AN EXPEDITED ACT to:

(1) designate certain office and department directors and certain other positions in the Executive Branch as non-merit positions; and

(2) make technical and stylistic changes in, and generally amend, the laws governing non-merit positions in the Executive Branch.

By amending

Montgomery County Code
Chapter 1A, Structure of County Government
Sections 1A-203 and 1A-204

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

Chapter 11, Consumer Protection
Section 11-2

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

By adding

Montgomery County Code
Chapter 2, Administration
Section 2-26
The County Council for Montgomery County, Maryland approves the following Act:
Sec. 1. Sections 1A-203, 1A-204, 2-56, 2-58D, 2-60, 11-2, 27-4, 27-5, 27-6, 27-7, 27-15, 27-18, and 27-33A are amended and Section 2-26 is added as follows:

1A-203. Establishing other offices.

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

[Office of the Board of License Commissioners]
Office of the Commission for Women
Office of Community Use of Public Facilities
Office of Human Rights

* * *

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

(a) Executive Branch.

[(1)] [[Every office] [[The Office of Community Use of Public Facilities and the Office of the Commission for Women]] Each office established under Section 1A-203(a) [[is]] [are each] is under the supervision of an Executive Director who is appointed by the Chief Administrative Officer. [[The]] Each Executive Director is a merit system employee.

[(2) Executive Directors are merit system employees.] The [[Office of the Commission for Women and the] Office of Human Rights [are each]] is under the supervision of a Director who is appointed by the Executive and confirmed by the Council, as provided in Section 1A-102(a). The [[positions of Director, Office of the Commission for Women, and] Director, Office of Human Rights[are]] is a non-merit [[positions]] position.]

* * *
Division 1A. Office of the County Executive.


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

(a) 5 Directors of the Regional Services Centers;
(b) Director, Office of Community Partnerships;
(c) Director, Criminal Justice Coordinating Commission; and
(d) 4 Assistant Chief Administrative Officers.

Division 10. Department of Public Works and Transportation.

*   *   *

2-56. Non-merit positions.

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

Division 11D. Department of Technology Services.

2-58D. Functions.

*   *   *

- 4 -
(e) *Non-merit positions.* The position of Chief Technology Officer is a non-merit position.

2-60. Criminal Justice Coordinating Commission.

* * *

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

* * *

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

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

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

(i) facilitating the coordination of Commission meetings;

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

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

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

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

* * *

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

*  *  *


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

*  *  *


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

*  *  *

Director means the Executive Director of the Office of Human Rights and includes the Executive Director’s designee.

*  *  *

[Executive director or director means a merit system employee selected to head the Office of Human Rights and carry out the executive director’s responsibilities under this Chapter. The terms include the director’s designee.] [Executive staff or staff means those merit system employees who fulfill the duties set out in this article.]

*  *  *

27-7. Administration and enforcement.

(a) Filing [off] complaints. Any person subjected to a discriminatory act or practice in violation of this Article[,] or any group or person seeking to enforce this Article may file with the [executive director] Director a
written complaint, sworn to or affirmed under the penalties of perjury, that must state:

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

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

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

**27-18. Enforcement.**

(a) If the [executive director] Director, with respect to a violation of this subdivision, (1) [fails to] does not conciliate a complaint after the parties have, in good faith, attempted [such] conciliation, [or] (2) [fails to] does not effect an assurance of discontinuance or settlement
agreement, or (3) [determines] finds that a complaint is not susceptible of conciliation, in addition to the authority provided in [section] Section 27-7, the [executive director] Director may (1) transmit the matter to the [county attorney] County Attorney for appropriate legal action, or (2) advise the complainant of the complainant's right to [initiate] take appropriate legal action.

*   *   *

27-33A. Fees.

*   *   *

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

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

*   *   *

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

(a) that employee retains all merit system rights; and

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

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

Marilyn J. Praisner, President, County Council

Approved:

Isiah Leggett 5/25/2007
Isiah Leggett, County Executive

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council