

**MEMORANDUM**

TO: County Council

FROM: Robert H. Drummer, Legislative Attorney   
Michael Faden, Senior Legislative Attorney 

SUBJECT: **Introduction:** Bill 4-08, Reorganization – Executive Branch

Expedited Bill 4-08, Reorganization – Executive Branch, sponsored by the Council President at the request of the County Executive, is scheduled to be introduced on March 4, 2008. A public hearing is tentatively scheduled for April 8 at 1:30 p.m.

Bill 4-08 would implement the reorganization of several Executive Branch agencies and offices. The reorganization would:

- replace the Department of Public Works and Transportation with a Department of Transportation, and transfer most of DPWT's functions to it;
- move DPWT's solid waste functions to the Department of Environmental Protection;
- create an Office of Internal Audit in the Office of the County Executive, and move Finance Department internal audit functions to it;
- create a Department of General Services, incorporating the Office of Procurement and DPWT's facilities management functions;
- abolish the Department of Homeland Security and reassign some functions to the Department of Police and most functions to a new Office of Emergency Management and Homeland Security in the Office of the County Executive.

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Expedited Bill No. 4-08  
Concerning: Reorganization - Executive  
Branch  
Revised: 2-28-08 Draft No. 1  
Introduced: March 4, 2008  
Expires: September 4, 2009  
Enacted: \_\_\_\_\_  
Executive: \_\_\_\_\_  
Effective: July 1, 2008  
Ch. \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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By: Council President at the Request of the County Executive

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### AN EXPEDITED ACT to:

- (1) abolish the Department of Public Works and Transportation and re-assign its functions;
- (2) create a Department of Transportation and assign its functions;
- (3) create a Department of General Services and assign its functions;
- (4) assign certain solid waste functions to the Department of Environmental Protection;
- (5) create an Office of Internal Audit, and assign certain functions to the Office;
- (6) abolish the Office of Procurement as a principal Office of the Executive Branch;
- (7) abolish the Department of Homeland Security and re-assign certain of its functions;
- (8) create an Office of Emergency Management and Homeland Security, and assign it certain functions;
- (9) clarify the authority of officers and employees to delegate functions to another, and generally provide for delegation of authority;
- (10) make technical and stylistic changes; and
- (11) generally amend the law regarding transportation, public works, procurement, property management, and related functions.

By amending

Montgomery County Code  
CHAPTER 1A       STRUCTURE OF COUNTY GOVERNMENT  
    Sections 1A-201, 1A-203  
CHAPTER 2        ADMINISTRATION  
    Sections 2-29, 2-42B, 2-55, 2-56, 2-57, 2-58D, 2-58E, 2-64N, 2-64O  
CHAPTER 4        AMUSEMENTS  
    Section 4-33  
CHAPTER 5        ANIMAL CONTROL  
    Section 5-101  
CHAPTER 7        BICYCLES  
    Section 7-1

CHAPTER 8	BUILDINGS
	Sections 8-14A, 8-26, 8-32, 8-37
CHAPTER 10B	COMMON OWNERSHIP COMMUNITIES
	Section 10B-3
CHAPTER 11B	CONTRACTS AND PROCUREMENT
	Sections 11B-1, 11B-56, 11B-65
CHAPTER 18	ELM DISEASE
	Section 18-1
CHAPTER 20	FINANCE
	Section 20-38
CHAPTER 21	FIRE AND RESCUE SERVICES
	Section 21-12
CHAPTER 22A	FOREST CONSERVATION - TREES
	Sections 22A-26, 22A-31
CHAPTER 27	HUMAN RIGHTS AND CIVIL LIBERTIES
	Section 27-51
CHAPTER 31	MOTOR VEHICLES AND TRAFFIC
	Sections 31-29, 31-51, 31-52, 31-54, 31-57, 31-69
CHAPTER 38	QUARRIES
	Section 38-16
CHAPTER 42A	RIDESHARING AND TRANSPORTATION MANAGEMENT
	Sections 42A-9A, 42A-21
CHAPTER 47	VENDORS
	Section 47-2
CHAPTER 48	SOLID WASTES
	Sections 48-1, 48-3
CHAPTER 49	STREETS AND ROADS
	Sections 49-2, 49-3, 49-9, 49-11, 49-26, 49-28, 49-30, 49-31, 49-32, 49-33, 49-40, 49-62, 49-65, 49-67, 49-68, 49-70, 49-72, 49-73, 49-74, 49-81
CHAPTER 52	TAXATION
	Sections 52-48, 52-55
CHAPTER 53	TAXICABS AND LIMOUSINES
	Section 53-101
CHAPTER 60	SILVER SPRING, BETHESDA, WHEATON AND MONTGOMERY HILLS PARKING LOT DISTRICTS
	Sections 60-12, 60-14, 60-16

By adding

CHAPTER 1A	STRUCTURE OF COUNTY GOVERNMENT
	Section 1A-109
CHAPTER 2	ADMINISTRATION
	Section 2-30, 2-40

<b>Boldface</b>	<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:*

1           **Sec. 1. Sections 1A-201, 1A-203, 2-29, 2-42B, 2-55. 2-56, 2-57, 2-58D, 2-**  
2 **58E, 2-64N, 2-60O, 4-33, 5-101, 7-1, 8-14A, 8-26, 8-32, 8-37, 10B-3, 11B-1, 11B-**  
3 **56, 11B-65, 18-1, 20-38, 21-12, 22A-26, 22A-31, 27-51, 31-29, 31-51, 31-52, 31-54,**  
4 **31-57, 31-69, 42A-9A, 42A-21, 47-2, 48-1, 48-3, 49-2, 49-3, 49-9, 49-11, 49-26, 49-**  
5 **28, 49-30, 49-31, 49-32, 49-33, 49-40, 49-62, 49-65, 49-67, 49-68, 49-70, 49-72, 49-**  
6 **73, 49-74, 49-81, 52-48, 52-55, 53-101, 60-12, 60-14, and 60-16 are amended, and**  
7 **Sections 1A-109, 2-30, and 2-40 are added as follows:**

8 **1A-109. Delegation of Authority; Sub-delegation.**

9           (a) An officer or employee may delegate authority to perform a function to  
10 a designated officer or employee or the person who holds a specific  
11 position if:

12           (1) the officer or employee has been vested with authority to perform  
13 the function; and

14           (2) another law does not prohibit delegation of the function.

15           (b) The officer or employee delegating authority to perform a function may  
16 impose limits, terms, and conditions on the delegation of authority.

17           (c) The officer or employee delegating authority remains responsible for  
18 the performance of the delegated function.

19           (d) A delegation of authority does not divest the officer or employee who  
20 delegates authority of the authority to perform the function.

21           (e) The officer or employee who delegates authority to perform a function  
22 may revoke the delegation at any time. Authority to perform a  
23 delegated authority remains valid until revoked.

24           (f) A delegation of authority to perform a function must be in writing.

25           (g) The official or employee delegating authority to perform a function and  
26 the officer or employee who has been designated to perform a delegated  
27 function should retain a copy of the delegation.



55 [Public Works and Transportation [Section 2-55 et seq.]]  
56 Recreation [Section 2-58]  
57 Technology Services [Section 2-58D]  
58 Transportation [Section 2-55 et seq.]

59 (2) The County Executive [determines] must determine whether an  
60 entity is a department or a principal office.

61 [a.] (A) Entities that directly serve the public are  
62 departments.

63 [b.] (B) Entities that provide internal support to other parts  
64 of County government are principal offices.

65 \* \* \*

66 **1A-203. Establishing other offices.**

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

69 Office of the Commission for Women [section 27-28 et seq.]

70 Office of Community Use of Public Facilities [section 44-4]

71 Office of Emergency Management and Homeland Security [section 2-  
72 640]

73 Office of Human Rights [section 27-4]

74 Office of Internal Audit [section 2-40]

75 \* \* \*

76 **2-29. Functions.**

77 The Department of Environmental Protection [has the following functions and  
78 responsibilities] must:

79 (a) [Protecting, preserving and enhancing] protect, preserve, and enhance  
80 the environmental resources of the County, including environmental

81 planning, design, and development of disposal sites and facilities for  
82 public sewerage[.];

83 (b) [Developing] develop programs and [implementing] administer laws  
84 and regulations:

85 (1) to promote energy conservation; and

86 (2) to prevent or control air, water, and land pollution[.];

87 (c) [Developing] develop programs and [implementing] administer laws  
88 and regulations necessary to protect the public health and environmental  
89 quality[.];

90 (d) plan, design, develop, and manage solid waste facilities and programs,  
91 including collection, disposal, recycling, and waste reduction programs,  
92 and administer related licensing and regulatory programs and activities;  
93 and

94 (e) [Performing] perform other environmental protection functions as  
95 directed by the County Executive.

96 **DIVISION 5. [Reserved] DEPARTMENT OF GENERAL SERVICES.**

97 **[2-30 – 2-39 Reserved.] 2-30 Department of General Services – Functions.**

98 The Department of General Services must:

99 (a) administer, through the Office of Procurement, the procurement system  
100 under Chapter 11B;

101 (b) acquire and dispose of real property, except real property used (or  
102 intended to be used) for right-of-way governed under Chapter 49,  
103 including roads, streets, highways, bridges, culverts, storm drainage  
104 systems, pedestrian and bicycle pathways and walkway systems;

105 (c) design and build County buildings, including public parking facilities  
106 under Chapter 60;

- 107 (d) maintain County vehicles, including heavy and light equipment and  
108 transit equipment;
- 109 (e) remodel and renovate County buildings, except public parking facilities  
110 under Chapter 60, which remain open during the remodeling or  
111 renovation;
- 112 (f) repair and maintain County buildings, except public parking facilities  
113 under Chapter 60;
- 114 (g) manage County property and identify and acquire real property needed  
115 for the operation of County government;
- 116 (h) plan and implement the use of space in County buildings; and
- 117 (i) operate mail, printing, duplication, and archiving services.

118 **2-31 – 2-39 Reserved.**

119 **DIVISION 6. [RESERVED] OFFICE OF INTERNAL AUDIT.**

120 **2-40. Office of Internal Audit — Functions.**

121 The Office of Internal Audit must conduct its work in accordance with  
122 professional standards relevant to internal audit. The Office must:

- 123 (a) identify areas of risk in accountability systems;
- 124 (b) conduct fiscal, contract, performance, and information system audits,  
125 and attestation engagements;
- 126 (c) undertake investigative audits and audits required by law;
- 127 (d) provide advice to departments on internal control issues;
- 128 (e) communicate actions necessary for enhancing accountability; and
- 129 (f) conduct other investigations and audits as directed by the Chief  
130 Administrative Officer.

131 **2-42B. Functions; Advisory Committee.**

132 \* \* \*

- 133 (b) *Advisory Committee.*

134 (1) The County Executive must appoint, subject to confirmation by  
135 the Council, an Advisory Committee for the Department. The  
136 Committee consists of 11 voting members and 6 ex-officio, non-  
137 voting members. Each voting member must be appointed for a 3-  
138 year term and serves until a successor is confirmed. The  
139 Executive must from time to time designate one voting member  
140 as chair and one as vice-chair.

141 \* \* \*

142 (3) The ex-officio, non-voting members must be nominated  
143 respectively by the Director of Environmental Protection, the  
144 Director of Housing and Community Affairs, the Director of  
145 [Public Works and] Transportation, the Fire [Administrator]  
146 Chief, the Planning Board, and the Washington Suburban  
147 Sanitary Commission.

148 \* \* \*

149 **DIVISION 10. DEPARTMENT OF [PUBLIC WORKS AND]**  
150 **TRANSPORTATION.**

151 **2-55. Functions.**

152 The Department of [Public Works and] Transportation [has the following  
153 functions and responsibilities] must:

154 (a) furnish information [to the Montgomery County Planning Board of the  
155 Maryland-National Capital Park and Planning Commission] and make  
156 recommendations to the Planning Board regarding the feasibility of  
157 implementing transportation aspects of master plans [prepared by the  
158 Planning Board];

159 (b) coordinate and cooperate with other bodies and agencies [in the field of]  
160 regarding transportation;

- 161 (c) develop [plans for implementing] programs to implement transportation  
162 [aspects] elements of the [adopted] County general plan [for the  
163 County] and [adopted] area master plans [for various areas of the  
164 County];
- 165 (d) control, supervise, engineer, design, construct, operate, and maintain  
166 roads, streets, highways, bridges, culverts, storm drainage systems,  
167 pedestrian and bicycle pathways and [walkway systems] walkways, and  
168 related facilities benefiting the County, including services relating to  
169 street cleaning, trees, plantings, and leaf collection;
- 170 (e) perform all public transit engineering and operational functions,  
171 including:
- 172 (1) mass transit;  
173 (2) bus service;  
174 (3) taxicabs;  
175 (4) commuter rail service;  
176 (5) limousine service;  
177 (6) airparks, landing fields, and related functions; and  
178 (7) transportation demand management programs;
- 179 (f) review and approve transportation elements of development plans,  
180 including storm drainage and paving plans; grade establishment plans;  
181 record plats; utility plans; pre-preliminary, preliminary and site plans;  
182 and construction permits for any work in public space;
- 183 (g) acquire and dispose of [land] real property used (or intended to be used)  
184 for roads, streets, highways, bridges, culverts, storm drainage systems,  
185 and related facilities; and
- 186 (h) operate[, design, build,] and maintain public parking facilities under  
187 Chapter 60; [ , and] enforce parking regulations; manage the parking

188 enterprise fund under Chapter 60, and remodel, restore, and renovate  
189 public parking facilities under Chapter 60 that will remain open during  
190 the work.

- 191 [(i) maintain and operate transportation equipment and related equipment as  
192 assigned;
- 193 (j) plan, design, develop, and manage solid waste facilities and programs,  
194 including collection, disposal, recycling, and waste reduction programs,  
195 and administer related licensing and regulatory programs and activities;
- 196 (k) plan, design, and supervise the construction, renovation, and  
197 reconstruction of County buildings;
- 198 (l) repair, maintain, remodel, and renovate County buildings;
- 199 (m) manage County property;
- 200 (n) plan and implement the use of space in County buildings;
- 201 (o) operate mail, printing, and duplication services; and
- 202 (p) perform other functions that the County Executive directs the  
203 Department to perform.]

204 **2-56. Non-merit positions.**

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

207 \* \* \*

208 **2-57. Bus Advertising.**

- 209 (a) The Chief Administrative Officer must issue a request for proposals for  
210 a contractor to sell, affix, maintain, and replace exterior and interior  
211 advertisements on and in public transit buses owned or operated by the  
212 Department of [Public Works and] Transportation.

213 \* \* \*

214 **DIVISION 11D. DEPARTMENT OF TECHNOLOGY SERVICES.**

215 **2-58D. Functions.**

216 \* \* \*

217 (d) *Information Technology Policy Advisory Committee.*

218 (1) The Information Technology Policy Advisory Committee  
219 includes:

220 (A) the Director of Finance;

221 (B) the Director of the Office of Management and Budget;

222 (C) the Director of [the Office of Procurement] General  
223 Services;

224 (D) the Director of the Office of Human Resources;

225 (E) the County Attorney;

226 (F) [The] the Chief of Police;

227 (G) the [Director of Fire/Rescue Services] Fire Chief;

228 (H) the Director of [Public Works and] Transportation;

229 (I) the Director of Health and Human Services; and

230 (J) any other head of a County agency, department, or office  
231 listed in Executive regulations approved under method 2.

232 \* \* \*

233 **2-58E. Transmission facility coordination.**

234 \* \* \*

235 (d) (1) The Director must convene a Transmission Facility Coordinating  
236 Group and select a chair from among its members. The Group  
237 consists of the Director's designee or contractor and a designee  
238 of:

239 (A) the [Maryland-National Capital Park and] Planning  
240 [Commission] Board;

241 (B) the Office of Management and Budget;

- 242 (C) the cable television administrator in the Department of  
243 Technology Services;
- 244 (D) the Department of [Public Works and] Transportation;
- 245 (E) the Department of Permitting Services; and
- 246 (F) any other County, bi-county, or municipal department or  
247 agency which the Director invites to send a designee.

248 \* \* \*

249 **DIVISION 20. OFFICE OF PROCUREMENT.**

250 **2-64N. Functions.**

251 The Office of Procurement is part of the Department of General Services. The  
252 Office of Procurement [has the following functions] must:

- 253 (a) [Administration of] administer the centralized purchasing system [in  
254 accordance with charter section] required by Charter Section 313;
- 255 (b) [Procurement of] procure all goods and services in accordance with  
256 Chapter 11B and other applicable law; and
- 257 (c) [Performance of] perform any other procurement [and] or related  
258 [functions as may be] function assigned by the Chief Administrative  
259 Officer.

260 **DIVISION 21. [DEPARTMENT OF] OFFICE OF EMERGENCY**  
261 **MANAGEMENT AND HOMELAND SECURITY.**

262 **2-64O. Functions and organization.**

263 The [Department of] Office of Emergency Management and Homeland  
264 Security [is responsible for planning, managing] must plan, manage, and [integrating]  
265 integrate the County's emergency management and homeland security programs.  
266 The [Department has the following functions] Office must:

- 267 (a) undertake emergency management and disaster preparedness planning,  
268 and coordinate response and recovery operations to a disaster[.];

- 269 (b) coordinate homeland security intelligence programs in conjunction with  
270 the [Montgomery County] Police, Sheriff, and other local, state, and  
271 federal law enforcement agencies and disease surveillance systems of  
272 public health[.];
- 273 (c) manage the interdepartmental governance of the Public Safety  
274 Communications Center (PSCC) and the Alternate Public Safety  
275 Communications Center (APSCC)[, and coordinate the interoperability  
276 of the PSCC and the APSCC with state, regional, and federal agencies.];
- 277 (d) [Develop and integrate] facilitate the integration of policies and  
278 procedures on homeland security, emergency management, and  
279 [emergency] preparedness with the [Montgomery County] Fire and  
280 Rescue Service; [the Department of] Police[.]; Health and Human  
281 Services; [and Public Works and] Transportation; Environmental  
282 Protection; the [Office of the] Sheriff; and other County government  
283 departments and public agencies as necessary[.];
- 284 (e) coordinate community outreach and volunteer support of emergency  
285 preparedness and homeland security[.];
- 286 (f) coordinate the County's homeland security and emergency  
287 preparedness programs with federal, state, regional, local, County, and  
288 municipal agencies, [and] including the Housing Opportunities  
289 Commission, Montgomery College, Montgomery County Public  
290 Schools, Maryland-National Capital Park and Planning Commission,  
291 Washington Suburban Sanitary Commission, Washington Metropolitan  
292 Area Transit Authority, and utilities and telecommunications companies  
293 doing business in the County[.];

- 294 (g) develop, coordinate, and manage state and federal grants relating to
- 295 homeland security and emergency preparedness[.], response, and
- 296 recovery; and
- 297 (h) [Coordinate the security of County facilities.
- 298 (i) Coordinate and integrate the County's public health emergency
- 299 preparedness programs and response.
- 300 (j)] undertake [other] related functions designated by the County Executive.

301 **4-33. Applicant to file certain certificates with Department.**

302 [No] The Director must not issue a license [shall be issued] under this Division  
303 unless the following certificates have been filed with the Department.[:; provided,  
304 that] However, the following certificates [shall] are not [be] required [for renewal of]  
305 to renew a license[.] unless [there has been some alteration or change in] the plans  
306 and specifications were materially altered after [the granting of] the initial license  
307 was issued. [:]

308 \* \* \*

- 309 (d) A certificate from the Department of [Public Works and] Transportation
- 310 that the traffic design will not impair the flow of traffic on public
- 311 highways and that the entrance, exit, and parking of vehicles will not
- 312 interfere with an orderly flow of traffic, in addition to any other
- 313 requirements in this Article.

314 **5-101. Definitions.**

315 In this Chapter, the following words and phrases have the following meanings:

316 \* \* \*

317 *Service animal:* Any guide or signal dog or other animal trained to work or  
318 perform tasks for a person with a disability, including guiding a person with impaired  
319 vision, alerting a person with impaired hearing to intruders or sounds, providing  
320 minimal protection or rescue work, pulling a wheelchair, or fetching dropped items,

321 or any dog used by the Department of Police, Sheriff's Office, Fire and Rescue  
322 Service, [Department of] Office of Emergency Management and Homeland Security,  
323 or any federal or state law enforcement or search and rescue agency.

324 \* \* \*

325 **7-1. Definitions.**

326 In this Chapter:

327 \* \* \*

328 (b) bicycle helmet means a protective helmet designed for bicycle riders  
329 that is approved by the Snell Memorial Foundation or the American  
330 National Standards Institute, or that the Director of [the Department of  
331 Public Works and] Transportation determines meets an equivalent  
332 standard.

333 **8-14A. Energy performance standards for county buildings.**

334 \* \* \*

335 (c) The County Executive must adopt regulations under method (2) [of  
336 Section 2A-15 of this Code] to establish:

337 (1) Minimum building energy performance standards that meet or  
338 exceed the energy performance standards established by the State  
339 of Maryland under [article 78A, Annotated Code of Maryland]  
340 State law;

341 \* \* \*

342 (d) The Director of [the Department of Public Works and Transportation]  
343 General Services may grant a variance or modification of an energy  
344 performance standard if:

345 (1) The architect applies for the variance or modification in writing;  
346 and

- 347 (2) The Director gives notice of and a chance to comment on the  
348 application to:  
349 [a.](A) the County Council;  
350 [b.](B) the Department of Permitting Services; and  
351 [c.](C) the energy conservation advisory committee.

352 **8-26. Condition of permit.**

353 \* \* \*  
354 (j) *Compliance with performance bond for construction of streets before*  
355 *issuance of permit.* As used in this subsection, the phrase “such streets”  
356 means streets abutting the building site [plus] and those extensions of  
357 streets necessary to meet the minimum requirements of Chapter 49.

358 (1) [No] A permit [shall] must not be issued for the erection of any  
359 building or structure unless the applicant [shall first deliver]  
360 delivers to the County a performance bond for the construction of  
361 streets in all rights-of-way abutting the property [upon which  
362 such] on which the building or structure [is to] will be erected  
363 [plus] and those extensions of streets necessary to meet the  
364 minimum requirements of Chapter 49. [of this Code; provided,  
365 that no] However, a performance bond for the construction of  
366 streets [shall be required to the extent that] is not required when:

367 [a.](A) [Such] all streets are paved with a hard surface and have  
368 been accepted for maintenance or are being maintained by  
369 the County; or

370 [b.](B) [Construction of such streets has been] the County  
371 Council authorized [by the County Council] construction  
372 of each street on a front foot assessment basis.

373 \* \* \*

374 (3) If the applicant owns, or is obligated by contract to develop, all or  
375 substantially all of the property abutting the streets, a bond in an  
376 amount to cover the cost of grading of the streets is sufficient to  
377 obtain a building permit. When the applicant does not own, and  
378 is not obligated by contract to develop, all or substantially all of  
379 the property abutting the streets, the applicant may demand that  
380 the Director of [the Department of Public Works and]  
381 Transportation present to the County Council the applicant's  
382 proposal to construct the streets on a front-foot-assessment basis.  
383 If the County Council refuses to authorize the construction of the  
384 streets on a front-foot-assessment basis, the Department must not  
385 require the applicant to post a performance bond.

386 \* \* \*

387 **8-32. Administrative procedures.**

388 \* \* \*

389 (b) *Review by other agencies.* The Director must also refer each application  
390 to which this Article applies for comments on the adequacy of public  
391 facilities to:

- 392 (1) the Department of [Public Works and] Transportation;  
393 (2) the Superintendent of the Montgomery County Public School  
394 System;  
395 (3) the County Fire and Rescue Service; and  
396 (4) the Department of Police.

397 Each [of those agencies and departments] recipient must submit any  
398 comments on the application to the Planning Board within 30 days after  
399 receiving the application from the Director.

400 \* \* \*

401 **8-37. Payment.**

402 \* \* \*

403 (c) If the applicant has applied under the Alternative Review Procedure for  
404 Metro Station Policy Areas, the applicant must agree, in a contract with  
405 the Planning Board and the Department of [Public Works and]  
406 Transportation, as a condition of plan approval to pay the first  
407 installment of the development approval payment, as provided in  
408 Section 8-41, for each building in the area covered by the subdivision  
409 plan before the Department releases a building permit for that building.  
410 In addition, the applicant, and the owner of the property if the owner is  
411 not the applicant, must expressly accept in the same contract:

- 412 (1) the applicant's liability for the entire development approval  
413 payment, and  
414 (2) the attachment to all real property in the subdivision of the lien  
415 imposed under Section 8-42(e).

416 **10B-3. Commission on Common Ownership Communities.**

417 \* \* \*

418 (b) Designees of the County Council (if the Council selects a designee),  
419 Planning Board, Department of Environmental Protection, Department  
420 of Permitting Services, Department of [Public Works and]  
421 Transportation, Office of Consumer Protection, and Department of  
422 Housing and Community Affairs are ex-officio nonvoting members of  
423 the Commission.

424 \* \* \*

425 **11B-1. Definitions.**

426 Unless the context indicates otherwise, the following terms have the following  
427 meanings:

428  
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\* \* \*

(i) *Director* means the Director of the [Office of Procurement] Department of General Services or the Director's designee.

\* \* \*

**11B-56. Procurement of goods containing recycled materials.**

\* \* \*

(d) *Role of Office of Procurement and Department of [Public Works and Transportation] Environmental Protection; Executive Regulations; Indirect Purchases.*

\* \* \*

(2) The Department of [Public Works and Transportation] Environmental Protection must provide technical assistance, when requested by the Office of Procurement or a Using Department, concerning recycled material content in any product, or similar matters.

\* \* \*

(e) *Report by Office of Procurement.* The Director, in consultation with the Director of [Public Works and Transportation] Environmental Protection, must submit a report to the County Council and County Executive by September 30 each year about implementation of this Section for the prior fiscal year. The report must describe County government efforts to encourage the maximum purchase of goods containing recycled materials under this Section and recommend measures that could increase County purchases of goods containing recycled materials. The report should specifically provide:

\* \* \*

**11B-65. Definitions.**

455 In this Article the following words have the meanings indicated.

456 (a) [Department means the Department of Economic Development.

457 (b) Director means the Director of the Department of Economic  
458 Development.

459 (c) Local Small Business means a business, other than a broker, that:

460 (1) generates a significant amount of economic activity in the  
461 County;

462 (2) is independently owned and operated;

463 (3) is not a subsidiary of another business; and

464 (4) meets criteria, size limits, and gross sales amounts established by  
465 method 2 regulations.

466 [(d)](b) Local Small Business Reserve means any procurement that is  
467 limited to responses from local small businesses.

468 **18-1. Definitions.**

469 In this Chapter, the following words and phrases, have the meanings stated:

470 *County forester:* An individual in the Department of [Public Works and]  
471 Transportation designated by the Director of that Department as the County forester.

472 \* \* \*

473 **20-38. Powers and duties of [director] Director generally.**

474 The [director of finance is hereby authorized and directed] Director of Finance,  
475 under the general direction of the [county executive] County Executive, must:

476 (a) [*Audit*] Review and audit of claims, vouchers, etc. [To] review and  
477 audit [and pre-audit all] accounts, claims, invoices, demands, or  
478 vouchers presented to the [county] County for payment.

479 (b) *Accounting system, etc.* [To] prescribe the system of accounts, reports,  
480 and expenditure and receipt documents to be used by all of the officers

481 of the [county] County government, except as [the same may now or  
482 hereafter be] prescribed by law.

483 (c) *Financial records.* [To] keep the financial records of the [county]  
484 County government, including payroll.

485 (d) [*Investigations of county department; reports.* To make such  
486 investigation of the financial organization, activities and methods of  
487 procedure of the several county departments and establishments as he  
488 may be called upon to make by the county executive. In submitting any  
489 report, the director of finance may adopt as his the report of any  
490 independent public accountants retained by the county to the extent that  
491 the form and content on the report of such independent public  
492 accountants comply with the requirements relating to the report being  
493 submitted by the director of finance.] Annual Financial Report.  
494 prepare an Annual Financial Report containing a detailed account of all  
495 funds received and paid by the County in accordance with applicable  
496 accounting and financial reporting standards.

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

500 **21-12. Master fire, rescue, and emergency medical services plan.**

501 (a) The Commission must review the master fire, rescue, and emergency  
502 medical services plan on an ongoing basis, and must propose any  
503 appropriate amendments to the Fire Chief, Executive, and Council. The  
504 master plan must include at least:

505 \* \* \*

506 (9) a program of action to coordinate with the [Department of] Office  
507 of Emergency Management and Homeland Security, the

508 County's fire prevention and control and emergency services  
509 resources into County-wide, regional, State, and national  
510 emergency management plans.

511 \* \* \*

512 **22A-26. Regulations.**

513 \* \* \*

514 (g) *List of Off-Site Property for Mitigation.* The Planning Director should  
515 develop and maintain a list of properties that may be suitable for off-site  
516 mitigation required under forest conservation plans. The Planning  
517 Director should develop the list in coordination with the County  
518 Arborist, the Department of Environmental Protection, the Department  
519 of [Public Works and] Transportation, the Department of General  
520 Services, the Department of Economic Development, the Soil  
521 Conservation District, and other appropriate agencies.

522 \* \* \*

523 **22A-31. Forest Conservation Advisory Committee.**

524 \* \* \*

525 (c) *Composition and terms of members.*

526 \* \* \*

527 (2) The Executive must designate a staff member from each of the  
528 following departments to serve as an ex officio member:

529 (A) Economic Development;

530 (B) Environmental Protection; and

531 (C) [Public Works and] Transportation.

532 \* \* \*

533 **27-51. Commission-Composition and appointments; meetings; staff.**

534 (a) *Composition and appointment.* There is a Commission on People with  
535 Disabilities. The Commission has 25 voting members, and at least 5  
536 nonvoting members, including:

537 \* \* \*

538 (4) one nonvoting member from the:

539 (A) Department of Recreation;

540 (B) Department of [Public Works and] Transportation; and

541 (C) Human [Relations] Rights Commission; and

542 \* \* \*

543 **31-29. Uses prohibited.**

544 \* \* \*

545 (b) Notwithstanding [the provisions of] subsection (a), the County  
546 Executive must establish, by regulation adopted under method (3),  
547 procedures [for issuing] to issue written permits for the use of County  
548 owned or leased and operated parking facilities for storage and off-street  
549 parking purposes under the following conditions:

550 (1) Storage or parking restricted to areas of the facility designated by  
551 the Department of [Public Works and] Transportation.

552 \* \* \*

553 **31-51. Enforcement and administration; fines and penalties; signs.**

554 \* \* \*

555 (d) *Waivers and refunds.* The Director of [the Department of Public Works  
556 and] Transportation must submit a quarterly report to the County  
557 Executive that identifies all fines, penalties, costs, and other charges that  
558 have been waived or refunded as authorized under subsection (b)(2) and  
559 (3).

560 \* \* \*

561 **31-52. Duties and responsibilities of the Department of [Public Works and]**  
562 **Transportation.**

563 (a) The Director of [the Department of Public Works and] Transportation  
564 [shall provide for,] must maintain records of and control the issuance of  
565 pre-numbered parking violation notices to the [department of police]  
566 Department of Police and other departments authorized by the [county  
567 executive] County Executive to enforce the [regulations and provisions  
568 of this Code] law relative to illegal parking.

569 \* \* \*

570 **31-54. Duty of police officers or other authorized persons to issue notice of**  
571 **violation [and report same].**

572 \* \* \*

573 (c) [Said] Each notice of violation shall instruct the owner or operator  
574 [thereof], or either of them, to pay within [fifteen (15)] 15 days to the  
575 Department of [Public Works and] Transportation as penalty [and in full  
576 satisfaction] for [such] the violation, the fine specified by [the county  
577 executive] Council resolution [as provided for in] under this [article]  
578 Article, or to give written notice, within [fifteen (15)] 15 days, to the  
579 Department, of the owner or operator's intention to stand trial for [said]  
580 the violation in the [district court] District Court.

581 \* \* \*

582 **31-57. Failure to pay or comply; penalty in addition to fine.**

583 \* \* \*

584 (b) Whenever the Department of [Public Works and] Transportation or its  
585 agent [is able to ascertain] can find, by reasonable access to state motor  
586 vehicle administration registration records, the name and address of the  
587 owner [thereof], the Department or agent [shall] must immediately [give

588 or cause to be given a notice] notify the owner in writing [to such  
589 owner] that:

- 590 (1) the violation is overdue and delinquent, [but that]  
591 (2) the additional penalty has been added, and [that]  
592 (3) the owner's failure [to such owner] to [make such payment in full  
593 satisfaction of the violation] pay the entire fine and penalty[, shall  
594 render such] makes the owner subject to the warrant and other  
595 penalties provided by this Chapter.

596 **31-69. Residential Traffic Management Areas.**

597 \* \* \*  
598 (g) The Department of [Public Works and] Transportation must seek advice  
599 on any proposed plan from affected residents and other interested  
600 persons on an ongoing basis through regular open meetings and other  
601 reasonable means.

602 \* \* \*

603 **38-16. Access roads.**

604 \* \* \*  
605 (b) *Outside the license boundary.*

606 \* \* \*  
607 (6) If the licensee or haulers do not remove spillage or other quarry-  
608 related road debris from a roadway promptly, the Department of  
609 [Public Works and] Transportation may arrange [for removal of]  
610 to remove the spillage or debris at the expense of the licensee and  
611 haulers. The licensee and all haulers using the quarry during the  
612 week the spillage occurred are jointly and severally responsible  
613 for this expense.

614 \* \* \*

615 **42A-9A. Traffic mitigation agreements for certain developments.**

616 (a) (1) A traffic mitigation agreement that is required to be executed  
617 with the County under Article IV of Chapter 8 as a prerequisite to  
618 the issuance of a building permit must meet the requirements of  
619 this section.

620 \* \* \*

621 (4) A traffic mitigation agreement executed under this Section is not  
622 intended to satisfy the requirements of the Growth Policy for  
623 exceeding staging ceiling limitations. Until the County Council  
624 adopts specific traffic mitigation or commuting goals in the  
625 Growth Policy, the goal of a traffic mitigation agreement [is]  
626 must be to have the percentage of non-driver trips employees  
627 make during the peak period equal the percentage of home-based  
628 work trips non-drivers make [within] in the policy area. The  
629 mitigation agreement should consider proximity to Metro and  
630 other relevant factors [set forth] listed in subsection (e). The  
631 percentage of non-driver trips the employees make during the  
632 peak period must not be lower than 15 percent or the percentage  
633 of home-based work trips using transit, whichever is greater. The  
634 percentage must not be higher than 35 percent. In determining  
635 the appropriate percentage of home-based work trips for non-  
636 drivers under this paragraph, the Department of [Public Works  
637 and] Transportation must use data of commuting patterns from  
638 the most recent census update.

639 (5) A traffic mitigation agreement executed as part of site plan  
640 review satisfies the requirements of this section. [After July 24,  
641 1989, the] The Department of [Public Works and] Transportation

642 should review and comment on [all such agreements] each  
643 agreement.

644 (6) The Department of [Public Works and] Transportation must  
645 submit [all] each proposed traffic mitigation [agreements]  
646 agreement to the Planning Department for review and comment.

647 (b) The permit applicant and the Department of [Public Works and]  
648 Transportation must execute a traffic mitigation agreement before a  
649 building permit is issued. If the applicant is not the owner of the  
650 property subject to the permit application, each owner of the property  
651 must also execute the traffic mitigation agreement if the agreement  
652 requires that owner to take any action. A traffic mitigation agreement  
653 executed by an owner must apply to all successors in interest to the  
654 owner of the property [for] during the term of the agreement. The  
655 owner must record the executed agreement in the County land records  
656 [of the County].

657 \* \* \*

658 (e) In determining reasonable and otherwise appropriate provisions of a  
659 traffic mitigation agreement, the Director of [the Department of Public  
660 Works and] Transportation must consider, among other relevant factors:

661 \* \* \*

662 **42A-21. Definitions.**

663 In this Article, unless the context indicates otherwise:

664 \* \* \*

665 *Department* means the Department of [Public Works and] Transportation.

666 *Director* means the Director of the Department of [Public Works and]  
667 Transportation or the Director's designee.

668 \* \* \*

669 **47-2. Hours and places of operation.**

670 \* \* \*

671 (b) The Director may issue licenses for a limited number of stationary or  
672 slow-moving pushcarts or similar vehicles, not larger than a size set by  
673 regulation, from which a licensee may sell goods on designated  
674 sidewalks or rights-of-way in a Central Business District planning  
675 policy area (as defined in the County Growth Policy). The Director by  
676 regulation under method (2) must limit the number of vehicles licensed  
677 in each Central Business District and the number of licensees who can  
678 sell any particular type of goods. If more persons apply for any  
679 category of licenses under this subsection than the number available, the  
680 Director must first consider renewing each previous licensee and then  
681 conduct a lottery among qualified applicants for the remaining licenses.  
682 A licensee under this subsection may locate on a public right-of-way  
683 only if the Director of [Public Works and] Transportation concurs that  
684 the licensee's operation at that location will not unduly affect vehicular  
685 or pedestrian safety.

686 \* \* \*

687 **48-1. Definitions.**

688 In this Chapter, the following words and phrases have the following meanings:

689 \* \* \*

690 *Department:* The Department of [Public Works and Transportation]  
691 Environmental Protection.

692 *Director:* The Director of the Department of [Public Works and  
693 Transportation] Environmental Protection, or the Director's designee.

694 \* \* \*

695 **48-3. Administration of chapter.**

- 696 (a) The Director of [the Department of Public Works and Transportation  
697 administers] Environmental Protection must administer this Chapter.
- 698 (b) [The Chief Administrative Officer may assign the Department of  
699 Environmental Protection to enforce any specific provision of this  
700 Chapter. If the Chief Administrative Officer assigns or revokes the  
701 assignment of enforcement authority under this subsection, the Chief  
702 Administrative Officer must publish a notice of that action in the  
703 Montgomery County Register. The notice must specify whether any  
704 enforcement authority assigned to the Department of Environmental  
705 Protection is exclusive or shared with the Department of Public Works  
706 and Transportation.
- 707 (c)] The Director may waive any requirement of this Chapter when:
- 708 (1) practical difficulties, undue hardships or other good cause  
709 prevents any person from carrying out this Chapter; and
- 710 (2) the waiver is not contrary to the spirit and intent of this Chapter  
711 and other applicable law, and does not materially impair the  
712 public welfare and safety.
- 713 (c) Any aggrieved party may appeal the grant or denial of a waiver to the  
714 County Board of Appeals under Section 48-28.

715 **49-2. Resolving doubt as to location of County roads.**

- 716 (a) Whenever any doubt exists as to the proper location or width of a  
717 County road, the Director of [Public Works and] Transportation may  
718 cause the road to be surveyed and a description and plat made of it and  
719 recorded or filed in the County land records. This description and plat  
720 must be treated as correct by the County and in the State courts until  
721 shown to be incorrect.

722 **49-3. Authority to classify road repairs.**

723 The Director of [Public Works and] Transportation may decide whether a  
724 given road repair job should be classified as maintenance or construction under this  
725 Chapter.

726 **49-9. Removal of items that obstruct the vision of motorists on public highways**  
727 **or interfere with the use of public rights-of-way.**

728 (a) *Notice to owner of property.* If the Director of [Public Works and]  
729 Transportation finds that any tree, bush, vine, undergrowth, or other  
730 obstruction, except a building or similar structure affixed to the ground,  
731 on private property poses a threat to public safety by obstructing the  
732 vision of operators of vehicles traveling on any public street, road, or  
733 highway, interfering with the public rights-of-way as a traffic hazard,  
734 limiting access by Fire and Rescue Service vehicles, or restricting the  
735 use by pedestrians or bicyclists of the public rights-of-way, the Director  
736 promptly must serve on the owner, agent, lessee or any other person  
737 supervising the property a written notice that:

738 \* \* \*

739 (c) *Effect of failure to remove obstructions.* When any person does not  
740 comply with any order issued under this Section within the time  
741 specified in the order, the Director of [Public Works and]  
742 Transportation must remove all or part of the obstruction as necessary to  
743 eliminate the hazard or impediment. An agent of the Department may  
744 enter the property to take this action.

745 \* \* \*

746 **49-11. Permit to obstruct public rights-of-way.**

747 \* \* \*

748 (g) Before the Director issues a permit under this Section to close a  
749 sidewalk, curb lane, or shared use path, the Director of [Public Works

750 and] Transportation must approve a temporary traffic control plan. A  
751 professional engineer must certify for the applicant that the plan  
752 minimizes inconvenience to the public, provides necessary warnings,  
753 and includes safe and reasonable pedestrian alternatives in accordance  
754 with accepted engineering standards.

755 \* \* \*

756 **49-26. Definitions.**

757 In this Chapter, except where specified otherwise, the following words and  
758 phrases have the meanings indicated:

759 \* \* \*

760 *Director:* The Director of [Public Works and] Transportation or the Director of  
761 Permitting Services, as specified, and each Director's [agent] designee.

762 \* \* \*

763 **49-28. Standards and specifications.**

764 \* \* \*

765 (b) The Director of [Public Works and] Transportation may set a fee by  
766 method 2 regulations for the review of any plan or document submitted  
767 under Chapter 50 or this Chapter. Each fee must be based on the costs  
768 of reviewing any plan or document and any staff participation in the  
769 subdivision process. The Department must provide a copy of each fee  
770 regulation to the Planning Board.

771 (c) The Department of [Public Works and] Transportation must make  
772 available to the public, free or at a reasonable cost, an up-to-date copy of  
773 all applicable County road design standards and specifications.

774 **49-30. Traffic Calming.**

775 (a) The Director of [Public Works and] Transportation must consider  
776 installing traffic calming and bicycle- and pedestrian-friendly design

777 features in any residential street over 1,000 feet long, minor arterial,  
778 business district street, and industrial street. Traffic calming features  
779 include raised crosswalks and raised intersections, traffic circle,  
780 medians, pedestrian refuge island, chokers, smaller centerline radii,  
781 parking cut-outs, and special paving and streetscaping in central  
782 business districts or other commercial areas.

783 \* \* \*

784 **49-31. Classification of roads.**

785 \* \* \*

786 (p) An Alley is a right-of-way intended to provide secondary service access  
787 to the rear or side of lots or buildings and not intended for transporting  
788 through traffic. An alley may be used to provide primary vehicular  
789 access if the Planning Board and the Director of [Public Works and]  
790 Transportation concur that the dimensions and specifications proposed  
791 in a project, preliminary subdivision, or site plan would provide  
792 adequate primary vehicular access.

793 **49-32. Design standards for types of roads.**

794 \* \* \*

795 (e) Grass shoulders must be load bearing at any specific [locations] location  
796 designated by the Director of Permitting Services after consulting the  
797 Fire Chief and Director of [Public Works and] Transportation.

798 \* \* \*

799 **49-33. Road construction requirements.**

800 \* \* \*

801 (b) The Department of [Public Works and] Transportation must erect, or  
802 order a permittee to erect, name signs at [all] each road [intersections]  
803 intersection. If the Director of [Public Works and] Transportation finds

804 that traffic control or vehicular or pedestrian safety so requires, the  
805 Director may order a permittee to install traffic control signs, markings,  
806 or other devices on any right-of-way that will be publicly maintained.

807 \* \* \*

808 (e) If a lot or lots front on a public road, the permittee must install  
809 sidewalks, curbs, and gutters, except on any Secondary or Tertiary  
810 Residential Street, or Service Drive fronting on any lot in a residential  
811 zone. This requirement does not apply if the minimum net lot area for a  
812 one-family detached dwelling in that zone is larger than 25,000 square  
813 feet, except that a sidewalk must be installed on any primary or higher  
814 classification road. However, the Planning Board may require  
815 sidewalks, curbs, and gutters in any such zone if the Board finds, as a  
816 condition of approval of a preliminary subdivision plan or site plan, that  
817 sidewalks, curbs, and gutters at that location are necessary to allow  
818 access:

- 819 (1) to a sidewalk;  
820 (2) to a bus or other public transit stop;  
821 (3) to an amenity or public facility that will be used by occupants of  
822 the site or subdivision; or  
823 (4) by persons with disabilities.

824 Before the Planning Board approves any requirement under the  
825 preceding sentence, the Board must give the Departments of Permitting  
826 Services and [Public Works and] Transportation a reasonable  
827 opportunity to comment on the proposed requirement.

828 \* \* \*

829 (h) If drainage structures are required for any particular class of road, the  
830 Planning Board must require the applicant to install or construct

831 drainage structures that the Board finds are necessary or appropriate,  
832 after reviewing a preliminary drainage study approved by the  
833 Department of [Public Works and] Transportation, in accordance with  
834 applicable design standards and specifications.

835 \* \* \*

836 (j) *Street trees.*

837 (1) On public road rights-of-way, street trees must be planted in  
838 accordance with design standards of the Department of [Public  
839 Works and] Transportation. On private road rights-of-way and  
840 easements, street trees must be planted in accordance with the  
841 technical manual adopted by the Planning Board under Chapter  
842 22A.

843 (2) The Department of Permitting Services, the Department of  
844 [Public Works and] Transportation, and the staff of the Planning  
845 Board should coordinate the specific location and species of  
846 street tree plantings to promote compatibility of the plantings  
847 with road function and safety, signage, maintenance, appropriate  
848 visual buffering, utilities, other public or private improvements,  
849 and aesthetic considerations related to streetscape design.

850 (k) *Ground cover.*

851 \* \* \*

852 (3) The Director of [Public Works and] Transportation, after  
853 consulting the Directors of Environmental Protection and  
854 Permitting Services, must issue guidelines that allow and  
855 encourage a property owner to place and maintain ground cover  
856 in the public right-of-way adjacent to the owner's property. The  
857 guidelines must encourage use of ground cover that is

858 environmentally sensitive and promotes conservation of natural  
859 resources and more sustainable landscaping, including plant  
860 species that:

861 (A) require reduced or no mowing, fertilizing, or other  
862 maintenance;

863 (B) are drought tolerant and require little watering at any  
864 time;

865 (C) do not inhibit growth of nearby trees; and

866 (D) include non-turf grasses.

867 \* \* \*

868 (l) *Curbs and gutters.*

869 (1) A person must not install any curb or gutter in any portion of a  
870 road that is located in:

871 (A) ...an environmentally sensitive watershed area, including a  
872 Class III, Class IV, or high-quality Class I watershed, as  
873 designated by the Maryland Department of the  
874 Environment; or

875 (B) an area that the Department of Environmental Protection  
876 designates as environmentally sensitive, after giving the  
877 Department of [Public Works and] Transportation and the  
878 Planning Board a reasonable opportunity to comment.

879 \* \* \*

880 **49-40. Waivers of requirements of Article.**

881 \* \* \*

882 (c) \* \* \*

883 (1) The Director of Permitting Services, after reviewing detailed  
884 plans and specifications of the proposed improvements, must

885 recommend in writing, using waiver criteria developed by the  
886 Department of [Public Works and] Transportation, that the  
887 Executive should approve or disapprove the improvements  
888 proposed in the plans submitted by the applicant and state the  
889 reasons for the recommendation. The failure of the Director to  
890 act on the plans within 30 days after submission constitutes the  
891 Director's support of the Executive granting the waiver.

892 \* \* \*

893 **49-62. Abandonment authority; scope of Article; procedures.**

894 \* \* \*

895 (b) *Application.* Any person or government agency may file an application  
896 with the Department of [Public Works and] Transportation to close or  
897 abandon any right-of-way. In this Article, unless the context clearly  
898 indicates otherwise, *Department* refers to the Department of [Public  
899 Works and] Transportation.

900 \* \* \*

901 (h) *Agencies.* The government agencies and other parties from which the  
902 Executive must solicit a response are:

903 (1) the Department of [Public Works and] Transportation;

904 \* \* \*

905 (i) *Temporary closure.* This Article does not apply to any temporary  
906 closure required by a construction traffic control plan if the closure does  
907 not last longer than 12 months. If special circumstances require that a  
908 temporary closure last longer than 12 months, the Director of [Public  
909 Works and] Transportation must apply to the Council for approval to  
910 extend the closure for a specified period that does not exceed 24  
911 months. The Council by resolution may approve an extended

912 temporary closure under this subsection without following the  
913 procedures in this Article.

914 **49-65. Notice to Planning Board; filing subdivision plat.**

915 (a) Not less than 30 nor more than 60 days after the Council adopts the  
916 resolution to approve an abandonment or closing, the Council Clerk  
917 must notify the Planning Board, the Directors of Permitting Services  
918 and [Public Works and] Transportation, and the County Attorney that  
919 the Council has authorized the abandonment or closing.

920 \* \* \*

921 **49-67. Notice of abandonment or closure.**

922 Before abandoning or closing any right-of-way after Council approval under  
923 this Article, the Director of [Public Works and] Transportation must cause to be  
924 posted prominently in the area of the right-of-way, for at least 15 days after the  
925 Council action, a notice listing the date when the right-of-way will be abandoned or  
926 closed.

927 **49-68. Abandonment of previously unused rights-of-way.**

928 \* \* \*

929 (b) The petitioner must notify:

930 (1) each person with a recorded financial interest in land abutting the  
931 right-of-way;

932 (2) the Department of [Public Works and] Transportation;

933 \* \* \*

934 **49-70. Designating means of access to certain highways.**

935 \* \* \*

936 (b) If any existing County road is classified as a Freeway or Controlled  
937 Major Highway:

938 (1) The Director of [Public Works and] Transportation may, by  
939 agreement or condemnation, restrict or limit the right of any  
940 owner of land abutting the Freeway or Controlled Major Highway  
941 to lay out or construct any new means of access to, from or across  
942 the abutting land to or from the Freeway or Controlled Major  
943 Highway or to enlarge or extend any existing means of access.  
944 The Director may[, from time to time,] designate points where  
945 access is permitted, or permit changes in existing means of access,  
946 consistent with any applicable master plan, on specified terms and  
947 conditions.

948 \* \* \*

949 **49-72. Control of use and access.**

950 When any road has been constructed or designated as a Freeway or Controlled  
951 Major Highway, the Director of [Public Works and] Transportation:

952 \* \* \*

953 **49-73. Access to Freeway or Controlled Major Highway where it divides**  
954 **property under one ownership.**

955 If real property held by one owner is severed by a Freeway or Controlled  
956 Major Highway, the Director of [Public Works and] Transportation may provide for  
957 access across the Freeway or Controlled Major Highway from one such tract to the  
958 other, either at grade or below or above grade, [upon] on such conditions as  
959 [prescribed] the Director sets. Any connecting road or roads must not be used for or  
960 in connection with the conduct of any roadside business or enterprise. If the affected  
961 land is no longer held under one ownership, the Department may discontinue any  
962 access road.

963 \* \* \*

964 **49-74. Right of access.**

965 When a road is constructed as a Freeway or Controlled Major Highway, an  
966 owner of land abutting the road or other person must not have any right of access to,  
967 from, or across any abutting land to or from the Freeway or Controlled Major  
968 Highway. At the time of the construction of the Freeway or Controlled Major  
969 Highway or thereafter, the Director of [Public Works and] Transportation may  
970 designate points at which access will be permitted, on [terms and] conditions [as] the  
971 Director [may specify from time to time] sets.

972 **49-81. Pedestrian and Traffic Safety Advisory Committee.**

973 \* \* \*

974 (c) *Composition and terms of members.*

975 (1) The Committee has 17 members.

976 (2) The Executive must appoint a representative from each of the  
977 following departments as members:

978 (A) the Police Department;

979 (B) the Department of [Public Works and] Transportation; and

980 (C) one of the Regional Services Centers.

981 \* \* \*

982 **52-48. Findings; purpose and intent.**

983 \* \* \*

984 (i) The County's findings are based [upon] on the adopted or approved  
985 plans, planning reports, capital improvements programs identified in  
986 this Article, and specific studies conducted by the Department of  
987 [Public Works and] Transportation and its consultants.

988 \* \* \*

989 **52-55. Credits.**

990 (a) A property owner is entitled to a credit if the owner, before July 1, 2002,  
991 entered into a participation agreement, or a similar agreement with the

992 state or a municipality, the purpose of which was to provide additional  
993 transportation capacity. A property owner is also entitled to a credit if  
994 the owner receives approval before July 1, 2002, of a subdivision plan,  
995 development plan, or similar development approval by the County or a  
996 municipality that requires the owner to build or contribute to a  
997 transportation improvement that provides additional transportation  
998 capacity. The Department of [Public Works and] Transportation must  
999 calculate the credit. The credit must equal the amount of any charge  
1000 paid under the participation agreement. The Department may give  
1001 credit only for building permit applications for development on the site  
1002 covered by the participation agreement. The Department must not give  
1003 a refund for a credit earned under this subsection.

1004 (b) \* \* \*  
1005 \* \* \*

1006 (2) The Department of [Public Works and] Transportation must:  
1007 \* \* \*

1008 (3) An applicant for subdivision, site plan, or other development  
1009 approval from the County, Gaithersburg, or Rockville, or the  
1010 owner of property subject to an approved subdivision plan,  
1011 development plan, or similar development approval, may seek a  
1012 declaration of allowable credits from the Department of [Public  
1013 Works and] Transportation. The Department must decide, within  
1014 30 days after receiving all necessary materials from the applicant,  
1015 whether any transportation improvement which the applicant has  
1016 constructed, contributed to, or intends to construct or contribute  
1017 to, will receive a credit under this subsection. If during the initial  
1018 30-day period after receiving all necessary materials, the

1019 Department notifies the applicant that it needs more time to  
1020 review the proposed improvement, the Department may defer its  
1021 decision an additional 15 days. If the Department indicates under  
1022 this paragraph that a specific improvement is eligible to receive a  
1023 credit, the Department must allow a credit for that improvement  
1024 when taking action under paragraph 2.

1025 \* \* \*

1026 (e) Any property owner who, before May 1, 2001, built all or part of a  
1027 project in the Clarksburg planning policy area which is listed in the  
1028 impact tax transportation program (including building any road which  
1029 would be widened under the program) is entitled to a credit equal to the  
1030 reasonable cost of the improvement. The Department of [Public Works  
1031 and] Transportation must calculate the credit. The Department must not  
1032 give a refund for a credit earned under this subsection.

1033 \* \* \*

1034 **Chapter 53. TAXICABS [AND LIMOUSINES].**

1035 **53-101. Definitions.**

1036 In this Chapter, unless the context indicates otherwise:

1037 \* \* \*

1038 *Department* means the Department of [Public Works and] Transportation.

1039 \* \* \*

1040 **60-12. Administration and enforcement generally.**

1041 (a) [The] Subject to the terms and conditions of this Chapter, the  
1042 Department of [Public Works and] Transportation administers and  
1043 enforces this Chapter. [Subject to the terms and conditions of this  
1044 Chapter, the] The Department [is responsible for acquiring,  
1045 constructing, operating, and maintaining] must operate and maintain

1046 off-street parking facilities acquired and constructed by the County  
1047 under this Chapter[, and for operating and maintaining off-street parking  
1048 facilities] or leased to the County. The Department must review plans  
1049 for off-street parking facilities that any person submits to qualify for the  
1050 exemption from the special taxes prescribed in this Chapter. This  
1051 section does not apply to off-street parking facilities the Revenue  
1052 Authority leases from the County.

1053 (b) The Department of General Services must acquire and build off-street  
1054 parking facilities and renovate off-street parking facilities that will not  
1055 remain open during the work.

1056 **60-14. Application for exemption; determination.**

1057 (a) Any property owner or lessee in any district may apply, in the following  
1058 manner, for an exemption from the special taxes prescribed in this  
1059 Chapter. On or before April 1 of the application year, the owner or  
1060 lessee must file with the Department of [Public Works and]  
1061 Transportation an application in the form and containing information  
1062 the Department requires to determine whether the Department should  
1063 grant an exemption. [Whenever] If the Department grants an exemption  
1064 for a particular property, the exemption continues for [any] each  
1065 successive year unless there is a change in the number of parking spaces  
1066 or in the floor area, number of employees, or any other factor governing  
1067 the number of automobile parking spaces required to qualify for  
1068 continued exemption. The property owner or lessee promptly must  
1069 notify the Department [of Public Works and Transportation] of any  
1070 change in qualifying factors. The Department may, [from time to time  
1071 but] not more than once in any 12 month period, require any lessee or  
1072 owner of exempt property to file an information return to determine

1073 whether the property meets the requirements for exemption. The  
1074 exemption ends if the lessee or owner does not file the information  
1075 return.

1076 (b) The Department of [Public Works and] Transportation must determine  
1077 whether to grant an exemption according to this Chapter, and must  
1078 notify the applicant by mail of the [Department's] determination.

1079 (c) The applicant may, within 30 days after [the mailing of] the notice  
1080 referred to in subsection (b) is mailed, appeal the determination [of the  
1081 Department] to the appeal tax court for the County by delivering to the  
1082 appeal tax court a petition stating:

- 1083 (1) the applicant's name and address;
- 1084 (2) the name of the owner of the property;
- 1085 (3) the lessee, if any;
- 1086 (4) a description of the property;
- 1087 (5) the zoning classification of the property;
- 1088 (6) the decision of the Department [of Public Works and  
1089 Transportation]; and
- 1090 (7) a brief statement of the grounds of the appeal.

1091 The applicant must deliver a copy of the petition to the Department.

1092 \* \* \*

1093 **60-16. Purpose of parking lot funds.**

1094 \* \* \*

1095 (c) (1) Notwithstanding the [limitations] limits in subsection (a) or (b) or  
1096 any other provision of this Chapter, the County Council may  
1097 transfer revenue from parking fees to:

- 1098 (A) [To] the fund of any urban district from which the fees are  
1099 collected, as limited by Section 68A-4(a)(2)b;

1100 (B) [To] fund activities of the Department of [Public Works  
1101 and] Transportation to implement transportation system  
1102 management under Section 42A-13 and Section 42A-23.  
1103 Parking fee revenue transferred to fund activities in a  
1104 transportation system management district must not exceed  
1105 parking fees collected in that transportation system  
1106 management district; and

1107 (C) [To] fund activities of the Department of [Public Works  
1108 and] Transportation in a parking lot district, other than any  
1109 parking lot district where a transportation system  
1110 management district is operating to:

1111 (i) [To] promote, develop, and implement transit and  
1112 ridesharing incentive programs; and

1113 (ii) [To] establish cooperative County and private sector  
1114 programs to increase ridesharing and transit usage.

1115 Parking fee revenue transferred to fund these activities  
1116 must derive only from parking fees collected in that  
1117 parking lot district.

1118 (2) In this subsection, “parking fee” means revenue from parking  
1119 meters, parking permits, or any other user charge for parking.

1120 \* \* \*

1121 **Sec. 2.** Any responsibility or right granted by law, ordinance, regulation,  
1122 delegation of authority, contract, or other document to the Department of Public  
1123 Works and Transportation in connection with designing, building, and maintaining  
1124 County facilities (except maintaining or renovating public parking facilities under  
1125 Chapter 60, as provided for under Section 1 of this Act), maintaining County vehicles  
1126 and equipment, acquiring and disposing of real property not associated with roads,

1127 bridges, and other related transportation facilities, and operating mail, printing, and  
1128 duplication services, is transferred to the Department of General Services.

1129 **Sec. 3.** Any regulation in effect when this Act takes effect that implements a  
1130 function transferred to another Department or Office under Section 1 of this Act  
1131 continues in effect, but any reference in any regulation to the Department from which  
1132 the function was transferred must be treated as referring to the Department to which  
1133 the function is transferred. The transfer of a function under this Act does not affect  
1134 any right of a party to any legal proceeding begun before this Act took effect.

1135 **Sec. 4.** Any responsibility or right granted by law, ordinance, regulation,  
1136 delegation of authority, contract, or other document to the Department of Economic  
1137 Development in connection with the Small Business Reserve Program is transferred  
1138 to the Department of General Services.

1139 **Sec. 5** Any responsibility or right granted by law, ordinance, regulation,  
1140 delegation of authority, contract, or other document to the Department of Homeland  
1141 Security is transferred to the Office of Emergency Management and Homeland  
1142 Security.

1143 **Sec. 6.** Any responsibility or right granted by law, ordinance, regulation,  
1144 delegation of authority, contract, or other document to the Department of Public  
1145 Works and Transportation in connection with solid waste is transferred to the  
1146 Department of Environmental Protection.

1147 **Sec. 7.** Any duty or authority involving solid waste assigned by the County's  
1148 Comprehensive Solid Waste Management Plan to the Department of Public Works  
1149 and Transportation and the Director of that Department are reassigned to the  
1150 Department of Environmental Protection and the Director of that Department,  
1151 respectively. Any reference in that Plan to the Department of Public Works and  
1152 Transportation or the Director of that Department must be treated as referring to the

1153 Department of Environmental Protection and the Director of the Department of  
1154 Environmental Protection, respectively.

1155 **Sec. 8. Expedited Effective Date.**

1156 The Council declares that this legislation is necessary for the immediate  
1157 protection of the public interest. This Act takes effect on July 1, 2008.

1158 *Approved:*

1159

---

Michael J. Knapp, President, County Council Date

1160 *Approved:*

1161

---

Isiah Leggett, County Executive Date

1162 *This is a correct copy of Council action.*

1163

---

Linda M. Lauer, Clerk of the Council Date

## LEGISLATIVE REQUEST REPORT

Bill 4-08

Executive Branch Reorganization - 2008

**DESCRIPTION:** This Bill abolishes the Department of Public Works and Transportation and reassigns its functions to a Department of Transportation, a Department of General Services, and the Department of Environmental Protection. The Bill abolishes the Office of Procurement as a principal office in the Executive branch and transfers that office to the Department of General Services. The Bill transfers the internal audit functions of the Department of Finance to an Office of Internal Audit under the supervision of the Chief Administrative Officer. The Bill abolishes the Department of Homeland Security and assigns most of its functions to an Office of Emergency Management and Homeland Security under the supervision of the Chief Administrative Officer. The Bill clarifies the authority of officials and employees to *delegate functions to another*.

**PROBLEM:** The diverse nature of the responsibilities assigned to the Department of Public Works and Transportation created conditions that were not conducive to an effective focus on service to the public, efficient service delivery to internal customers, and accountability. There is a perception that the independence of the internal audit function would be enhanced if those functions were transferred to an Office of Internal Audit that reported directly to the Chief Administrative Officer. From time to time questions have arisen with regard to the authority of County officers and employees to delegate functions to other County officers and employees. These questions have included whether delegated authority may be re-delegated to another, and whether a delegation of authority survives when the individual delegating the authority leaves County government.

**GOALS AND OBJECTIVES :** The goal of this Bill is to improve the functional focus of key departments, enhance mission alignment, improve customer focus, improve service delivery, and enhance accountability of County government. The Bill is also intended to clarify and better define the legal basis for delegating authority from one County officer or employee to another.

**COORDINATION:** The Office of the County Executive.

**FISCAL IMPACT:** To be requested.

**ECONOMIC:  
IMPACT**                   None expected.

**EVALUATION:**           Subject to the general oversight of the County Executive and the County Council.

**EXPERIENCE:  
ELSEWHERE**               To be researched.

**SOURCE OF:  
INFORMATION**           Gordon Aoyagi, Director, Department of Homeland Security  
Fariba Kassiri, Assistant Chief Administrative Officer  
Marc Hansen, Deputy County Attorney

**APPLICATION:  
WITHIN  
MUNICIPALITIES**       Not applicable.

**PENALTIES:**             Not applicable.



OFFICE OF THE COUNTY EXECUTIVE  
ROCKVILLE, MARYLAND 20850

Isiah Leggett  
County Executive

MEMORANDUM

February 22, 2008

TO: Michael J. Knapp, Council President

FROM: Isiah Leggett, County Executive 

SUBJECT: Proposed Legislation to Implement the County Executive's Reorganization Plan

I am attaching for the Council's consideration a bill to implement a Reorganization Plan for County Government. I am also attaching a copy of: (1) the Reorganization Summary, which highlights the major components of the Reorganization Plan; (2) the Final Report of the Reorganization, Restructuring, and Realignment Work Group, which includes recommendations that formed the basis of the Reorganization Plan; and (3) a Legislative Request Report, which highlights the goals and objectives of the bill.

As reflected in the attached materials, the goal of the Reorganization Plan is to improve the functional focus of key departments, enhance mission alignment, improve customer focus, improve service delivery, and enhance accountability of County government.

The bill implements the Reorganization Plan by: (1) abolishing the Department of Public Works and Transportation and reassigning its functions to a Department of Transportation, a Department of General Services, and the Department of Environmental Protection; (2) abolishing the Office of Procurement as a principal office in the Executive branch and transferring that office to the Department of General Services; (3) transferring the internal audit functions of the Department of Finance to an Office of Internal Audit under the supervision of the Chief Administrative Officer; and (4) abolishing the Department of Homeland Security and assigning most of its functions to an Office of Emergency Management and Homeland Security under the supervision of the Chief Administrative Officer.

The bill also clarifies the authority of officials and employees to delegate functions or exercise delegated functions, including the authority of an official or employee to re-delegate a function or to exercise delegated authority after the employee or officer who delegated the authority leaves County government.

I look forward to working with the Council as it considers this bill. If you have any questions about the attached materials, please contact Assistant Chief Administrative Officer Kathleen Boucher at 240-777-2593 or [kathleen.boucher@montgomerycountymd.gov](mailto:kathleen.boucher@montgomerycountymd.gov).

KMB:jgs  
Attachments  
cc: Councilmembers

## Weaknesses of the Current Organization

- ▶ Government response to the needs of residents, community organizations and businesses should be enhanced.
- ▶ Functional focus of key departments is too diverse, resulting in the lack of unified organizational cohesion and culture.
- ▶ Key departments serve both internal and external customers, affecting their ability to focus on policy formulation, planning and program implementation.
- ▶ County lacks strategic planning for County facilities, asset management, facility and space planning, maintenance and land acquisition.
- ▶ Responsibility for emergency preparedness and homeland security should reside with all departments and offices rather than a single department.

## Benefits of Proposed Reorganization

- ▶ Improve customer focus, service delivery and accountability.
- ▶ Enhance mission alignment.
- ▶ Improve responsiveness, efficiency and effectiveness.
- ▶ Establish a single department with the sole focus of moving people and vehicles within a balanced, coordinated and safe network of transit, roads, bikeways and pedestrian facilities.
- ▶ Improve environmental sustainability and advance “green” programs to reduce carbon impacts on the environment.
- ▶ Establish a single department for internal government support to proactively serve internal customers and County departments.
- ▶ Improve the County’s facility planning and asset management practices.
- ▶ Enhance coordination and accountability for emergency planning.
- ▶ Consolidate and unite the protection of County facilities, employees and visitors within the mission of a single department.

# Reorganization Proposal

**From**

**To**

**Department of  
Public Works and Transportation's**

Transportation Capital Projects  
Design and Construction  
Traffic Engineering and Operations  
Parking Management  
Transit Services  
Highway Maintenance

**Department of Transportation  
(new department)**

Solid Waste Services

**Department of  
Environmental Protection**

Fleet Management Services  
Facilities and Services  
Capital Design and Construction  
Real Estate Office

**Office Of Procurement**

**Department of Economic  
Development's**

Small Business Reserve Program

**Department of General Services  
(new department)**

**Department of Homeland Security's**

Security Services

**Department of Police**

Office of Emergency Management

**Department of Finance's**

Internal Audit

**Offices of the County Executive**



Montgomery County Government

---

# Reorganization Recommendations to Achieve the Mission and Goals of County Executive Isiah Leggett

**Final Report**

**Reorganization, Restructuring and  
Realignment Work Group**

February 11, 2008

*"Montgomery County government, recognized as among the most progressive and effective in the nation, can be even better. Identifying and understanding the cultural diversity of its residents in order to build an open, inviting, responsive and accountable government for all is an essential challenge."*

Taking Charge-Making Change:  
County Executive's Transition Team

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- Capital Design and Construction acquires, designs and constructs vertical, County-owned facilities, including parking structures and joint development, transferring elements from DPWT.
- Administration and Budget ensures the efficient use of available resources to support services common to all DGS divisions using staff currently providing budget, technology, planning and personnel support services. Provides for efficient and effective use of staff resources and helps prevent fragmentation of policy and practice.

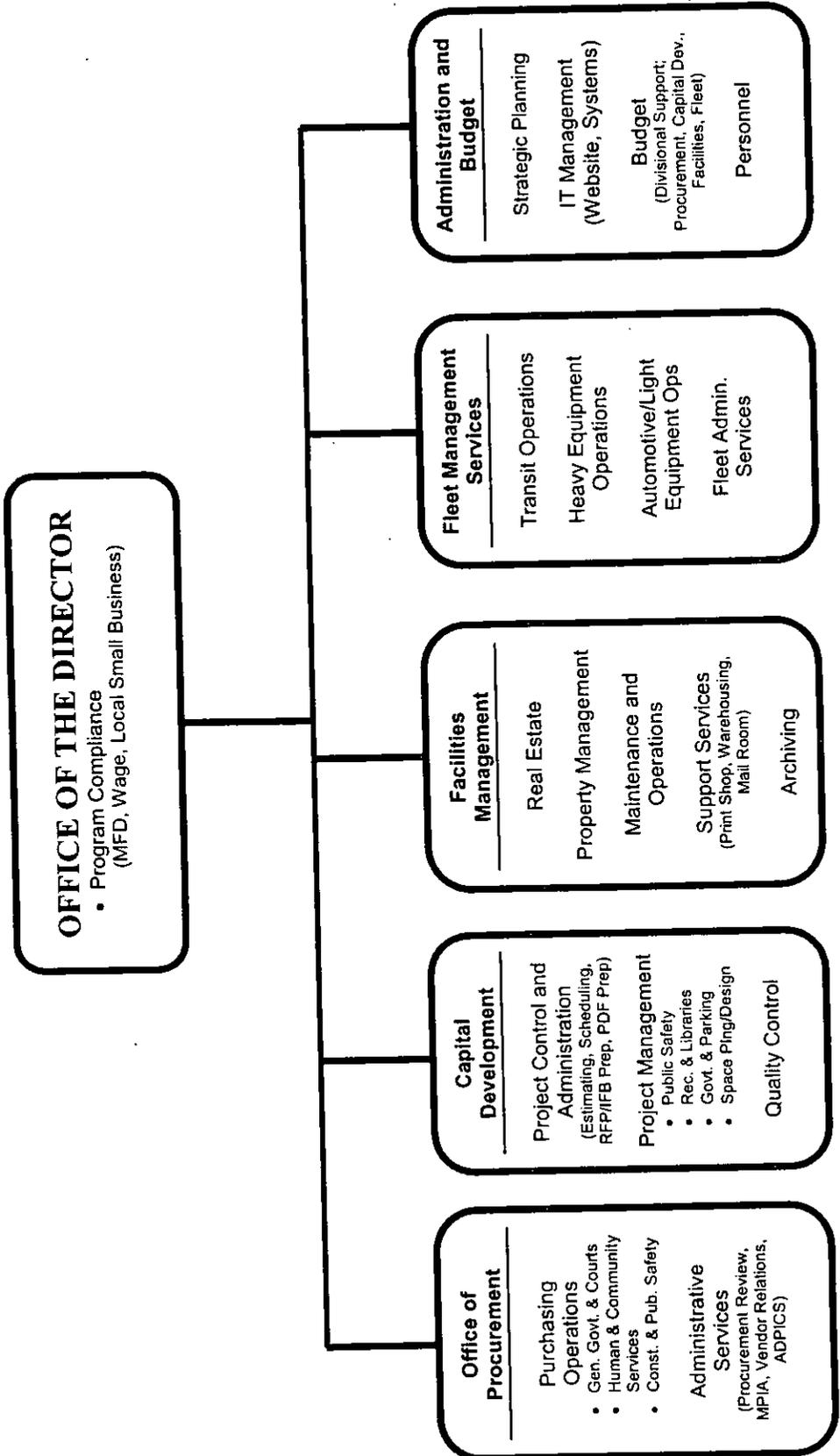
A Department of General Services model is found in the U.S. General Services Administration, state and local government levels. Include similar functions in a general services type structure. Similar organizational structures for general services are found in the State of Maryland; Commonwealth of Virginia; State of Tennessee; the City of Los Angeles, CA; Henrico County, VA; Cobb County, GA and Allegheny County, PA.

The proposed organization chart for the Department of General Services is attached. (See Attachment B: Recommended Functional Chart for the Department of General Services)

**Benefits:**

- Aligns the DGS mission to "internal customer services and support."
- Establishes a single department for internal support for equipment, services, supplies, facilities, and rolling stock.
- Focuses internal customer services on proactive support and adds value to other governmental services.
- Similar to Federal model and many other state and local governments.
- Helps County departments better serve the public by offering, at best value, superior workplaces, expert solutions, reliable acquisition services, and sound asset management practices.

# MONTGOMERY COUNTY DEPARTMENT OF GENERAL SERVICES



Attachment B

## Revised Department: Department of Environmental Protection

### Functional focus:

- Meet the County Executive's mission statement for "healthy and sustainable communities."
- Promote recycling, resource recovery and renewable energy.
- Act locally while thinking globally.
- Protect the environment through everyday actions.

### Functional Component:

- Solid Waste manages recycling, solid waste and hazardous waste activities that impact the environment, and includes:
- Use existing and new technologies to achieve environmental objectives in air quality, recycling and resource recovery.
- Enhance the synergy of solid waste management and environmental protection to ensure that operations and new programs continue to improve environmental sustainability.

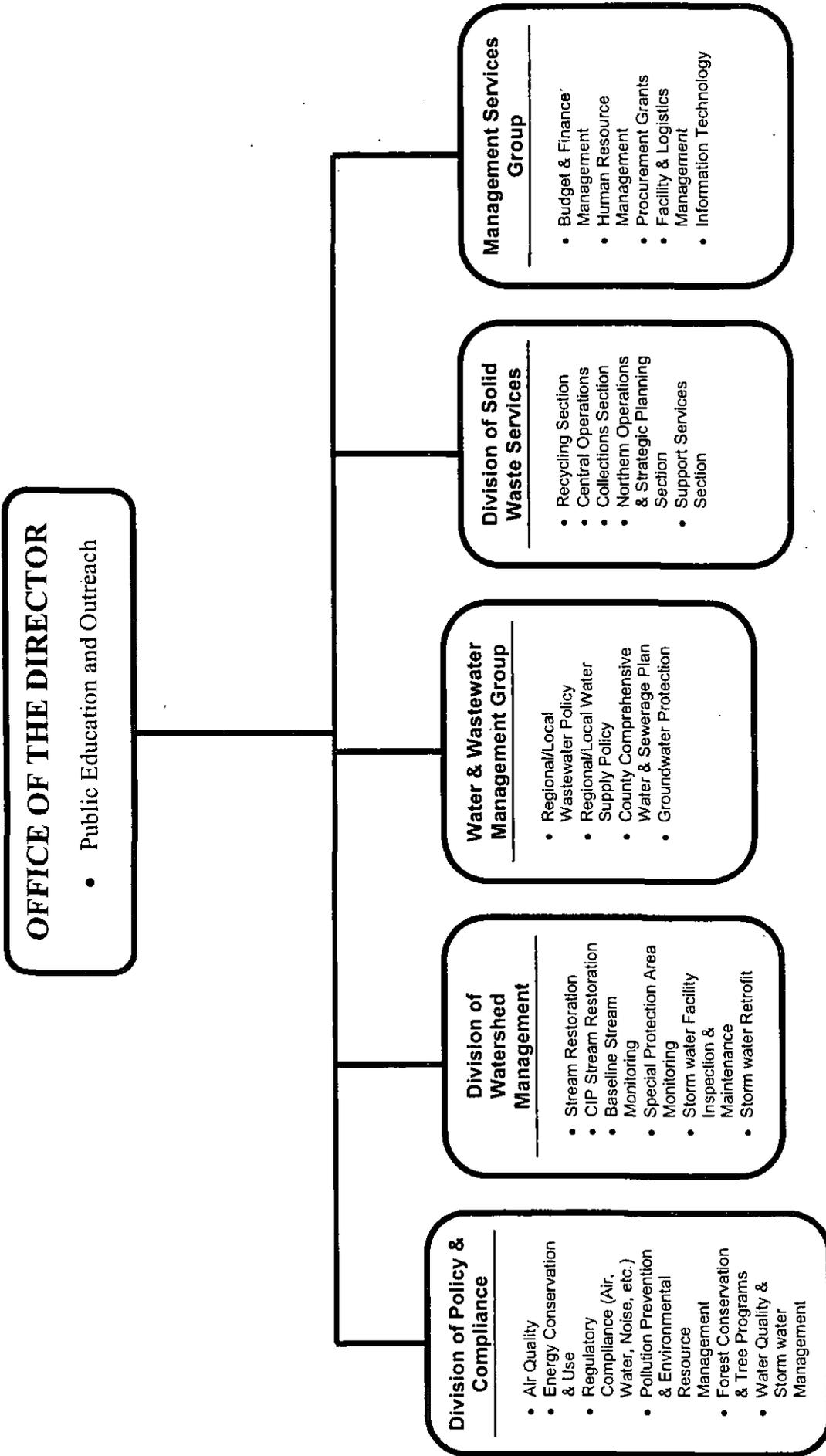
Other local governments of comparable size to Montgomery County have solid waste services within their environmental agency, including Fairfax County, VA; Prince George's County, MD; Hennepin County, MN; Monmouth County, NJ; Oakland County, MI; Wake County, NC; King County, WA and St. Louis County, Mo.

### Benefits:

- Provide an opportunity for the County to continue advancing "green" programs to reduce carbon impacts on the environment.

The proposed organization chart for the recommended Department of Environmental Protection is attached. (See Attachment C: Recommended Functional Chart for the Department of Environmental Protection)

# MONTGOMERY COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION



Attachment C

## Office of Emergency Management and Homeland Security

Abolish the Department of Homeland Security and establish the Office of Emergency Management and Homeland Security in the Office of County Executive. Move the Division of Security Services from Homeland Security Department to the Montgomery County Police Department. Consolidate the Homeland Security staff with the staff of Emergency Management, and establish the Office of Emergency Management and Homeland Security in the Office of the County Executive

### Functional focus:

- Meet the County Executive's mission statement for "safe streets and secure neighborhoods."
- Elevate the role and importance of emergency preparedness, emergency response and homeland security for the County by making these functions a part of the Office of the County Executive.
- Establish ownership for emergency preparedness and homeland security among all departments and offices, rather than the responsibility of a single department.

### Functional components:

- Security Services provide for facility security and executive protection, including:
  - Operate County facility security posts and customer services.
  - Manage County employee badge identification and County facility access control.
  - Monitor County facilities' systems for alarms, surveillance and intrusion.
  - Coordinate with departments regarding security services, access control, surveillance and other strategies to manage incidents or potential threats to employees, visitors and/or facilities.
  - Coordinate and monitor disruptive behavior incidents.
  - Provide executive protection services.
  - Integrate services and obtain support from the Police Department in training, communications, operations, and community policing issues at, in or near County facilities.
- Homeland Security and Emergency Management
  - Collaborate with the National Capital Region on regional homeland security and emergency response strategies; partner on regional response and recovery capabilities; and coordinate regional policies, plans and mutual aid.
  - Plan and manage projects to implement regional and local homeland security and emergency management strategies or initiatives; integrate, coordinate and leverage resources with other County departments and agencies; conduct resource typing and compliance monitoring; and plan and monitor the unit's performance plans and measures.

- Manage and coordinate grants and coordinate allocations, including project management plan and reporting requirements, and documentation and submittal of reimbursement requests for allowable costs under declared and approved emergencies.
- Coordinate and update multi-hazard mitigation plans, including develop mitigation strategies, plan projects, coordinate capital improvement projects for future grant funding and coordinate with critical infrastructure protection.
- Follow federal, state and local laws for hazardous materials licensing, report on the use and storage of hazardous materials, and information for first responders and emergency management. Administer U.S. Environmental Protection Agency requirements for hazardous materials and community right-to-know, including the support of the Local Emergency Planning Council. Manage license fees.
- Plan and manage for preparedness, response and recovery. Coordinate, plan, and train for exercises and operations. Manage emergency operations plans and annexes and meet federal, state and regional requirements. Coordinate with federal, state and regional emergency support functions and national response plans and frameworks to maintain continuity of government and operations. Comply with National Incident Management Systems. Coordinate plans for County employees to sustain mission critical services and functions during emergencies.
- Conduct community resilience planning and outreach, including community education and preparedness, volunteer training and response coordination to businesses and civic organizations.
- Ensure on-going readiness of the Emergency Operations Center, including systems for communications, alerts, notifications, information transfer, planning, documentation collection and retrieval, status updates, required federal and state reporting formats, regional situational awareness and back-up systems
- Other
  - Assign Office of Emergency Management and Homeland Security to Chief Administrative Officer and delegate supervision of the Office to an Assistant Chief Administrative Officer (ACAO).
  - Coordinate regional policy and strategy decisions through an ACAO.
  - Evaluate whether the vacant Merit System Manager for the Office of Emergency Management and Homeland Security should be reclassified.
  - Recommend revisions to the Governor's delegation of Chair of the Emergency Management Group from the CAO to Office of Emergency Management and Homeland Security Manager.

### Benefits

- Elevates the importance of emergency management and homeland security.
- Is consistent with many other large cities, counties and states where emergency management and homeland security are functions of the Office of the Chief Executive.
- Establishes lead manager or spokesperson of emergency management and homeland security planning and response as acting directly on behalf of the County Executive and Chief Administrative Officer.

(69)

# Outline Approach

## Reorganization Work Group

- A Core Working Group was appointed, consisting of the following:
  - Chair: Gordon Aoyagi; Vice Chair: Fariba Kassiri
  - Members: Joe Beach and Marc Hansen
  - Staff: Kaye Beckley and Bob DeBernardis
- The Core Working Group was supported by a Research Support Team, consisting of members who had completed the County's Management Leadership Service and the Metropolitan Washington Council of Government's Institute of Regional Excellence. Team members contacted and researched the organizations of other county and local governments, and provided information on models considered to be "best practices." The research support team members were:
  - Traci Anderson, Health and Human Services
  - Luann Korona, Housing and Community Affairs
  - Reggie Jetter, Permitting Services
- Process:
  - Approximately 30 meetings were held from July to November 2007 with department heads and representatives.
  - Discussions were also held with academics, practitioners, and National Association of County officials and representatives regarding organizational change, trends, design and perspectives.
  - Focus group sessions comprised of a representative sample of MLS managers were held in August 2007 to discuss their perceptions of the strengths and weaknesses of County government.
  - Preliminary recommendations were formulated by the Reorganization Work Group and reviewed by the CAO regarding overall direction. Department heads affected by the reorganization recommendations were informed about them and provided with the opportunity to discuss issues with the County Executive and Chief Administrative Officer.
  - The County Executive accepted the final reorganization proposals in December 2007 and provided direction regarding finalization of the reorganization recommendations.
- Consensus Recommendations and Minority Opinions:
  - The Reorganization Work Group derived its recommendations through consensus. There was spirited discussion regarding various proposals and the group was assisted by the findings of the Research Team regarding effective practices and organization structures of peer counties and cities. The Reorganization Work

Group also sought out the perspectives of academicians and practitioners. While the group worked towards consensus, minority opinion was also invited. When it was necessary to finalize consensus recommendations, the opinions that could not be reconciled were acknowledged. Often they were countermanded by the recognition that the organizational structures being recommended were established practices among some of the peer counties or other levels of government.

■ Minority opinion is acknowledged in two areas:

- (1) Concern that the “watchdog” function of procurement was being absorbed into a larger department of General Services that will also be a major user of the procurement process. Care must be exercised to ensure that compliance requirements, including procedures to achieve certain social goals, are not subordinated to operating exigencies of the other two major support functions. Compliance requirements for all County procurements must be elevated to a policy level function within such a general services department to ensure that procurement regulations are followed and program requirements are met. Ensuring that Montgomery County sustains its reputation of upholding high ethical standards in its procurement functions is a goal that must be achieved in any reorganization effort involving procurement activities.
- (2) Concern that the daily operating requirements of Solid Waste will overwhelm and subordinate the regulatory and advocacy function of Environmental Protection. While Solid Waste management can involve sound environmental strategies such as recycling and resource recovery, the operation of a daily solid waste function is not enforcement or regulation of an environmental protection policy. Any reorganization effort involving Solid Waste needs to recognize its complexity and sustain Montgomery County’s efficient and effective daily solid waste operations. A similar concern was voiced that fleet maintenance, building maintenance and capital construction functions could overwhelm the watchdog functions of DGS.

■ Acknowledgements:

The Reorganization Work Group gratefully acknowledges the willing assistance, support and perspectives offered throughout its deliberations by:

- Phil Lee, Professor, University of Maryland
- Carolyn Scriber, Former Director, Department of General Services Administration, Prince George’s County
- Ron Carlee, Chief Administrative Officer, Arlington County
- Larry E. Naake, Executive Director, National Association of County Officials
- Jacqueline Byers, Director of Research, National Association of County Officials

The Reorganization Work Group also gratefully acknowledges the support, coordination and follow-up provided by Karen Plucinski, Office of Human Resources, in the planning, implementation and recording of the MLS Focus Group Sessions.

## Summary of Focus Groups: Management Leadership Service Representatives

A representative cross section of MLS managers and Public Safety managers were selected by the Office of Human Resources to participate in two focus group sessions on August 2 and August 8, 2007. The focus groups were facilitated by Gordon Aoyagi and the recorder for the sessions was Karen Plucinski. Approximately 44 out of 55 managers contacted participated in the Focus Groups. Comments from participants were solicited regarding:

- Perceptions of services by County departments.
- What's working well in the County.
- Problems encountered in organizational or structural impediments to the delivery of services.
- Changes to the organizational structure needed to improve services.
- Challenges or significant trends the County will face in next few years.

In general, most felt that County government was responsive and customer focused. However, the managers stated that the level of service was not even across all departments and there is need for continuous improvement. Many felt that Montgomery County provides high value in services for the tax dollar. They acknowledged the need for government to be responsive, maintain high ethical standards and provide good customer service to maintain public trust and confidence.

Most managers felt that they and their employees took pride in the work they do and the reputation of Montgomery County. Some felt that the County is too process-oriented and places too much emphasis on process over outcome. There were comments that some internal support services need to focus on better communications and coordination, timeliness and effective customer service.

The managers thought DPWT is too large, complex, rigid and structured. To improve customer service, many of the participants commended the County Executive initiative involving Customer Relationship Management/311 as a way to provide more timely and response services. There were also comments that internal support functions need to support internal customers so they can effectively and efficiently achieve their missions. These internal support functions need to add value to other departments.

There were many comments regarding the value, as well as the continuing need, for departments to embrace collaboration and cooperation.

The managers made a number of comments about challenges and trends:

- Montgomery County may not fully appreciate the changes in the level and type of government services that will be required to sustain "quality of life" in a future that will be more urbanized and more diverse.
- Demographic changes in age, diversity, family configuration, ethnic and religious affinities, etc. will challenge County housing stock, services provided and service delivery.
- Many managers felt the condition of County facilities was inadequate to meet the challenges of today and the future.

- Managers expressed concern about the challenges of technological change; the need for constant modernization; workforce turnover; diversity; retention; competitive compensation; training and development. Constrained resources in the future will ask workers to do even more with less.
- Many acknowledged that there are significant management opportunities to enhance County services through innovation and inventiveness.

## Transition Planning for Implementation

Departmental leads have been assigned to plan for implementation of the reorganization:

- Transportation – Art Holmes
- General Services – David Dise
- Environmental Protection – Bob Hoyt

Department leads will collaborate on identifying the functional requirements of new departments and the resources required and plan for personnel and position management in the transfer of responsibilities, programs and processes.

The goal of the reorganization recommendations is to be cost-neutral. No positions are targeted for elimination as a cost-saving measure as part of this reorganization. No required reductions in positions are to be stipulated to achieve a reduction target or to improve efficiencies. Vacant positions are to be managed, as appropriate, to meet new position competency requirements, if any, for new or revised departments.

Current departments (DPWT and Procurement) will submit their fiscal year 2009 proposed operating budgets as they currently exist under the established budget process time schedule. Charts of accounts will “map” what the current financial activities are and where, under the new departments, they will be going. Department leads will finalize the movement of people, processes, programs, procedures and other required assets or resources to implement the reorganization. Budgets for the newly established departments will be developed at a later, more appropriate date, consistent with County requirements for appropriations.

Current department heads and the organizational structure for existing departments will remain in place until the reorganization implementation date occurs. Department leads have indicated that their reorganization plans are cost neutral. The target implementation date is July 1, 2008.

## Other Work Group Recommendations

- Move the reporting relationship of Internal Audit from the Finance Director to the CAO.
- Consider enhancing grants coordination in the County by establishing a grants coordinator committee and/or a grants coordinator contractor. Montgomery County does very well in terms of federal grants. Most departments are active in pursuing grants. The Work Group found that there may be benefits gained from establishing a “grants coordination committee” to transfer knowledge, templates, information, contacts, project justifications, etc. about grant requirements, project management plans and the application process for interdepartmental grants. The University of Maryland and the

State of Maryland have a grant coordinator who provides training on grant applications, grant management and grant opportunities.

- Establish an informal Fiscal Policy Secretariat to coordinate Fiscal Policy. The Finance Director should serve as the chair of this ongoing group. The chair will establish the schedule and location of meetings and provide notice and agendas for the meetings. Departmental membership in the secretariat should include those that have policy or operating impact on revenue forecasting, projected long-term financial commitments and other related budget matters. Possible suggestions are Office of Budget and Finance, Department of General Services, Department of Economic Development, Office of Human Resources, and other County departments that may be involved with programs of significant fiscal implications from time to time. Depending upon the scope of fiscal policy being discussed, reviewed or considered by the Secretariat, other participants may include the Revenue Authority, Montgomery County Public Schools, Montgomery College, Washington Suburban Sanitary Commission, etc. The informal secretariat will determine its membership, functions, scope, roles and procedures to guide its deliberations and determinations.

## Highlights of Internal Restructuring Initiatives of Some Departments

In presentations made to the Reorganization Work Group, a number of departments provided information regarding internal efforts to restructure their departments to improve services. This report highlights a representative sample of such efforts:

### Department of Health and Human Services (HHS)- Office of Disparity Reduction

HHS will be establishing an Office of Disparity Reduction. Montgomery County Maryland has a population that is approximately 44 percent minority, including 29 percent of the total population who were born outside the United States. Within HHS' fully integrated service delivery system, there is both over-representation of children and adults of color in areas such as child welfare, juvenile justice, adult corrections, mental health and substance abuse. In addition, there are also higher numbers of minority clients with inadequate access to healthcare, early learning services, and other social and human services.

The Office of Disparity Reduction will address these issues. The Office will have a Manager with responsibility for all Minority Health Initiatives, as well as oversight of the advisory process within the Department. In addition, the office will be responsible for assessing disparities that may exist in the delivery of services both within the Department and with our provider partners and their service delivery systems. This difficult and politically charged work will involve a consensus approach that engages many stakeholders and is sensitive to the different communities of color served by HHS.

### Montgomery County Public Libraries (MCPL)

MCPL reorganized its management structure for strategic planning, community engagement, collection management, day-to-day technology management, virtual services and strategic technology planning, and daily operations to increase accountability and responsiveness for internal and external customers. MCPL has restructured its reporting structure. Management and accountability for the major issue areas that was more geographically based has now been placed into the portfolios of individual senior managers. Two existing positions were also restructured to provide dedicated resources for planning and

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evaluation and management of specific branch operations issues. This reorganization was enabled by the budget authorization of three additional positions to provide increased focus and attention to collections development, virtual services, and delivery and receiving operations. The addition of these management positions made it possible to realign the portfolios of senior managers and collectively to provide greater attention to improving services in all areas.

#### Department of Permitting Services (DPS)

DPS has changed the name of Casework Management Division to Customer Service Division to improve public recognition of the service. DPS will also consolidate its call centers in planning for County-wide migration to a 311 system. There are currently three Sections in the Casework Management Division to answer calls. DPS will create a Customer Outreach and Education Section in the renamed Customer Service Division, which will focus on proactive communications and information sharing with the residents of Montgomery County.

DPS will also move and consolidate some units to improve business process flow and coordination by pairing related business functions in the same Division. This will improve customer service and the reliability of the information provided. The Site Plan Enforcement Section will be moved from the Casework Management Division to the Building Construction Division. Permit technicians specializing in land development will be moved from Casework Management Division to the Land Development Division. The Zoning Section, along with permit technicians specializing in Building Construction, will be moved from Casework Management Division to the Building Construction Division. These changes were recommended in a December 1999 Office of Legislative Oversight report (page 69) that is now being implemented.

#### Office of Human Resources (OHR)

OHR anticipates significant changes in the application of technology in the field of human resource management and in the nature of the workforce. Emerging initiatives such as Enterprise Resource Planning, Customer Resource Management and CountyStat reflect the nature of the fundamental change to the County's work processes and organizational functions. They will also require changes in the competencies needed to effectively operate and to develop/utilize the information these system present. The success of these major initiatives will, to a large degree, depend upon the acceptance and "buy-in" of County employees. Major changes in employee and organizational culture will have to be managed. In anticipation of this effort, OHR has established the position of Change Manager to strategically plan and implement County-wide programs to facilitate the needed transformation.

The population of the County will also change in terms of race, ethnicity, immigrant status and age. In order to be able to continue to provide excellent customer service, the County workforce will have to be culturally and substantively competent given the demographics and the "graying" of the current workforce. Increasing diversity in the County's workforce in terms of cultural and ethnic backgrounds, age, education, experience and perspective will be required. OHR is therefore considering establishing a Chief Strategic and Innovations Officer as a deputy to the OHR Director to focus on strategic human resource issues, innovations and initiatives. The incumbent of this position will oversee the implementation of various initiatives and will collect and analyze data outcomes and measure progress and program implementation success. Consideration is being given to establishing this position as a Non-Merit, Non-Department Head Officer (Question A) position by converting a current vacant MLS II position.

## Other: Status of Other Reorganization/Realignment/Restructuring Objectives

The Chief Administrative Officer provided areas for organizational review to the Reorganization Work Group. After meeting with departmental representatives and considering if changes were needed, the Reorganization Work Group came to certain conclusions and recommendations as follows:

Other Areas for Organization Review	Recommendation
<p><b>Health and Human Services</b> Alignment and competing missions? Internal and external customer focus?</p>	<p>No change. HHS is focused on vulnerable populations and provides integrated and comprehensive case management care and intervention. HHS is also effective in the "braiding" of federal, state, local and nonprofit resources.</p>
<p><b>Public safety policy and implementation</b> Areas for improvement, coordination, alignment? Are certain programs/functions in the right place?</p>	<p>No change. Departments indicated strong collaboration and cooperation on many matters, including policy and operations.</p>
<p><b>Internally focused support functions</b> Areas for coordination, alignment, improvement, and customer focus? Facilities, Human Resources, Procurement, Equipment Services, others?</p>	<p>Proposed General Services Administration model in Dept of General Services. Most local governments maintain OHR as separate function.</p>
<p><b>Environmental policy</b> Competing objectives and mission alignment? Open space protections and agricultural promotion? Sediment control permitting?</p>	<p>No change in Agricultural Reserve Program – it is effective in DED and also facilitates best practices for environmental protection. Sediment control – should remain in DPS; both DEP and DPS departments indicated there were opportunities for improved coordination and customer service but it did not require organizational change.</p>
<p><b>Small business development and opportunities</b> Mission alignment and performance goals— economic development or contract opportunities? Business growth/technical support or growth through government contracting opportunities?</p>	<p>Transfer monitoring and compliance aspects of the Small Business Reserve Program to Procurement.</p>

## Proposed Legislation to Implement Reorganization

Legislation to implement the County Executive's Reorganization Plan will be transmitted to the County Council by the County Executive for adoption.

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OFFICE OF MANAGEMENT AND BUDGET

Isiah Leggett  
County Executive

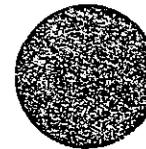
MEMORANDUM

Joseph F. Beach  
Director

February 22, 2008

033481

TO: Michael J. Knapp, Council President  
FROM: Joseph F. Beach, Director, Office of Management and Budget  
SUBJECT: Expedited Bill -08 Executive Branch Reorganization



The purpose of this memorandum is to transmit a fiscal impact statement to the Council on the subject legislation.

LEGISLATION SUMMARY

The proposed legislation:

- Abolishes the Department of Public Works and Transportation and re-assigns its functions.
- Creates and provides functions for the Department of Transportation and the Department of General Services.
- Assigns certain solid waste functions to the Department of Environmental Protection.
- Creates and provides functions for the Office of Internal Audit.
- Abolishes the Office of Procurement as a principal Office of the Executive Branch.
- Abolishes the Department of Homeland Security and re-assigns certain of its functions.
- Creates and provides functions for an Office of Emergency Management and Homeland Security.
- Clarifies the authority of officials and employees to delegate functions to another and generally provide for delegation of authority.
- Makes technical changes.
- Generally amends the County Code regarding transportation, public works, procurement, property management, and related functions.

FISCAL SUMMARY

The proposed reorganization of the Executive Branch will result in savings of approximately \$250,000 through the integration of the Department of Homeland Security (DHS) into the Offices of the County Executive and the Police Department and the subsequent abolishment of the DHS' Director position. In the future, additional moving, lease and related build out costs may be incurred if the relocation of offices to align with the proposed reorganization is determined to be necessary. An estimate for these potential costs is not available at this time because the scope of any future relocation is not defined.

JFB:brg

cc: Kathleen Boucher, Assistant Chief Administrative Officer  
J. Thomas Manger, Chief, Montgomery County Police Department  
Rebecca Domaruk, CEX  
Arthur Holmes, Director, DPWT  
David Dise, Director, Procurement  
Robert Hoyt, Director, DEP  
Gordon Aoyagi, Director, DHS  
Office of the Director

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