

Expedited Bill No. 6-07
Concerning: Structure of County
Government – Non-merit Positions
Revised: 5-16-07 Draft No. 4
Introduced: March 8, 2007
Enacted: May 16, 2007
Executive: May 28, 2007
Effective: May 28, 2007
Sunset Date: None
Ch. 5, Laws of Mont. Co. 2007

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Council President at the Request of the County Executive

AN EXPEDITED ACT to:

- (1) designate certain office and department directors and certain other positions in the Executive Branch as non-merit positions; and
- (2) make technical and stylistic changes in, and 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 and 1A-204

Chapter 2, Administration
Sections 2-26, 2-56, 2-58D, and 2-60

Chapter 11, Consumer Protection
Section 11-2

Chapter 27, Human Rights and Civil Liberties
Sections 27-4, 27-6, 27-7, 27-15, 27-18, and 27-33A

By adding

Montgomery County Code
Chapter 2, Administration
Section 2-26

Boldface	<i>Heading or 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:

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Division 1A, Office of the County Executive.

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2-26. [Reserved] Non-merit positions.

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The following positions in the Office of the County Executive are non-merit

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positions:

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(a) 5 Directors of the Regional Services Centers;

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(b) Director, Office of Community Partnerships;

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(c) Director, Criminal Justice Coordinating Commission; and

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(d) 4 Assistant Chief Administrative Officers.

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Division 10. Department of Public Works and Transportation.

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2-56. Non-merit positions.

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(a) The position of Deputy Director of the Department of Public Works and Transportation is a non-merit position.

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(b) The position of Deputy Director [of *Go Montgomery!*,] for Special Projects is a non-merit position. The Deputy Director [of *Go Montgomery!*] for Special Projects must [be responsible for providing coordination and management of] coordinate and manage the County's *Go Montgomery!* policy and budgetary initiative, [including providing quarterly reports] and must report each calendar quarter to the Council on this initiative. The Deputy Director for Special Projects must also coordinate and manage other high-priority transportation initiatives, as directed by the Department Director.

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Division 11D. Department of Technology Services.

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2-58D. Functions.

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* * *

52 (e) Non-merit positions. The position of Chief Technology Officer is a
53 non-merit position.

54 **2-60. Criminal Justice Coordinating Commission.**

55 * * *

56 (b) *Composition; officers; terms of members; meetings; staff.*

57 * * *

58 (9) (A) The County Executive must appoint, subject to Council
59 confirmation, a Director of the Commission.

60 (B) The Director is not a voting member of the Commission.

61 (C) The Director must help the Commission achieve its
62 objectives by:

63 (i) facilitating the coordination of Commission
64 meetings;

65 (ii) facilitating the coordination and communication of
66 Commission members;

67 (iii) assisting the Commission in obtaining information
68 and assistance from other County agencies and
69 programs as needed; and

70 (iv) assuring that the Commission has the staff and
71 other resources it needs.

72 [(9)] (10) The Chief Administrative Officer must provide staff
73 support to the Commission, subject to appropriation.

74 * * *

75 **11-2. Office of Consumer Protection.**

76 The Office of Consumer Protection is a department of County government.
77 [Notwithstanding Section 1A-104(a) and (c), the Office is headed by a merit
78 system employee, who is entitled the Executive Director.] The Office may:

79 * * *

80 **27-4. [Commission staff and] Office of Human Rights.**

81 (a) The [executive director of the Commission] Executive Director
82 appointed under Section 1A-204(a)[(2)] heads the Office of Human
83 Rights and must assist the Commission to implement this Article.

84 * * *

85 **27-6. Definitions.**

86 The following words and phrases have the following meanings, unless the
87 context indicates otherwise:

88 * * *

89 Director means the Executive Director of the Office of Human Rights and
90 includes the Executive Director's designee.

91 * * *

92 [*Executive director or director* means a merit system employee selected to
93 head the Office of Human Rights and carry out the executive director's
94 responsibilities under this Chapter. The terms include the director's designee.]

95 [*Executive staff or staff* means those merit system employees who fulfill the
96 duties set out in this article.]

97 * * *

98 **27-7. Administration and enforcement.**

99 (a) *Filing [of] complaints.* Any person subjected to a discriminatory act or
100 practice in violation of this Article[,] or any group or person seeking
101 to enforce this Article may file with the [executive director] Director a

102 written complaint, sworn to or affirmed under the penalties of perjury,
103 that must state:

104 * * *

- 105 (k) *Appeal.* Any party aggrieved by [the], a case review board's final
106 decision may seek full appellate review [in the Courts] under Section
107 2A-11. A decision by a case review board under subsection (f)(2)(A)
108 to uphold the [executive director's] Director's finding that there are no
109 reasonable grounds to believe a violation occurred is not subject to
110 appellate review.

111 * * *

112 **27-15. Licensing and licensing authorities.**

113 * * *

- 114 (c) [When] If a complaint is filed against a person licensed by the state
115 real estate commission [of Maryland] and the [executive director]
116 Director [shall find] finds that reasonable grounds exist to believe the
117 law has been violated, the [executive director shall] Director must
118 promptly transmit [promptly] a copy of [his or her] the Director's
119 findings and the complaint to the real estate commission [of
120 Maryland] for such action as the commission[, in its judgment,]
121 considers appropriate. The [executive director shall] Director must
122 promptly forward to the real estate commission the final disposition of
123 [complaints] any complaint previously forwarded to the commission.

124 **27-18. Enforcement.**

- 125 (a) If the [executive director] Director, with respect to a violation of this
126 subdivision, (1) [fails to] does not conciliate a complaint after the
127 parties have, in good faith, attempted [such] conciliation, [or] (2)
128 [fails to] does not effect an assurance of discontinuance or settlement

129 agreement, or (3) [determines] finds that a complaint is not
130 susceptible of conciliation, in addition to the authority provided in
131 [section] Section 27-7, the [executive director] Director may (1)
132 transmit the matter to the [county attorney] County Attorney for
133 appropriate legal action, or (2) advise the complainant of the
134 complainant's right to [initiate] take appropriate legal action.

135 * * *

136 **27-33A. Fees.**

137 * * *

138 (b) The [executive director] Director may waive the user fee [of] charged
139 to a participant if:

140 (1) The [director believes the] waiver would promote the purposes
141 of this Article; and

142 * * *

143 **Sec. 2. Affect on incumbents.** If on the effective date of this Act a merit
144 system employee occupies a position which this Act converts to a non-merit position:

- 145 (a) that employee retains all merit system rights; and
- 146 (b) the position does not become a non-merit position until that employee
147 leaves the position through transfer, promotion, demotion, retirement, or
148 other separation from service.

149 **Sec. 3. Expedited Effective Date.** The Council declares that this legislation
150 is necessary for the immediate protection of the public interest. This Act takes effect
151 on the date when it becomes law.

152 *Approved:*

153 Marilyn J. Praisner 5/17/07
Marilyn J. Praisner, President, County Council Date

154 *Approved:*

155 Isiah Leggett 5/28/2007
Isiah Leggett, County Executive Date

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157 This is a correct copy of Council action.

158 Linda M. Lauer 6/4/2007
Linda M. Lauer, Clerk of the Council Date