merit system position the Executive Director of the Office of Human Rights.

The GO Committee referred to the full Council four issues:

1. whether to grandfather in all incumbents to the positions that would become non-merit under the bill;
2. whether to retain as a merit system position the Deputy County Attorney;
3. whether to retain as merit system positions the Executive Directors of the following non-principal offices:

- Office of Animal Services;
- Office of Community Use of Public Facilities; and
- Office of Emergency Management and Homeland Security; and

4. whether to retain as merit system positions:
   - Chief, Division of Fire and Rescue Operations, Montgomery County Fire and Rescue Services (MCFRS);
   - Chief, Division of Support Services, MCFRS;
   - Chief, Division of Fiscal Management, MCFRS; and
   - Chief, Division of Human Resources, MCFRS.

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*The Economic Impact Statement was not available at the time of publication of this staff report. It can be found at the below address when available: Racial Equity and Social Justice, Economic, and Climate Impact Statements - Office of Legislative Oversight- Montgomery County, Maryland (montgomerycountymd.gov)

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Agenda Item #5B
December 1, 2026
Action

M E M O R A N D U M

November 25, 2026

TO: County Council

FROM: Christine Wellons, Chief Legislative Attorney

SUBJECT: Expedited Bill 50-26, Administration – Non-Merit Appointments – Deputy Directors

PURPOSE: Final action – roll call vote expected

Committee recommendation: The Government Operations & Fiscal Policy (GO) Committee recommended (2-0, with Councilmember Katz absent) the enactment of Expedited Bill 50-26 with amendments. The Committee referred certain potential amendments to the full Council.

Expedited Bill 50-26, Administration – Non-Merit Appointments – Deputy Directors, was introduced on October 13, 2026. The Lead Sponsor is Councilmember Jawando. Co-Sponsors are Councilmembers Evans, Glass, Katz, Mink, and Sayles.

A public hearing occurred on October 27, 2026. A worksession of the Government Operations and Fiscal Policy (GO) Committee occurred on November 13.

Expedited Bill 50-26 would:

(1) convert to non-merit status certain leadership positions within the Executive branch of County government, including positions within the Office of the County Attorney, the Department of Finance, Montgomery County Fire and Rescue Services, the Department of General Services, the Department of Health and Human Services, the Office of Human Resources, the Department of Permitting Services, the Office of Public Information, the Office of Animal Services, the Office of Community Use of Public Facilities, the Office of Human Rights, the Office of Emergency Management and Homeland Security, and the Commission for Women; and
(2) generally amend the law regarding County personnel and appointments.

BACKGROUND AND PURPOSE

The Lead Sponsor has explained the mechanics and purpose of the Expedited Bill as follows.

The bill would make "the remaining merit deputy-level positions in the Executive Branch, four Fire and Rescue Service division chiefs, and the Executive Directors of certain non-principal offices non-merit positions appointed by the County Executive and confirmed by the Council. Previous administrations and Councils have already converted most of the County's deputy leadership, and this bill completes that work. Executive Directors serving when the bill takes effect would be grandfathered; the deputy-level positions would convert on the bill's effective date.

"Residents judge the County government by whether it works: whether the permit gets issued, the call gets returned, and the program does what we said it would do. These bills strengthen County government by giving every department clear leadership that answers for results, with the Council confirming who those leaders are." *See* Sponsor's Memorandum at © 12.

BILL SPECIFICS

Under current County law, certain deputy directors of County departments and principal offices are merit positions, whereas others are non-merit positions appointed by the County Executive and confirmed by the County Council.

The Expedited Bill would convert deputy director positions (or their equivalents) that are currently merit positions into non-merit positions. In addition, the bill would make certain heads of non-principal Executive offices into non-merit positions.

Specifically, the following currently merit positions would become appointees of the Executive subject to Council confirmation:

- Deputy County Attorney;
- Executive Director, Office of Animal Services;
- Executive Director, Office of the Commission for Women;
- Executive Director, Office of Community Use of Public Facilities;
- Executive Director, Office of Emergency Management and Homeland Security;
- Executive Director, Office of Human Rights;
- Deputy Directors, Department of General Services (currently, only one is appointed);
- Chief Operating Officer, Department of Health and Human Services;
- Deputy Director, Department of Permitting Services;
- Deputy Director, Office of Public Information;
- Deputy Director, Office of Human Resources;
- Chief Operating Officer, Department of Finance
- Chief, Division of Fire and Rescue Operations, Montgomery County Fire and Rescue Services (MCFRS);
- Chief, Division of Support Services, MCFRS;
- Chief, Division of Fiscal Management, MCFRS;
- Chief, Division of Human Resources, MCFRS;

If the expedited legislation is enacted, a Method (1) regulation to establish a position description will be required for each of the newly created non-merit positions. (Montgomery County Code, Section 1A-104(b)(2)).

Legislation to create new non-merit positions requires the affirmative vote of seven Councilmembers for enactment. (Montgomery County Charter, Section 401).

SUMMARY OF IMPACT STATEMENTS

Fiscal Impact. According to the Office of Management and Budget, "County expenditure impacts are uncertain pending the determination of compensation for the newly designated non-merit positions and the extent to which these costs are offset by the personnel costs associated with the merit positions they replace. The bill is not expected to affect County revenues."

Racial Equity and Social Justice. The Office of Legislative Oversight (OLO) finds the anticipated racial equity and social justice (RESJ) impact of Expedited Bill 50-26 is indeterminate. There are several unanswered questions to understand how converting County leadership positions from merit to non-merit status could impact community members by race and ethnicity and racial and social inequities in the County.

Climate Assessment. The Office of Legislative Oversight (OLO) anticipates Expedited Bill 50-26 will have no impact on the County's contribution to addressing climate change as it is proposing changes to how certain leadership positions are classified in Montgomery County Government.

SUMMARY OF PUBLIC HEARING

Ms. Spielberg, on behalf of the County Executive, spoke in support of Executive Bill 50-26. She stated that the bill was consistent with prior efforts to convert senior level deputy positions into non-merit appointed positions. Chief Smedley also spoke in favor of the bill.

Mr. Lattner, retired from the position of Deputy County Attorney, requested an amendment to require the concurrence of the County Council to terminate a Deputy County Attorney. The rationale would be to treat the Deputy County Attorney in the same manner as the County Attorney who, under Charter Section 213, may be removed from office only with the concurrence of the County Council.

The Commission for Women requested an amendment to retain the merit system status of the Executive Director for the Commission. The Commission thanked Councilmember Jawando for supporting such an amendment.

Some individuals expressed their concern that the bill would not be consistent with merit system principles.

SUMMARY OF THE COMMITTEE WORKSESSION

As described below, the Committee adopted several amendments, and referred several issues for the full Council's consideration, in connection with the expedited bill.

1. <u>Adopted Amendment re: Commission for Women</u>

The Committee voted to adopt an amendment (text below) requested by Councilmember Jawando to retain as a merit system position the Executive Director for the Commission for Women. Councilmember Jawando explained in a memorandum to colleagues:

> I recognize the unique role of the Commission for Women. Established by County law in 1972 and supported by a two-person office, the Commission is an advisory and advocacy body that advises the County Executive, the County Council, and the public on issues concerning women in our County, so its value depends on independence from any one branch.
>
> At a time when women's rights and hard-won gains are under attack, we should protect the Commission's independence by keeping its Executive Director in the merit system.

The text of the amendment adopted by the GO Committee:

Amend lines 24-41 to read as follows.

1A-203. Establishing other offices.

(a) *Executive Branch.* These are the offices of the Executive Branch that are not part of a department or principal office:

Office of Agriculture (section 2B-1A)

Office of Animal Services (section 2-58C)

Office of the Commission for Women (section 27-28 et seq.)

Office of Community Use of Public Facilities (section 2-64M)

Office of Emergency Management and Homeland Security (section 2-64O)

Office of Food Systems Resilience (section 2-64Q)

Office of Grants Management (Section 2-64P)

Office of Human Rights (section 27-4)

* * *

1A-204. Supervision of offices and appointment of heads.

(a) *Executive Branch – non-principal offices.*

(1) Each Executive Director who supervises one of the following **[**office**]** offices established under Section 1A-203(a) is **[**under the supervision of an Executive Director who is**]** a non-merit position appointed by the **[**Chief Administrative Officer**]** Executive and confirmed by the Council:

(A) Office of Animal Services;

(B) **[[**Office of the Commission for Women;

(C)**]]** Office of Community Use of Public Facilities;

[[(D)**]]** (C) Office of Emergency Management and Homeland Security; and

[[(E)**]]** (D) Office of Human Rights. **[**Each Executive Director is a merit system employee.**]**

(2) Except as provided under paragraph (1) of this subsection, each office established under Section 1A-203(a) is supervised by a merit system position appointed by the Chief Administrative Officer.

* * *

2. Adopted Amendment -- Request from Human Rights Commission

The Committee adopted an amendment requested by the Human Rights Commission (HRC) to preserve the merit system status of the Director of the Office of Human Rights.

The text of the adopted amendment is as follows:

1A-204. Supervision of offices and appointment of heads.

(a) *Executive Branch – non-principal offices.*

(1) Each Executive Director who supervises one of the following **[**office**]** offices established under Section 1A-203(a) is **[**under the supervision of an Executive Director who is**]** a non-merit position appointed by the **[**Chief Administrative Officer**]** Executive and confirmed by the Council:

(A) Office of Animal Services;

(B) **[[**Office of the Commission for Women;

(C)**]]** Office of Community Use of Public Facilities; and

[[(D)**]]** (C) Office of Emergency Management and Homeland Security; **[[**and

[[(E)**]]** (D) Office of Human Rights**]]**. **[**Each Executive Director is a merit system employee.**]**

* * *

3. Committee's Discussion of Additional Deputy Positions

At the GO worksession, the Committee discussed an amendment supported by Councilmember Luedtke, which would retain under the merit system the following positions:

- Deputy Director, Department of Permitting Services;
- Deputy Director, Office of Public Information; and
- Deputy Director, Office of Human Resources.

The Committee determined that these positions should become non-merit appointees, as proposed under the bill as originally introduced.

OUTSTANDING ISSUES

The Committee discussed the following issues and referred them to the full Council for consideration.

1. Outstanding Issue - Amendment by Council Vice-President Balcombe and Councilmember Luedtke re: Grandfathering Provision

The Committee discussed and decided to refer to the full Council an amendment supported by Council Vice-President Balcombe and Councilmember Luedtke to "grandfather" all current employees who hold the positions that would be converted from merit to non-merit status under Expedited Bill 50-26. A memorandum by Councilmember Balcombe is available at © 27. An email by Councilmember Katz in support of the amendment is available at © 29.

The text of the amendment would be as follows.

Amend lines 199-213 to read as follows.

Sec. 3. Transition for incumbent employees [[of non-principal offices]].

(a) If, on the effective date of this Act, an employee occupies a position **[[**under Sections 1A-204(a)(1) or 21-3, as amended by**]]** that this Act converts into a non-merit position:

(1) the employee retains all merit system rights; and

(2) the position does not become a non-merit position until that employee leaves the position through transfer, promotion, demotion, retirement, or other separation from service.

(b) If, on the effective date of this Act, an employee is in a probationary period for a position **[[**under Sections 1A-204(a)(1) or 21-3, as amended by**]]** that this Act converts into a non-merit position:

(1) the employee retains all merit system rights upon successful completion of the probationary period; and

(2) the position does not become a non-merit position until the employee leaves the position through transfer, promotion, demotion, retirement, or other separation from service.

As introduced, the bill would grandfather current employees in the following positions:

- The Executive Directors of the following non-principal offices:
  - Office of Animal Services;
  - Office of the Commission for Women;
  - Office of Community Use of Public Facilities;
  - Office of Emergency Management and Homeland Security; and
  - Office of Human Rights.

- The following positions within the Montgomery County Fire and Rescue Services:
  - Chief of the Division of Support Services is a non-merit position.
  - Chief of the Division of Fiscal Management is a non-merit position.
  - Chief of the Division of Human Resources is a non-merit position.

As introduced, the bill would **not** grandfather current employees in the following positions:

- Deputy County Attorney (position is currently vacant);
- Deputy Director, Department of General Services;
- Chief Operating Officer, Department of Health and Human Services;

- Deputy Director, Department of Permitting Services;
- Deputy Director, Office of Public Information (position is currently vacant);
- Deputy Director, Office of Human Resources; and
- Chief Operating Officer, Department of Finance.

The Merit System Protection Board has recommended that the Council should consider whether to grandfather all incumbents:

> [T]he Board recommends that the Council review and evaluate whether the implementation language should be reconsidered to "grandfather" all incumbents, considering there are still County employees in deputy director positions that were "grandfathered" in when Bill 3-19E was enacted in March 2019, to ensure equity and fairness. Additionally, while these positions will no longer exist within the County's merit system, the Board recommends that the new position descriptions include clear, objective qualifications and responsibilities to address general concerns regarding current classification and position descriptions identified in the Board's 2025 classification and compensation audit.

Council staff notes that prior Council bills converting merit positions into non-merit positions have grandfathered the incumbents of those positions. *See* Bill 17-24 (created the non-merit position of Chief Operating Officer in TEBS); Expedited Bill 3-19 (converted from merit to non-merit certain deputy positions within DHCA, OMB, TEBS, and MCDOT).

2. Outstanding Issue - Deputy County Attorney

The Committee discussed, and referred to the full Council's consideration, whether to retain the Deputy County Attorney position as a merit system position.

At the public hearing, a retired Deputy County Attorney recommended amending the bill to require the concurrence of the County Council in order to terminate a Deputy County Attorney. The rationale would be to treat the Deputy County Attorney in the same manner as the County Attorney who, under Charter Section 213, serves at the pleasure of both the Executive and Council, may be removed from office only with the concurrence of the County Council.

Under Charter Section 213:

> The County Attorney shall serve at the pleasure of the County Executive and the Council. If the County Executive removes the County Attorney, the Council must approve or disapprove the removal by an affirmative vote of six Councilmembers within 30 days of receiving notice of the removal. The County Executive must provide notice of the removal to the County Council within 3 days. If the Council does not act within 30 days, the County Attorney must not be removed. The County Attorney may also be removed by an affirmative vote of seven Councilmembers, with the consent of the County Executive. The County Council must provide notice of the removal to the County Executive within 3 days. The County Executive must approve or disapprove the removal within 15 days of receiving notice of the

removal. If the County Executive does not act within 15 days, the County Attorney must not be removed. During the period of time before removal is confirmed, the County Attorney must be put on paid leave.

At the worksession, Chair Stewart expressed agreement with the rationale that if the County Attorney serves at the pleasure of both the Council and Executive, so too should the Deputy County Attorney. The Office of the County Attorney occupies a unique position within County government in that it provides legal advice and representation directly to the Council, in addition to serving the Executive branch.

Council staff explained that a Charter amendment would be necessary to amend Bill 50-26 to make the Deputy County Attorney position serve at the pleasure of both the Executive and Council. This is because under Charter Section 117, "Neither the Council, nor any member thereof, shall appoint, dismiss, or give directions to any individual employee of the Executive Branch of the County Government."

Thus, absent a Charter amendment, the decision before the Council is whether to delete the Deputy County Attorney position from Bill 50-26. The upshot would be that the position would remain a merit system position, which is supervised by the County Attorney (who is appointed by the Executive, confirmed by the Council, and serves at the pleasure of both the Executive and Council).

A potential amendment would be as follows.

1A-104. Heads of departments and principal offices; other positions designated as non-merit.

* * *

(c) *Status.* Heads of departments and principal offices, **[[**the position of Deputy County Attorney,**]]** and holders of any other position in the Executive Branch designated by law as a non-merit position, are County employees but are not merit system employees.

* * *

3. Outstanding Issue – Non-Principal Offices: Animal Services; Community Use of Public Facilities; and Office of Emergency Management and Homeland Security

In response to an amendment recommended to the Committee by Councilmember Luedtke, the Committee discussed and decided to refer to the full Council whether the executive directors of the following non-principal offices should become non-merit or remain merit:

- Executive Director, Office of Animal Services;
- Executive Director, Office of Community Use of Public Facilities; and

- Executive Director, Office of Emergency Management and Homeland Security.

As amended by the GO Committee, all other executive directors of non-principal offices would remain in the merit system. Those non-principal offices include the directors for the:

- Office of Agriculture;
- Office of the Commission for Women;
- Office of Food System Resilience;
- Office of Grants Management; and
- Office of Human Rights.

4. Outstanding Issue – MCFRS – Division Chiefs

The Committee also discussed, but reserved for the full Council, the issue of whether four out of the five Division Chiefs of MCFRS should remain under the merit system. Under current law, the following four positions are under the merit system:

- Chief, Division of Fire and Rescue Operations, Montgomery County Fire and Rescue Services (MCFRS);
- Chief, Division of Support Services, MCFRS;
- Chief, Division of Fiscal Management, MCFRS; and
- Chief, Division of Human Resources, MCFRS.

The following position, however, is non-merit under current law:

- Chief, Division of Volunteer Services, MCFRS.

As originally introduced, the bill would make all five Division Chiefs non-merit appointed positions.

Next Step: Roll call vote on whether to enact Expedited Bill 50-26 with amendments, as recommended by the GO Committee.

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Public Testimony

*The Economic Impact Statement was not available at the time of publication of this staff report. It can be found at the below address when available: Racial Equity and Social Justice, Economic, and Climate Impact Statements - Office of Legislative Oversight- Montgomery County, Maryland (montgomerycountymd.gov)

Expedited Bill No. 50-26
Concerning: Administration - Non-merit Appointments – Deputy Directors
Revised: 11/13/2026 Draft No. 3
Introduced: October 13, 2026
Expires: December 7, 2026
Enacted:
Executive:
Effective:
Sunset Date: None
Ch.___, Laws of Mont. Co.___

COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Councilmember Jawando
Co-Sponsors: Councilmembers Evans, Glass, Katz, Mink, and Sayles

AN EXPEDITED ACT to:

(1) convert to non-merit status certain leadership positions within the Executive branch of County government, including positions within the Office of the County Attorney, the Department of Finance, Montgomery County Fire and Rescue Services, the Department of General Services, the Department of Health and Human Services, the Office of Human Resources, the Department of Permitting Services, the Office of Public Information, the Office of Animal Services, the Office of Community Use of Public Facilities, **[[**the Office of Human Rights,**]]** and the Office of Emergency Management and Homeland Security**[[**, and the Commission for Women**]]**; and

(2) generally amend the law regarding County personnel and appointments.

By amending

Montgomery County Code
Chapter 1A, Structure of County Government
Sections 1A-104, 1A-204

Chapter 2, Administration
Sections 2-30, 2-42A, 2-42B, 2-64H, and 2-64I

Chapter 20, Finance
Section 20-38

Chapter 21, Fire and Rescue Services
Section 21-3

Boldface	*Heading or a defined term.*
Underlining	*Added to existing law by original bill.*
[Single boldface brackets**]**	*Deleted from existing law by original bill.*
Double underlining	*Added by amendment.*
[[Double boldface brackets**]]**	*Deleted from existing law or the bill by amendment.*
* * *	*Existing law unaffected by bill.*

The County Council for Montgomery County, Maryland, approves the following Act:

Sec 1. Sections 1A-104, 1A-204 2-30, 2-42A, 2-42B, 2-64H, 2-64I, 20-38, and 21-3 are amended as follows:

1A-104. Heads of departments and principal offices; other positions designated as non-merit.

(a) *Names.* The head of a department or principal office is called the Director of the department or principal office, except that:

(1) the Director of Police is also called the Chief of Police;

(2) the Director of the Montgomery County Fire and Rescue Service is also called the Fire Chief; and

(3) the Director of the Office of the County Attorney is called the County Attorney.

(b) *Qualifications.*

(1) Each head of a department or principal office should be professionally qualified.

(2) A person holding any other position in the Executive Branch designated by law as a non-merit position must be professionally qualified for the position under a position description established by regulation under method (1).

(c) *Status.* Heads of departments and principal offices, <u>the position of Deputy County Attorney,</u> and holders of any other position in the Executive Branch designated by law as a non-merit position, are County employees but are not merit system employees.

* * *

1A-203. Establishing other offices.

(a) *Executive Branch.* These are the offices of the Executive Branch that are not part of a department or principal office:

Office of Agriculture (**[[**section**]]** <u>Section</u> 2B-1A)

Office of Animal Services (**[[**section**]]** Section 2-58C)

Office of the Commission for Women (**[[**section**]]** Section 27-28 et seq.)

Office of Community Use of Public Facilities (**[[**section**]]** Section 2-64M)

Office of Emergency Management and Homeland Security (**[[**section**]]** Section 2-64O)

Office of Food Systems Resilience (**[[**section**]]** Section 2-64Q)

Office of Grants Management (Section 2-64P)

Office of Human Rights (**[[**section**]]** Section 27-4)

* * *

1A-204. Supervision of offices and appointment of heads.

(a) *Executive Branch – non-principal offices.*

(1) Each Executive Director who supervises one of the following **[**office**]** offices established under Section 1A-203(a) is **[**under the supervision of an Executive Director who is**]** a non-merit position appointed by the **[**Chief Administrative Officer**]** Executive and confirmed by the Council:

(A) Office of Animal Services;

(B) **[[**Office of the Commission for Women;

(C)**]]** Office of Community Use of Public Facilities; and

[[(D)**]]** (C) Office of Emergency Management and Homeland Security**[[**; and

[[(E)**]]** (D) Office of Human Rights**]]**. **[**Each Executive Director is a merit system employee.**]**

(2) Except as provided under paragraph (1) of this subsection, each office established under Section 1A-203(a) is supervised by a

merit system position appointed by the Chief Administrative Officer.

* * *

2-30. Department of General Services — Functions; non-merit positions.

(a) *Generally.* The Department of General Services must:

* * *

(b) *Non-merit position.* The **[**position**]** positions of Deputy Director **[**is a**]** of the Department of General Services are non-merit **[**position**]** positions.

2-42A. Functions, powers, and duties; non-merit positions.

(a) *Generally.* The Department is responsible for providing a single integrated system for the provision of health and human services with other public and private agencies that provide health and human services in the County. Department services are supportive services that provide the basic necessities, such as food, clothing, and shelter to people, and those services that directly serve and protect the health, mental health, economic well-being, and social functioning of individuals and families. The Department administers programs and provides services in the areas of:

(1) individual and community health services;

(2) public health services; and

(3) human services to clients.

(b) *Non-merit positions.* The Department has **[**5**]** 6 senior level management positions that are non-merit positions. These positions consist of a chief of Public Health Services; a chief of Services to End and Prevent Homelessness; a chief of Aging and Disability Services; a chief of Behavioral Health and Crisis Services; **[**and**]** a chief of

Children, Youth, and Family Services; and a Chief Operating Officer. The chief of Public Health Services also serves as the Deputy Health Officer.

* * *

2-42B. Functions; Advisory Committee; non-merit deputy.

(a) *Functions.* The Department of Permitting Services is responsible for:

* * *

(b) *Advisory Committee.*

* * *

(c) The position of Deputy Director of the Department of Permitting Services is a non-merit position.

2-64H. Functions; non-merit deputy.

(a) The **[**office of public information**]** Office of Public Information shall have the following functions:

[(a)**]** (1) **[**Serve**]** serve as a focal point for communications with citizens and community organizations**[**.**]**;

[(b)**]** (2) **[**Establish**]** establish and maintain a public information program**[**.**]**;

[(c)**]** (3) **[**Provide**]** provide professional editing and design support and coordination for county-wide publications and to county departments and agencies**[**.**]**;

[(d)**]** (4) **[**Establish**]** establish and maintain an information and referral program**[**.**]**;

[(e)**]** (5) **[**Carry**]** carry out related matters as may be assigned**[**.**]**; and

[(f)**]** (6) **[**Recruitment**]** recruitment and utilization of volunteer services for county programs.

(b) The position of Deputy Director of the Office of Public Information is a non-merit position.

2-64I. Functions; non-merit deputy.

(a) The Office of Human Resources has the following functions:

[(a)**]** (1) **[**Under**]** under the administration of the Chief Administrative Officer, supervise the County merit system in accordance with the County Charter, local, state and federal laws, rules and regulations**[**.**]**;

[(b)**]** (2) **[**Assist**]** assist all appointing authorities in the implementation of merit system Charter provisions and the personnel regulations of the Executive**[**.**]**;

[(c)**]** (3) **[**Assist**]** assist the Executive in the development and administration of a career service and in the administration of a comprehensive management personnel program**[**.**]**;

[(d)**]** (4) **[**Provide**]** provide cooperative personnel services to political subdivisions of Montgomery County or agencies supported in whole or in part by taxes levied by the Council and to the Montgomery County Revenue Authority**[**.**]**;

[(e)**]** (5) **[**Perform**]** perform related duties as assigned**[**.**]**; and

[(f)**]** (6) **[**Develop**]** develop and administer the equal employment opportunity program, unless this responsibility is transferred to the Chief Administrative Officer in accordance with the termination provision of chapter 1, section 5 of the 1981 Laws of Montgomery County.

(b) The position of Deputy Director of the Office of Human Resources is a non-merit position.

20-38. Powers and duties of Director generally; chief operating officer.

(a) The Director of Finance, under the general direction of the County Executive, must:

[(a)**]** (1) **[***Review and audit of claims, vouchers, etc.***]** review and audit accounts, claims, invoices, demands, or vouchers presented to the County for payment**[**.**]**;

[(b)**]** (2) **[***Accounting system, etc.***]** prescribe the system of accounts, reports, and expenditure and receipt documents to be used by all of the officers of the County government, except as prescribed by law**[**.**]**;

[(c)**]** (3) **[***Financial records.***]** keep the financial records of the County government, including payroll**[**.**]**;

[(d)**]** (4) **[***Annual Financial Report.***]** prepare an Annual Financial Report containing a detailed account of all funds received and paid by the County in accordance with applicable accounting and financial reporting standards**[**.**]**; and

[(e)**]** (5) **[***Inventory, storage, etc., management.***]** coordinate the development and implementation of inventory, storage and other materials, management policies and practices of the County.

(b) The position of Chief Operating Officer of the Department of Finance is a non-merit position.

21-3. Fire Chief; Division Chiefs; non-merit positions.

(a) The Executive must appoint, subject to confirmation by the Council, and may remove the Fire Chief.

* * *

(c) The Chief of the Division of Fire and Rescue Operations is a **[**merit**]** non-merit position. The Division Chief must meet the requirements for chief officer adopted under Section 21-8. The Division Chief has

operational authority over fire, rescue, and emergency medical services activities of the Fire and Rescue Service, including the local fire and rescue departments, as assigned by the Fire Chief. The Division Chief must promote the integration of the activities of volunteer and career firefighters and rescuers. The Division Chief, subject to the authority of the Fire Chief, may take disciplinary action, including discharge, against any merit system employee in the Service, subject to applicable merit system regulations and collective bargaining agreements.

(d) The Chief of the Division of Volunteer Services is a non-merit position. The Division Chief must meet the requirements for chief officer adopted under Section 21-8 and must have experience as a chief, or an assistant or deputy chief, in a volunteer fire and rescue organization in the County. The Division Chief must be given the same rank under the IECS as the Chief of the Division of Fire and Rescue Operations. Before the Fire Chief recommends a person to the Executive for appointment as Division Chief for Volunteer Services, the Chief must invite the LFRD representative to submit a list of at least 5 qualified persons for the Executive's consideration. If the LFRD representative submits a list and the Executive appoints a person whose name was not on that list, the Executive must explain to the Council why no person on the list was selected. If the Chief does not receive a list of at least 5 candidates within 30 days after requesting it, the Executive may appoint a qualified person without explaining why no person was selected from a list. The Division Chief has operational authority over fire, rescue, and emergency medical services activities of the Fire and Rescue Service, including the local fire and rescue departments, as assigned by the Fire Chief. The Division Chief, under the direction of the Fire Chief

must serve as the highest ranking volunteer officer in the County and coordinate the operations and administration of volunteer personnel and LFRD's. The Division Chief must:

(1) promote the integration of the activities of volunteer and career firefighters and rescuers;

(2) promote recruitment and retention of volunteers;

(3) assist LFRD's in training, risk management, use and maintenance of apparatus, budget preparation, and formulating department policy and recommendations to the Chief and Commission;

(4) monitor legislative and regulatory actions involving volunteer activities and inform affected groups; and

(5) provide additional opportunities for people to volunteer, including the creation of a mobile volunteer personnel corps.

* * *

(i) The position of Chief of the Division of Support Services is a non-merit position.

(j) The position of Chief of the Division of Fiscal Management is a non-merit position.

(k) The position of Chief of the Division of Human Resources is a non-merit position.

Sec. 2. Expedited effective date. The Council declares that this legislation is necessary for the immediate protection of the public interest. This Act takes effect on the date on which it becomes law.

Sec. 3. Transition for incumbent employees of non-principal offices.

(a) If, on the effective date of this Act, an employee occupies a position under Sections 1A-204(a)(1) or 21-3, as amended by this Act:

(1) the employee retains all merit system rights; and

(2) the position does not become a non-merit position until that employee leaves the position through transfer, promotion, demotion, retirement, or other separation from service.

(b) If, on the effective date of this Act, an employee is in a probationary period for a position under Sections 1A-204(a)(1) or 21-3, as amended by this Act:

(1) the employee retains all merit system rights upon successful completion of the probationary period; and

(2) the position does not become a non-merit position until the employee leaves the position through transfer, promotion, demotion, retirement, or other separation from service.

M E M O R A N D U M

October 5, 2026

TO: Council President Natali Fani-González

CC: Councilmembers

FROM: Will Jawando, Councilmember At-Large

SUBJECT: Request for Introduction of Two Expedited Bills on Executive Branch Leadership

---

I am writing to request introduction of two expedited bills on Tuesday, October 13. Both bills strengthen the leadership of the Executive Branch so County departments deliver better results for residents, and both bring those leadership positions before the Council for confirmation.

The first bill, Administration – Office of the County Executive – Non-Merit Positions, increases the number of Assistant Chief Administrative Officers (ACAOs) from four to six by repurposing two existing positions in the Office of the County Executive. County government has grown in size and in what residents ask of it. Six ACAOs gives each a portfolio one person can reasonably manage, and gives every department a senior leader in the County Executive's office who is directly accountable for it.

The second bill, Administration – Non-Merit Appointments – Deputy Directors, makes the remaining merit deputy-level positions in the Executive Branch, four Fire and Rescue Service division chiefs, and the Executive Directors of certain non-principal offices non-merit positions appointed by the County Executive and confirmed by the Council. Previous administrations and Councils have already converted most of the County's deputy leadership, and this bill completes that work. Executive Directors serving when the bill takes effect would be grandfathered; the deputy-level positions would convert on the bill's effective date.

Residents judge the County government by whether it works: whether the permit gets issued, the call gets returned, and the program does what we said it would do. These bills strengthen County government by giving every department clear leadership that answers for results, with the Council confirming who those leaders are.

I look forward to discussing these bills with you and our colleagues.

Racial Equity and Social Justice (RESJ) Impact Statement

Office of Legislative Oversight

EXPEDITED BILL 50-26: ADMINISTRATION - NON-MERIT APPOINTMENTS - DEPUTY DIRECTORS

SUMMARY

The Office of Legislative Oversight (OLO) finds the anticipated racial equity and social justice (RESJ) impact of Expedited Bill 50-26 is indeterminate. There are several unanswered questions to understand how converting County leadership positions from merit to non-merit status could impact community members by race and ethnicity and racial and social inequities in the County.

PURPOSE OF RESJ IMPACT STATEMENTS

RESJ impact statements (RESJIS) evaluate the anticipated impact of legislation on racial equity and social justice in the County. RESJ is a **process** that focuses on centering the needs, leadership, and power of Black, Indigenous, and other People of Color (BIPOC) and communities with low incomes. RESJ is also a **goal** of eliminating racial and social inequities. Applying a RESJ lens is essential to achieve RESJ.[1] This involves seeing, thinking, and working differently to address the racial and social inequities that cause racial and social disparities.[2]

PURPOSE OF EXPEDITED BILL 50-26

Montgomery County Government has a merit system for most County employees. The merit system sets hiring and promotion processes, job classifications, pay grades, and employee protections.[3]

Some County positions are non-merit positions that are not subject to merit system guidelines. They are generally leadership positions appointed by the County Executive and confirmed by the County Council. Non-merit employees include elected leaders like Councilmembers and the County Executive. They also include non-elected leaders that are designated as non-merit employees by law, including the Chief Administrative Officer, the County Attorney, and heads of departments, among others.[4]

The purpose of Expedited Bill 50-26 is to convert certain leadership positions in the County from merit to non-merit status. Figure A in the Appendix lists all positions Bill 50-26 proposes to convert.

Of note, if Bill 50-26 is enacted, Executive Directors and Montgomery County Fire and Rescue Service (MCFRS) Division Chiefs serving when the Bill takes effect would retain merit status until they leave their position. All other positions would be converted to non-merit when the Bill takes effect.[5]

According to Bill 50-26's lead sponsor, most deputy leadership positions in the County were converted to non-merit by previous administrations. This Bill seeks to convert the remaining merit leadership roles to non-merit.[6]

The Council introduced Expedited Bill 50-26 on October 13, 2026.

ANTICIPATED RESJ IMPACTS

To consider the anticipated impact of Bill 50-26 on RESJ in the County, OLO recommends the consideration of two related questions:

- Who would primarily benefit or be burdened by this bill?
- What racial and social inequities could passage of this bill weaken or strengthen?

Several groups could be impacted by converting the proposed leadership positions from merit to non-merit. These include:

- **The County Executive and County Council**, who could benefit from being able to appoint and confirm the employees for these positions;
- **Merit employees who are currently serving in some of the positions proposed for conversion,** who could be at risk of losing their current position;
- **Merit system employees at-large**, who could be burdened by having less leadership opportunities available for career progression; and
- **Community members at-large**, who could be impacted by changes to County programs and services resulting from these changes.

However, there are several unanswered questions to determine how Bill 50-26 would impact RESJ in the County. These include:

- How would appointing non-merit employees into these leadership roles ultimately change the delivery of County programs and services? For example, what kinds of changes will they make to the programs they oversee? How would these changes impact community members by race, ethnicity, and income?
- To what extent will appointed non-merit leaders apply a RESJ lens to their work? How?

Therefore, OLO finds the anticipated RESJ impact of Bill 50-26 is indeterminate.

RECOMMENDED AMENDMENTS

The County's RESJ Act requires OLO to consider whether to recommend amendments to bills that could reduce racial and social inequities and advance RESJ.[7] OLO finds the anticipated RESJ impact Expedited Bill 50-26 is indeterminate. As such, OLO does not offer recommended amendments.

CAVEATS

Two caveats to this RESJIS should be noted. First, predicting the impact of bills on RESJ is challenging due to data limitations, uncertainty, and other factors. Second, this RESJIS is intended to inform the Council's decision-making process rather than determine it. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the bill under consideration.

APPENDIX

Figure A. Proposed Positions to Convert from Merit to Non-Merit Status in Expedited Bill 50-26

- Deputy County Attorney
- Executive Director, Office of Animal Services
- Executive Director, Office of the Commission for Women
- Executive Director, Office of Community Use of Public Facilities
- Executive Director, Office of Emergency Management and Homeland Security
- Executive Director, Office of Human Rights
- Deputy Directors, Department of General Services (currently, only one is appointed)
- Chief Operating Officer, Department of Health and Human Services
- Deputy Director, Department of Permitting Services
- Deputy Director, Office of Public Information
- Deputy Director, Office of Human Resources
- Chief Operating Officer, Department of Finance
- Chief, Division of Fire and Rescue Operations, MCFRS
- Chief, Division of Support Services, MCFRS
- Chief, Division of Fiscal Management, MCFRS
- Chief, Division of Human Resources, MCFRS

Source: Introduction Staff Report for Expedited Bill 50-26, Montgomery County Council, pg. 2.

[1] Definition of racial equity and social justice adopted from M. Gamblin et al., "Applying Racial Equity to U.S. Federal Nutrition Programs," Bread for the World and Racial Equity Tools.
[2] Ibid.
[3] Montgomery County Code Sec. 401.
[4] Ibid.
[5] Introduction Staff Report for Expedited Bill 50-26, Montgomery County Council, Introduced October 13, 2026.
[6] Memo from Councilmember Jawando to Councilmembers, "Request for Introduction of Two Expedited Bills on Executive Branch Leadership," Introduction Staff Report for Expedited Bill 50-26, Montgomery County Council, pg. (11).
[7] Bill 27-19, Administration – Human Rights – Office of Racial Equity and Social Justice – Racial Equity and Social Justice Advisory Committee – Established, Montgomery County Council.

Climate Assessment

Office of Legislative Oversight

EXPEDITED BILL 50-26: ADMINISTRATION – NON-MERIT APPOINTMENTS – DEPUTY DIRECTORS

SUMMARY

The Office of Legislative Oversight (OLO) anticipates Expedited Bill 50-26 will have no impact on the County's contribution to addressing climate change as it is proposing changes to how certain leadership positions are classified in Montgomery County Government.

BACKGROUND AND PURPOSE OF EXPEDITED BILL 50-26

Montgomery County Government has a merit system for all those employed by the County, with a few exceptions. Non-merit employees include Councilmembers, the County Executive, the Chief Administrative Officer, the County Attorney, and heads of departments, principal offices and agencies "as defined by law", among a few other positions.[1]

The merit system sets hiring and promotion processes, job classifications, pay grades, and employee protections. Non-merit positions are not subject to merit system guidelines and are generally leadership positions appointed by the County Executive and confirmed by the County Council.[2]

Expedited Bill 50-26 would convert certain leadership positions that are currently classified under the merit system to non-merit status.[3] The following leadership positions proposed to be reclassified include deputy director positions and some directors of "non-principal" executive offices.[4]

The introduction report for Expedited Bill 50-26 notes many deputy leadership positions have already been converted to non-merit by previous administrations, and the Bill seeks to convert the remaining merit leadership roles to non-merit.[5]

Expedited Bill 50-26 was introduced by the County Council on October 13, 2026.

ANTICIPATED IMPACTS

As the Bill proposes changes to how certain leadership positions are classified, OLO anticipates Expedited Bill 50-26 will have no impact on the County's contribution to addressing climate change, including the reduction and/or sequestration of greenhouse gas emissions and community climate resilience.

RECOMMENDED AMENDMENTS

The Climate Assessment Act requires OLO to offer recommendations, such as amendments or other measures to mitigate any anticipated negative climate impacts.[6] OLO does not offer recommendations or amendments as Expedited Bill 50-26 is likely to have no impact on the County's contribution to addressing climate change, including the reduction and/or sequestration of greenhouse gas emissions and community climate resilience.

CAVEATS

OLO notes two caveats to this climate assessment. First, predicting the impacts of legislation upon climate change is a challenging analytical endeavor due to data limitations, uncertainty, and the broad, global nature of climate change. Second, the analysis performed here is intended to inform the legislative process, not determine whether the Council should enact legislation. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the bill under consideration.

PURPOSE OF CLIMATE ASSESSMENTS

The purpose of the Climate Assessments is to evaluate the anticipated impact of legislation on the County's contribution to addressing climate change. These climate assessments will provide the Council with a more thorough understanding of the potential climate impacts and implications of proposed legislation, at the County level. The scope of the Climate Assessments is limited to the County's contribution to addressing climate change, specifically upon the County's contribution to greenhouse gas emissions and how actions suggested by legislation could help increase the County's community climate resilience.

While co-benefits such as health and cost savings may be discussed, the focus is on how proposed County bills may impact GHG emissions and community resilience.

CONTRIBUTIONS

OLO staffer Kaitlyn Simmons drafted this assessment.

APPENDIX

Proposed positions to be converted from merit to non-merit status:

- Deputy County Attorney
- Executive Director, Office of Animal Services
- Executive Director, Office of the Commission for Women
- Executive Director, Office of Community Use of Public Facilities
- Executive Director, Office of Emergency Management and Homeland Security;
- Executive Director, Office of Human Rights;
- Deputy Directors, Department of General Services (currently, only one is appointed);
- Chief Operating Officer, Department of Health and Human Services;
- Deputy Director, Department of Permitting Services;
- Deputy Director, Office of Public Information;
- Deputy Director, Office of Human Resources;
- Chief Operating Officer, Department of Finance
- Chief, Division of Fire and Rescue Operations, Montgomery County Fire and Rescue Services (MCFRS);
- Chief, Division of Support Services, MCFRS;
- Chief, Division of Fiscal Management, MCFRS; and
- Chief, Division of Human Resources, MCFRS

[1] Montgomery County Code, Article 4, Sec. 401. Merit System, Accessed October 21, 2026.
[2] Ibid.
[3] Montgomery County Government, Introduction Staff Report for Expedited Bill 50-26, Introduced October 13, 2026
[4] A full list of the positions proposed to be reclassified from merit to non-merit positions is included in the appendix.
[5] Montgomery County Government, Introduction Staff Report for Expedited Bill 50-26, Introduced October 13, 2026
[6] Bill 3-22, Legislative Branch – Climate Assessments – Required, Montgomery County Council, Effective date October 24, 2022

Fiscal Impact Statement

Office of Management and Budget

Bill 50-26	**Administration - Non-merit Appointments - Deputy Directors**
Bill Summary	Expedited Bill 50-26 converts certain merit deputy director and comparable leadership positions across multiple Executive Branch departments and offices into non-merit positions. The bill also makes certain Executive Directors of non-principal Executive offices non-merit positions and updates County Code provisions to reflect all the conversions. The bill takes effect immediately upon becoming law.
Fiscal Impact Summary	County expenditure impacts are uncertain pending the determination of compensation for the newly designated non-merit positions and the extent to which these costs are offset by the personnel costs associated with the merit positions they replace. The bill is not expected to affect County revenues.
Fiscal Impact Analysis	The bill converts the following merit positions to non-merit status: • Deputy County Attorney • Executive Director, Office of Animal Services • Executive Director, Office of the Commission for Women • Executive Director, Office of Community Use of Public Facilities • Executive Director, Office of Emergency Management and Homeland Security • Executive Director, Office of Human Rights • Deputy Directors, Department of General Services • Chief Operating Officer, Department of Health and Human Services • Deputy Director, Department of Permitting Services • Deputy Director, Office of Public Information • Deputy Director, Office of Human Resources • Chief Operating Officer, Department of Finance • Chief, Division of Fire and Rescue Operations, Montgomery County Fire and Rescue Services (MCFRS) • Chief, Division of Support Services, MCFRS • Chief, Division of Fiscal Management, MCFRS • Chief, Division of Human Resources, MCFRS The legislation does not create new positions or authorize additional staffing; it only changes the status of existing positions from merit to non-merit. Once the deputy directors, executive directors, chiefs, and other senior-level roles identified in the bill are converted and refilled, they will be compensated under the Executive Salary Schedule as non-merit appointments (Grade EX3, with a maximum salary of $258,206 in FY27) The resulting change in expenditures will depend on the non-merit position salaries at appointment and the offsetting personnel costs associated with the merit positions they replace. Executive Director positions in the non-principal offices identified in the bill will not

	convert to non-merit status until the incumbent employee leaves the role through transfer, promotion, demotion, retirement, or other separation. Incumbent employees retain all merit system rights until vacating the position. Implementation of the bill will require Method (1) regulations to establish position descriptions for each of the newly designated non-merit roles.
Staff Impact	Implementation requirements for the Office of Human Resources are expected to be minimal and can be accommodated with existing resources. The non-merit appointments will require Council confirmation; any administrative activities related to the appointment process are also anticipated to be minimal and absorbable within current capacity.
Actuarial Analysis	The bill is not expected to impact retiree pension or group insurance costs.
Information Technology Impact	The bill is not expected to impact the County Information Technology (IT) or Enterprise Resource Planning (ERP) systems.
Other Information	
Later actions that may impact revenue or expenditures if future spending is projected	The bill does not authorize future spending.
Ranges of revenue or expenditures that are uncertain or difficult to project	Future compensation adjustments may affect the cost of these positions; however, the extent of any change is uncertain because non-merit salary levels depend on future updates to the Executive Salary Schedule, which cannot be projected at this time. In addition, any fiscal impacts resulting from the bill's implementation for incumbent employees cannot be determined at this time.
Contributors	Shantee Jackson, Office of Management and Budget

M E M O R A N D U M

October 27, 2026

TO: GO Committee

FROM: Will Jawando, Councilmember At-Large

SUBJECT: Amendment to Expedited Bill 50-26, Administration - Non-merit Appointments - Deputy Directors

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I am writing to request an amendment to remove the Commission for Women from Expedited Bill 50-26 at the Government Operations and Fiscal Policy (GO) Committee worksession on November 13, 2026.

I recognize the unique role of the Commission for Women. Established by County law in 1972 and supported by a two-person office, the Commission is an advisory and advocacy body that advises the County Executive, the County Council, and the public on issues concerning women in our County, so its value depends on independence from any one branch.

At a time when women's rights and hard-won gains are under attack, we should protect the Commission's independence by keeping its Executive Director in the merit system.

The addendum lists the positions that would still convert under the amended bill. Thank you for your consideration of this amendment.

Addendum: Positions Affected By the Legislation Under the Amendment

Under the amendment, the following merit positions would become appointees of the Executive subject to Council confirmation:

Non-Principal Offices

- Executive Director, Office of Animal Services;
- Executive Director, Office of Community Use of Public Facilities;
- Executive Director, Office of Emergency Management and Homeland Security;
- Executive Director, Office of Human Rights;

Deputy-Level Positions

- Deputy County Attorney;
- Deputy Directors, Department of General Services (currently, only one is appointed);
- Chief Operating Officer, Department of Health and Human Services;
- Deputy Director, Department of Permitting Services;
- Deputy Director, Office of Public Information;
- Deputy Director, Office of Human Resources;
- Chief Operating Officer, Department of Finance

Fire and Rescue Service Division Chiefs

- Chief, Division of Fire and Rescue Operations, Montgomery County Fire and Rescue Services (MCFRS);
- Chief, Division of Support Services, MCFRS;
- Chief, Division of Fiscal Management, MCFRS;
- Chief, Division of Human Resources, MCFRS;

Expedited Bill 50-26, Administration - Non-merit Appointments – Deputy Directors

Amendment by Councilmember Jawando

Amend lines 24-41 to read as follows.

1A-203. Establishing other offices.

(a) *Executive Branch.* These are the offices of the Executive Branch that are not part of a department or principal office:

Office of Agriculture (section 2B-1A)

Office of Animal Services (section 2-58C)

Office of the Commission for Women (section 27-28 et seq.)

Office of Community Use of Public Facilities (section 2-64M)

Office of Emergency Management and Homeland Security (section 2-64O)

Office of Food Systems Resilience (section 2-64Q)

Office of Grants Management (Section 2-64P)

Office of Human Rights (section 27-4)

* * *

1A-204. Supervision of offices and appointment of heads.

(a) *Executive Branch – non-principal offices.*

(1) Each Executive Director who supervises one of the following **[**office**]** offices established under Section 1A-203(a) is **[**under the supervision of an Executive Director who is**]** a non-merit position appointed by the **[**Chief Administrative Officer**]** Executive and confirmed by the Council:

(A) Office of Animal Services;

(B) **[[**Office of the Commission for Women;

(C)**]]** Office of Community Use of Public Facilities;

[(D)**]]** (C) Office of Emergency Management and Homeland Security; and

[(E)**]]** (D) Office of Human Rights. **[**Each Executive Director is a merit system employee.**]**

(2) Except as provided under paragraph (1) of this subsection, each office established under Section 1A-203(a) is supervised by a merit system position appointed by the Chief Administrative Officer.

* * *

MERIT SYSTEM PROTECTION BOARD

M E M O R A N D U M

October 20, 2026

TO: Councilmember Natali Fani-González, President
Montgomery County Council

VIA: Edward E. Haenftling, Jr.
Executive Director

FROM: Treava Hopkins-Laboy, Chair
Merit System Protection Board

SUBJECT: Expedited Bill 50-26 – Administration – Non-merit Appointments – Deputy Directors

This memorandum is submitted in response to Expedited Bill 50-26 – Administration – Non-merit Appointments – Deputy Directors that was introduced on Tuesday, October 13, 2026. The Bill amends various sections of the County Code by converting to non-merit status certain leadership positions within the Executive branch of County Government. Pursuant to the Montgomery County Charter, Section 404 – Duties of the Merit System Protection Board and Montgomery County Code, Chapter 33, Section 33-7(a), the Board is charged with commenting on any proposed changes to the merit system law or regulations in a timely manner at or before the public hearing.

Per the implementation language, the conversion would immediately affect any incumbents of seven (7) deputy director positions (or their equivalents) by removing merit system status and protections, as these incumbents are excluded from the "grandfathering" implementation language. Conversely, incumbents in the non-principal Executive office positions affected by the amendments, as well as affected Montgomery County Fire and Rescue Services Division Chiefs, would retain their merit system status and protections until the incumbents vacate the positions.

The Board has carefully reviewed the proposed amendments to the County Code and has no concerns regarding adoption. However, the Board recommends that the Council review and evaluate whether the implementation language should be reconsidered to "grandfather" all incumbents, considering there are still County employees in deputy director positions that were "grandfathered" in when Bill 3-19E was enacted in March 2019, to ensure

equity and fairness. Additionally, while these positions will no longer exist within the County's merit system, the Board recommends that the new position descriptions include clear, objective qualifications and responsibilities to address general concerns regarding current classification and position descriptions identified in the Board's 2025 classification and compensation audit.

cc: Board Members
Craig Howard, Executive Director, Montgomery County Council
Christine Wellons, Legislative Attorney, Montgomery County Council
Tommy Heyboer, Chief of Staff to Councilmember Fani-González

MONTGOMERY COUNTY COUNCIL

MARILYN BALCOMBE
COUNCIL VICE PRESIDENT
DISTRICT 2

ECONOMIC DEVELOPMENT COMMITTEE
TRANSPORTATION AND ENVIRONMENT COMMITTEE

MEMORANDUM

November 9, 2026

TO: Government Operations & Fiscal Policy Committee Members

FROM: Vice President Marilyn Balcombe

SUBJECT: Expedited Bills 49-26 and 50-26

Thank you for the opportunity to comment on Bills 49-26 and 50-26.

I support Bill 49-26 – Administration – Office of the County Executive – Non-merit Positions and I look forward to its favorable recommendation.

Regarding Expedited Bill 50-26 – Administration – Non-merit Appointments – Deputy Directors, I have some concerns that I hope you will take into consideration. The current language does not "grandfather" all incumbent Deputy Directors and does not "grandfather" all incumbent heads of non-principal Executive offices. This lack of parity is troubling, and I would suggest amending the Bill to include the language proposed by the Merit System Protection Board. The MSPB recommends "that the Council review and evaluate whether implementation language should be reconsidered to "grandfather" all incumbents, considering there are still County employees in deputy director positions that were "grandfathered" in when Bill 3-19E was enacted in March, 2019, to ensure equity and fairness."

I am proposing the attached amendment to provide parity for employees impacted by Bill 50-26 and appreciate your consideration of this amendment. This amendment is also supported by Councilmember Luedtke.

Additionally, I do not ultimately support the proposed changes for the non-principal Executive offices. I am very concerned about the need for continuity of leadership in these Offices and the potential lack of continuity that the proposed changes could create. This is especially true for the smaller offices, where a change in leadership every 4 or 8 years would be very disruptive. There should be some discussion on the difference between an "Office" and "Department". If size is the determining factor I propose that Directors of Executive Offices be eliminated from this Bill.

Thank you for your consideration of these potential changes. Please feel free to reach out to me if you have questions.

STELLA B. WERNER COUNCIL OFFICE BUILDING • 100 MARYLAND AVENUE • ROCKVILLE, MARYLAND 20850
240-777-7960 • COUNCILMEMBER.BALCOMBE@MONTGOMERYCOUNTYMD.GOV • MONTGOMERYCOUNTYMD.GOV/BALCOMBE
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Expedited Bill 50-26, Administration - Non-merit Appointments – Deputy Directors

Amendment by Council Vice-President Balcombe and Councilmember Luedtke

Amend lines 199-213 to read as follows.

Sec. 3. Transition for incumbent employees [[of non-principal offices]].

(a) If, on the effective date of this Act, an employee occupies a position **[[**under Sections 1A-204(a)(1) or 21-3, as amended by**]]** that this Act converts into a non-merit position:

(1) the employee retains all merit system rights; and

(2) the position does not become a non-merit position until that employee leaves the position through transfer, promotion, demotion, retirement, or other separation from service.

(b) If, on the effective date of this Act, an employee is in a probationary period for a position **[[**under Sections 1A-204(a)(1) or 21-3, as amended by**]]** that this Act converts into a non-merit position:

(1) the employee retains all merit system rights upon successful completion of the probationary period; and

(2) the position does not become a non-merit position until the employee leaves the position through transfer, promotion, demotion, retirement, or other separation from service.

ADDENDUM
GO Item #2
November 13, 2026
Worksession

M E M O R A N D U M

November 11, 2026

TO: Government Operations & Fiscal Policy (GO) Committee

FROM: Christine Wellons, Chief Legislative Attorney

SUBJECT: Expedited Bill 50-26, Administration – Non-Merit Appointments – Deputy Directors

PURPOSE: Worksession – recommendation expected

Councilmember Katz, who is unable to attend the GO worksession on November 13, submitted the following correspondence to Chair Stewart on November 10 regarding Expedited Bill 50-26:

Chair Stewart:

While I will be traveling during the GO committee meeting on November 13th and unable to attend in person, I wanted to state my support for Councilmember Balcombe's proposed amendments to Bill 50-26 – Administration – No-merit Appointments – Deputy Directors.

Grandfathering all positions outlined in the bill allows the county to set clear expectations for future hires while providing equity and fairness for those currently holding these positions. Grandfathering from merit to non-merit provides for a longer-term smoother transition and better organizational stability. It would help avoid confusion as to which position is changed and which is not and decrease institutional resistance in implementing this new approach.

I am a co-sponsor of Bill 50-26 and believe in the goal of creating nimbleness and flexibility within positions, but we need to be cognizant of those presently in the roles and respect the service of those in our current workforce.

Thank you.

Sidney Katz
Councilmember, District 3
Montgomery County Council
Councilmember.Katz@montgomerycountymd.gov

COMMISSION ON HUMAN RIGHTS

November 7, 2026

Dear Council President Fani-Gonzalez, Government Operations Chair Stewart, and Members of the County Council:

As Chair of the Montgomery County Human Rights Commission, I am writing concerning proposed Bill 50-26E Administration-Non-Merit Appointments-Deputy Directors.

We understand the proposed Bill's intent is to change certain merit leadership positions across various county departments and non-principal offices to non-merit positions. The purpose of the proposed legislation as stated is part of a broader effort to strengthen county government effectiveness, provide clear leadership and enhance accountability.

The Human Rights Commission agrees with the intent of the measure. Our one concern is the inclusion of the Office of Human Rights.

Since 1961, the Office of Human Rights has been an independent entity with the ability to recommend legislation, advocate for social justice, and ensure compliance with civil rights laws. Its independence, integrity of its advocacy and creditability of its decisions and findings based on the facts and the law have been the cornerstone of the Office and Commission. The appearance of influence through political appointment would threaten that creditability and long-established reputation of impartiality with the community.

The current process of hiring the Director starts and ends with professional searches, interviews and final selection by current members of the Commission, community members and representatives of the county government. This is a "safeguard" that ensures that the interests of all stakeholders are taken into consideration and the hiring decision for the Director of the Office of Human Rights is reflective of the input of the broader community.

The Office of Human Rights administers civil rights laws in accordance with the County Code. The Office provides advice, confidential information and consultations to elected officials and the administration and conducts community outreach and education. The independence of the Office is essential to its core mission of protecting civil rights, investigating complaints and promoting equity. Independent status and merit-based appointment of the Director of that office ensures impartial decision-making, strengthens public trust, enhances government accountability, and allows the agency to enforce human rights laws free from political or organizational influence. Transparency and these protections ultimately improve confidence in government and support fair treatment for all county residents.

The Human Rights Commission respectfully and urgently requests the adoption of a “Friendly Amendment” to the Bill that would exclude the Office of Human Rights for the aforementioned reasons.

The Human Rights Commission and the Office of Human Rights would welcome the opportunity to meet with you to respond to any questions regarding this important matter.

Sincerely

William England

William England, Chair Human
Rights Commission

Expedited Bill 50-26, Administration - Non-merit Appointments – Deputy Directors

Amendments by Councilmember Luedtke

Amendment #1 – Deputy County Attorney

Amend lines 19-22 to read as follows.

(c) *Status.* Heads of departments and principal offices, **[[**the position of Deputy County Attorney,**]]** and holders of any other position in the Executive Branch designated by law as a non-merit position, are County employees but are not merit system employees.

Amendment #2 – Executive Directors of Non-Principal Offices

Amend lines 25-41 to read as follows.

(a) *Executive Branch – non-principal offices.*

[[(1)**]] [[**Each Executive Director who supervises one of the following**]] [**office**] [[**offices established under Section 1A-203(a) is**]] [**under the supervision of an Executive Director who is**] [[**a non-merit position appointed by the**]] [**Chief Administrative Officer**] [[**Executive and confirmed by the Council:

(A) Office of Animal Services;

(B) Office of the Commission for Women;

(C) Office of Community Use of Public Facilities;

(D) Office of Emergency Management and Homeland Security; and

(E) Office of Human Rights.**]] [**Each Executive Director is a merit system employee.**]**

[[(2) Except as provided under paragraph (1) of this subsection, each**]]** Each office established under Section 1A-203(a) is supervised by a merit system position appointed by the Chief Administrative Officer.

Amendment #3 – Deputy Director, Department of Permitting Services

Amend lines 71-77 to read as follows.

2-42B. Functions; Advisory Committee[[; non-merit deputy]].

(a) *Functions.* The Department of Permitting Services is responsible for:

* * *

(b) *Advisory Committee.*

* * *

[[(c) The position of Deputy Director of the Department of Permitting Services is a non-merit position.**]]**

Amendment #4 – Deputy Director, Office of Public Information

Amend lines 78-95 to read as follows.

2-64H. Functions[[; non-merit deputy]].

* * *

[[(b) The position of Deputy Director of the Office of Public Information is a non-merit position.**]]**

Amendment #5 – Deputy Director, Office of Human Resources

Amend lines 96-119 to read as follows.

2-64I. Functions[[; non-merit deputy]].

* * *

[[(b) The position of Deputy Director of the Office of Human Resources is a non-merit position.**]]**

Amendment #6 – Assistant Chiefs, MCFRS

21-3. Fire Chief; Division Chiefs; merit and non-merit positions.

(a) The Executive must appoint, subject to confirmation by the Council, and may remove the Fire Chief.

* * *

(c) The Chief of the Division of Fire and Rescue Operations is a **[**merit**] [[**non-merit**]]** merit position. The Division Chief must meet the requirements for chief officer adopted under Section 21-8. The Division Chief has operational authority over fire, rescue, and emergency medical services activities of the Fire and Rescue Service, including the local fire and rescue departments, as assigned by the Fire Chief. The Division Chief must promote the integration of the activities of volunteer and career firefighters and rescuers. The Division Chief, subject to the authority of the Fire Chief, may take disciplinary action, including discharge, against any merit system employee in the Service, subject to applicable merit system regulations and collective bargaining agreements.

(d) The Chief of the Division of Volunteer Services is a non-merit position. The Division Chief must meet the requirements for chief officer adopted under Section 21-8 and must have experience as a chief, or an assistant or deputy chief, in a volunteer fire and rescue organization in the County. The Division Chief must be given the same rank under the IECS as the Chief of the Division of Fire and Rescue Operations. Before the Fire Chief recommends a person to the Executive for appointment as Division Chief for Volunteer Services, the Chief must invite the LFRD representative to submit a list of at least 5 qualified persons for the Executive's consideration. If the LFRD representative submits a list and the Executive appoints a person whose name was not on that list, the Executive must explain to the Council why no person on the list was selected. If the Chief does not receive a list of at least 5 candidates within 30 days after requesting it, the Executive may appoint a qualified person without explaining why no person was selected from a list. The Division Chief has operational authority over fire, rescue, and emergency medical services activities of the Fire and Rescue Service, including the local fire and rescue departments, as assigned by the Fire Chief. The Division Chief, under the direction of the Fire Chief must serve as the highest ranking volunteer

officer in the County and coordinate the operations and administration of volunteer personnel and LFRD's. The Division Chief must:

(1) promote the integration of the activities of volunteer and career firefighters and rescuers;

(2) promote recruitment and retention of volunteers;

(3) assist LFRD's in training, risk management, use and maintenance of apparatus, budget preparation, and formulating department policy and recommendations to the Chief and Commission;

(4) monitor legislative and regulatory actions involving volunteer activities and inform affected groups; and

(5) provide additional opportunities for people to volunteer, including the creation of a mobile volunteer personnel corps.

* * *

(i) The position of Chief of the Division of Support Services is a **[[**non-merit**]]** merit position.

(j) The position of Chief of the Division of Fiscal Management is a **[[**non-merit**]]** merit position.

(k) The position of Chief of the Division of Human Resources is a **[[**non-merit**]]** merit position.