AN EMERGENCY ACT to:

(1) reorganize County information technology functions under a new Department of Information Technology Services;

(2) designate the Director of the Department as the County’s Chief Information Officer responsible for certain interdepartmental services and projects and heading certain interagency coordination efforts;

(3) clarify how a government entity is designated as either a department or principal office;

(4) generally amend County law regarding County information technology management.

By amending

Montgomery County Code
Chapter 1A, Establishing the Structure of County Government
Section 1A-201
Chapter 2, Administration
Division 11D

The County Council for Montgomery County, Maryland approves the following Act:
Section 1. Section 1A-201 and Division 11D of Chapter 2 of the County Code are amended as follows:

1A-201. Establishing departments and principal offices.

(a) Executive Branch.

(1) These are the departments and principal offices of the Executive Branch.

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[[Information]] [Systems and Telecommunications] Technology Services [Section 2-58D]

* * *

(2) [The] If the Charter or County law does not designate an entity in paragraph (1) as a department or a principal office, the County Executive [determines] must determine whether [an] the entity is a department or a principal office[.] as follows:

[a. Entities]

(A) an entity that [directly serve] primarily serves the public [are departments.] is a department; and

[b. Entities]

(B) an entity that [provide] primarily provides internal support to other parts of County government [are] is a principal [offices] office.

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DIVISION 11D. DEPARTMENT OF [[INFORMATION]] [SYSTEMS AND TELECOMMUNICATIONS] TECHNOLOGY SERVICES.
2-58D. Functions.

(a) Generally. The purposes of the [department of information systems and telecommunications] Department of [[Information]] Technology Services are to:

(1) [Promote] promote the appropriate use of automated information systems and telecommunications technology by the [county] County government;

(2) [Plan] plan, develop, and ensure the proper operation of the [county] County government’s telecommunications capabilities, with special emphasis on the long-term issues of [[connectability]] connectivity and compatibility;

(3) [[Ensure]] ensure that the [county] County government provides automated information services;

(4) [[Review]] review decentralized process support systems for consistency with overall policy and compatibility with other governmental systems; and

(5) [[Promote]] promote the sharing of data and [[computer]] information technology systems among the departments and agencies, subject to the state public records act.

(b) Duties. The [department of information systems and telecommunications] Department must:

(1) [Operate] operate the [county’s] County’s central computer system and provide technical support necessary to:

   [a. Generate]

   (A) generate and maintain the software of all systems;

   [b. Assess]
assess requirements for computer hardware and software;

and

c. Supervise

supervise network control activities;

(2) [Provide technical assistance to the administrator of the]

administer each cable communications or other

telecommunications franchise granted by the County Council

and any other telecommunications agreement involving or

regulated by the County;

(3) [Operate] operate and manage all [nonentertainment transport]

telecommunications facilities [that the cable franchise or the

county government installs] owned or controlled by the County,

including the County fiber-optic data network, telephone

system, Internet service, cable television transmissions, and

public safety communications;

(4) [Make] make County policy recommendations [to the

Executive, the Council, and the Information Technology Policy

Committee]];

(5) [Establish] establish standards for automated information

systems and telecommunications;

(6) [Plan] plan and oversee the installation and support of

departmental and enterprise automated information systems,

[[telephones, radios, microwave installations, and other]]

[transmission] [[telecommunications facilities]]. These

facilities include, including public safety communications

systems, [[and]] local- and wide-area networks [and their

interconnection with the cable communications system’s
nonentertainment broadband transport] [[owned or controlled
by the County]], enterprise servers, and the desktop computer
replacement program, under written policies approved by the
Chief Administrative Officer (CAO);

(7) [Maintain] maintain a geographic database [file that includes
geographic identification associated with street segments] of all
installed telecommunications facilities in the County for which
the County has any legal authority to require data, or is able to
obtain voluntarily or through a third-party;

(8) [Approve] approve, deny, or modify all requests for
telecommunications and information processing facilities][, except those for the]] [county council] [[County Council,]]
[prior to] before acquisition; and

(9) [Advise] advise the [county council] County Council on the
acquisition of telecommunications and information processing
systems[]. However], although the [council] Council has the
final authority to acquire [the] facilities and systems for its own
use.

(c) **Chief Information Officer.** The Director of [[Information]]
Technology Services serves as the County’s Chief Information Officer
(CIO). The CIO, under the supervision of the Chief Administrative
Officer, must:

(1) serve as chair of the Information Technology Policy Advisory
Committee;

(2) review and approve any proposed procurement of information
technology for the County government to ensure that the
proposed procurement is consistent with approved information
technology policies and standards, unless the Director of Procurement appeals the CIO’s decision to the Chief Administrative Officer to resolve;

(3) plan, direct [[a project management team responsible for planning and implementing]], and manage each major information technology project of the County government, under written policies approved by the CAO;

(4) submit a plan to the County Council by February of each year for the County’s use of any information technology resources that a person was required to provide under a cable or other telecommunications franchise granted by the Council under Chapters 8A or 49;

(5) administer each cable television or other telecommunications franchise granted by the Council strictly according to law, the approved franchise agreement, and any franchise administration policies established by the Council by resolution;

(6) provide technical assistance to the Interagency Technology Policy and Coordination Committee or any successor organization;

(7) serve as the County government’s liaison with other County, State, regional, and federal government agencies, such as the Montgomery County Public Schools, Montgomery College, the Washington Suburban Sanitary Commission, and the Maryland-National Capital Park and Planning Commission, to promote efficiency and, to the extent practical, consistent standards and interoperability of information technology among the County government and these agencies; and
perform the duties described in Section 2-58E to coordinate all telecommunications transmission facilities in the County.

Information Technology Policy Advisory Committee.

The Information Technology Policy Advisory Committee includes:

- (A) the Director of Finance;
- (B) the Director of the Office of Management and Budget;
- (C) the Director of the Office of Procurement;
- (D) the Director of the Office of Human Resources;
- (E) the County Attorney;
- (F) the Chief of Police;
- (G) the Director of Fire/Rescue Services;
- (H) the Director of Public Works and Transportation; [[and]]
- (I) the Director of Health and Human Services; and
- (J) any other head of a County agency, department, or office listed in Executive regulations approved under method (2).

The members listed in paragraph (1) serve as permanent, ex officio voting members.

The Committee must:

- (A) establish and frequently review, at least twice a year, information technology policies and standards for the County government that:
  - (i) promote efficient delivery of government services to the public;
  - (ii) are cost-effective;
(iii) promote, to the extent practical, interoperability with other public and private information technology systems;

(iv) ensure the accuracy, integrity, and security of information created by or entrusted to the County government; and

(v) comply with federal, State, and local laws;

(B) monitor information technology developments and promptly advise the Executive and Council about potential impacts of new technology;

(C) review and [[approve]] advise the CIO on any proposed procurement of information technology for the County government that exceeds an amount established by Executive regulation; and

(D) make recommendations to the CIO regarding the use of any information technology resources that a franchisee was required to provide under a cable television or other telecommunications franchise granted by the Council.

**2-58E. Telecommunications facility coordination.**

(a) The [[Director of the Department of Information]] [[Systems and Telecommunications]] [[Technology]] Chief Information Officer, [[acting through a designee or by a contract with any private party,]] must [[set up]] establish and maintain a process to coordinate the location of public and private telecommunications transmission facilities in the County. The County Executive must [adopt a Regulation under method (2)] issue regulations to implement this process, including time limits for any review of a siting decision by
the [[Director’s]] CIO or the CIO’s designee or contractor, or the Telecommunications Transmission Facility Coordinating Group.

* * *

Sec. 2. Transition.

(a) Any function performed by the Department of Information Systems and Telecommunications or the office of cable communications in the Department of Housing and Community Affairs immediately before this Act takes effect are transferred to the Department of [[Information]] Technology Services.

(b) A regulation that implements a function assigned to the Department of [[Information]] Technology Services by this Act continues in effect but any reference to any other agency that performed the function must be treated as a reference to the Department of [[Information]] Technology Services.

Sec. 3. Effective Dates.

The Council declares that an emergency exists and that this legislation is necessary for the immediate protection of the public health and safety. This Act takes effect on the date on which it becomes law [[and expires on June 30, 2004. When this Act expires, any function transferred by this Act to the Department of Information Technology reverts to the Department that administered the function before this Act took effect]].

Approved:

/S/ April 4, 2002

Steven A. Silverman, President, County Council Date
Approved:

209 /S/ Douglas M. Duncan, County Executive

April 11, 2002

This is a correct copy of Council action.

211 /S/ Mary A. Edgar, CMC, Clerk of the Council

April 15, 2002