

Expedited Bill No. 3-19  
Concerning: Administration – Executive  
Branch – Non-Merit Positions  
Revised: 3/15/2019 Draft No. 2  
Introduced: February 12, 2019  
Enacted: March 19, 2019  
Executive: March 26, 2019  
Effective: March 26, 2019  
Sunset Date: None  
Ch. 5, Laws of Mont. Co. 2019

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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Lead Sponsor: Council President at the Request of the County Executive

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**AN EXPEDITED ACT** to:

- (1) designate certain positions in the Executive Branch as non-merit positions; and
- (2) generally amend the laws governing non-merit positions in the Executive Branch.

By amending

Montgomery County Code  
Chapter 1A, Structure of County Government  
Sections 1A-203

Montgomery County Code  
Chapter 2, Administration  
Sections 2-26, 2-27, 2-30, 2-56, 2-58D, and 2-64K.

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

*The County Council for Montgomery County, Maryland, approves the following act:*



27 **2-30. Department of General Services — Functions.**

28 [The Department of General Services must:]

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

30 [(a)] (1) acquire and dispose of real property, except real property used  
31 (or intended to be used) for right-of-way governed under Chapter  
32 49, including roads, streets, highways, bridges, culverts, storm  
33 drainage systems, pedestrian and bicycle pathways and walkway  
34 systems;

35 [(b)] (2) design and build County buildings, including public parking  
36 facilities under Chapter 60;

37 [(c)] (3) maintain County vehicles, including heavy and light equipment  
38 and transit equipment;

39 [(d)] (4) remodel and renovate County buildings, except public parking  
40 facilities under Chapter 60, which remain open during the  
41 remodeling or renovation;

42 [(e)] (5) repair and maintain County buildings, except public parking  
43 facilities under Chapter 60;

44 [(f)] (6) manage County property and identify and acquire real property  
45 needed for the operation of County government;

46 [(g)] (7) plan and implement the use of space in County buildings; and

47 [(h)] (8) operate mail, printing, duplication, and archiving services.

48 (b) Non-merit position. The position of Deputy Director is a non-merit  
49 position.

50 **2-56. Non-merit positions.**

51 The positions of Deputy Director of Operations and Transportation Policy  
52 Officer [of the Department of Transportation is a] are non-merit positions.

53 **2-58D. Functions.**

54 \* \* \*

55 (e) *Non-merit positions.* The positions of Chief Technology Officer, Chief  
56 Broadband Officer, and Chief Data Officer [is a] are non-merit  
57 positions.

58 **2-64K. Functions.**

59 (a) *Generally.* The [office of management and budget shall have] Office of  
60 Management and Budget has the following functions:

61 [(a)] (1) [Preparation] preparation and administration of the annual  
62 operating budget, six-year public services program and related  
63 matters[.];

64 [(b)] (2) [Preparation] preparation and administration of the annual  
65 capital budget, six-year capital improvements program and  
66 related matters[.];

67 [(c)] (3) [Planning] planning for county facilities[.];

68 [(d)] (4) [Program] program evaluation[.];

69 [(e)] (5) [Coordination] coordination of productivity improvement  
70 activities, including management, organization and systems  
71 analyses and projects[.]; and

72 [(f)] (6) [Other] other management functions as assigned by the chief  
73 administrative officer.

74 (b) *Non-merit position.* The position of Deputy Director for Results is a  
75 non-merit position.

76 **Sec. 2. Expedited Effective Date.**

77 The Council declares that this legislation is necessary for the immediate  
78 protection of the public interest. This Act takes effect on the date on which it

79 becomes law.

80 **Sec. 3 Transition - Certain Incumbents.**

81 (a) If, on the effective date of this Act, an employee who ~~[(1) has obtained~~  
82 merit system status and (2) is not in a promotional probationary  
83 period,] occupies a position that this Act converts to a non-merit  
84 position:

85 ~~[(a)]~~ (1) that employee retains all merit system rights; and

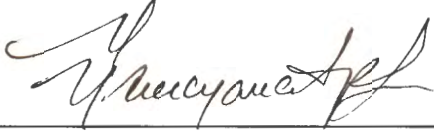
86 ~~[(b)]~~ (2) the position does not become a non-merit position until that  
87 employee leaves the position through transfer, promotion,  
88 demotion, retirement, or other separation from service.

89 (b) An employee who, on the effective date of this Act, is in a probationary  
90 period for a position that this Act converts to a non-merit position:

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

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

Approved:



3/20/19

Nancy Navarro, President, County Council

Date

Approved:

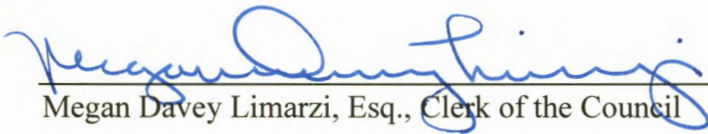


3/26/19

Marc Elrich, County Executive

Date

*This is a correct copy of Council action.*



Megan Davey Limarzi, Esq., Clerk of the Council

3/26/19

Date