



Committee: GO
Committee Review: At a future date
Staff: Khandikile Mvunga Sokoni, Legislative Attorney
Purpose: To receive testimony – no vote expected
Keywords: #Administration#Non-meritPositions
#Chapter2-29A

AGENDA ITEMS #4, 5 &6
July 11, 2023
Public Hearing

SUBJECT

Expedited Bill 29-23, Administration – Non-merit Positions – Department of Environmental Protection – Department of Transportation
Executive Regulations 5-23 and 6-23

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

EXPECTED ATTENDEES

Members of the public.

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

N/A

DESCRIPTION/ISSUE

Expedited Bill 29-23, Administration – Non-merit Positions – Department of Environmental Protection – Department of Transportation, with accompanying resolutions to adopt Executive Regulation 5-23, and Executive Regulation 6-23 sponsored by Council President Glass at the request of Council Executive seek to create two non-merit positions in the Executive Branch: 1. Deputy Director of Environmental Protection and 2. General Manager of Transit Services in the Department of Transportation in accordance with Sec. 1A-104(b)(2) of the County Code.

SUMMARY OF KEY DISCUSSION POINTS

- The County Executive, through Expedited Bill 29-23 seeks to create two non-merit positions in the Executive Branch: 1. Deputy Director of Environmental Protection and 2. General Manager of Transit Services in the Department of Transportation in accordance with Sec. 1A-104(b)(2) of the County Code.
- The Council must concurrently decide whether to enact this bill as well as to adopt two resolutions approving Method 1 regulations that were published to create the job descriptions for these positions.
- The GO Committee worksession is tentatively scheduled for July 20, 2023.

This report contains:

Staff Report

Expedited Bill 29-23
Executive Regulation 5-23
Executive Regulation 6-23

Pages 1-2

©1
©3
©11

County Executive Memorandum	©19
Legislative Request Report	©24
Fiscal Impact Statement – Bill 29-23	©25
Fiscal Impact Statement – ER 5-23	©27
Fiscal Impact Statement – ER 6-23	©28
Racial Equity and Social Justice (RESJ) Impact Statement	©29

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MEMORANDUM

July 6, 2023

TO: County Council

FROM: Khandikile Mvunga Sokoni, Legislative Attorney

SUBJECT: Expedited Bill 29-23, Administration – Non-merit Positions – Department of Environmental Protection – Department of Transportation Executive Regulations 5-23 and 6-23

PURPOSE: Public Hearing – no Council votes required

Expedited Bill 29-23, Administration – Non-merit Positions – Department of Environmental Protection – Department of Transportation, with accompanying resolutions to adopt Executive Regulation 5-23, and Executive Regulation 6-23 sponsored by Council President Glass at the request of Council Executive, were introduced on June 20, 2023. A public hearing is scheduled for July 11, 2023. A worksession before the Government Operations and Fiscal Policy (GO) Committee is tentatively scheduled for July 20, 2023.

BACKGROUND

The County Executive, through Expedited Bill 29-23 seeks to create two non-merit positions in the Executive Branch: 1. Deputy Director of Environmental Protection and 2. General Manager Transit Services in the Department of Transportation in accordance with Sec. 1A-104(b)(2) of the County Code.

The Council must concurrently decide whether to adopt resolutions approving Method 1 regulations that were published to create the job descriptions for these positions.

Montgomery County Code provides:

“Sec. 1A-104. Heads of departments and principal offices; other positions designated as non-merit.

(a) Names. The head of a department or principal office is called the Director of the department or principal office, except that:

(1) the Director of Police is also called the Chief of Police;

(2) the Director of the Montgomery County Fire and Rescue Service is also called the Fire Chief; and

(3) the Director of the Office of the County Attorney is called the County Attorney.

(b) *Qualifications.*

(1) *Each head of a department or principal office should be professionally qualified.*

(2) A person holding any other position in the Executive Branch designated by law as a non-merit position must be professionally qualified for the position under a position description established by regulation under method (1)¹.

(c) *Status. Heads of departments and principal offices, and holders of any other position in the Executive Branch designated by law as a non-merit position, are County employees but are not merit system employees.*

BILL SPECIFICS

Expedited Bill 29-23 would:

- (1) make the position of Deputy Director in the Department of Environmental Protection a non-merit position;
- (2) make the position of General Manager, Transit Services a non-merit position; and
- (3) generally amend the laws regarding administration, merit and non-merit positions.

SUMMARY OF IMPACT STATEMENTS

The Office of Legislative Oversight (OLO) provided a Racial Equity and Social Justice (RESJ) Impact Statement finding that Bill 29-23 will have little to no impact on racial equity and social justice in the County.

The Office of Management and Budget (OMB) estimates a potential fiscal impact from Expedited Bill 29-23 due to the potential of a higher salary due to a higher maximum salary on the Executive Level (EX3) pay band compared to the Management Level (M1) pay band. OMB estimates that there is no expected impact to County revenues or expenditures from the resolutions creating the respective job descriptions.

This report contains:

Expedited Bill 29-23	©1
Executive Regulation 5-23	©3
Executive Regulation 6-23	©11
County Executive Memorandum	©19
Legislative Request Report	©24
Fiscal Impact Statement – Bill 29-23	©25
Fiscal Impact Statement – ER 5-23	©27
Fiscal Impact Statement – ER 6-23	©28
RESJ Impact Statement	©29

¹ Emphasis applied.

Expedited Bill No. 29-23
Concerning: Administration - Non-merit Positions - Department of Environmental Protection - Department of Transportation
Revised: 6/15/2023 Draft No. 1
Introduced: June 20, 2023
Expires: December 7, 2026
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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

AN EXPEDITED ACT to:

- (1) make the position of Deputy Director in the Department of Environmental Protection a non-merit position; and
- (2) make the position of General Manager, Transit Services a non-merit position.

By adding

Montgomery County Code
Chapter 2, Administration
Sections 2-29A

By amending

Montgomery County Code
Chapter 2, Administration
Sections 2-56

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

The County Council for Montgomery County, Maryland, approves the following Act:



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject Position Description: Deputy Director of Environmental Protection, Department of Environmental Protection	Number 5-23
Originating Department Office of Human Resources	Effective Date

Montgomery County Regulation on

POSITION DESCRIPTION: DEPUTY DIRECTOR ENVIRONMENTAL PROTECTION, DEPARTMENT OF ENVIRONMENTAL PROTECTION

Issued by: County Executive
Regulation No. 5-23

Authority: Montgomery County Code (2014) Section 1A-104(b)(2)

Supersedes: None

Council Review: Method (1) under Code Section 2A-15

Register Vol. 40 No. 2

Comment Deadline: March 2, 2023

Effective Date: _____

Summary: This regulation establishes the position description of Deputy Director Environmental Protection in the Department of Environmental Protection, a non-merit position.

Staff contact: Kimberly D. Williams
(240) 777-5198

Address: Office of the Human Resources
Executive Office Building
101 Monroe Street, Twelfth Floor
Rockville, Maryland 20850

Background: Under County Code Section 1A-104(b)(2), a person holding a position in the Executive Branch designated by law as a non-merit position must be professionally qualified under a position description established by regulation under method (1).

COMCOR 01A.104.35 Deputy Director Environmental Protection, Department of Environmental Protection

01A.104.35.01 Definition of Class:

This is an appointed, non-merit full-time position in the County Government reporting to the Director of Environmental Protection. Under the executive appointment of the County Executive and Directorship of the



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject Position Description: Deputy Director of Environmental Protection, Department of Environmental Protection	Number 5-23
Originating Department Office of Human Resources	Effective Date

Department of Environmental Protection, the Deputy Director is responsible for assisting the Director in the leadership, operational management and administrative work directing the planning, analysis and execution of Environmental Protection services and programs across all divisions of the department. This position ensures safe continuity of operations and handles the strategic planning and execution of programs and business operations.

Key responsibilities of the position include organizational leadership and oversight of the budgets (General Fund, Water Quality Protection Fund, Solid Waste Fund Collection and Disposal Funds, and Capital Improvements Program), development of integrated resources (financial, human capital), and defining revenue financing plans that align with the department’s operational and strategic direction. The Deputy Director plays an integral role in assisting the Directors in defining and developing requirements and programs to ensure safe operations as well as identifying cost saving measures while ensuring effective and efficient operations, processes and services. This role works in consultation with the Director of Environmental Protection to plan, oversee and direct high-priority, cross-cutting, or time-sensitive special initiatives and projects. The Deputy Director also oversees the development and execution of health and safety programs for the department.

The work is primarily sedentary, performed primarily in office settings, and subject to usual everyday risks.

01A.104.35.02 Examples of duties:

- Oversee development of the Departments Roadmap clarifying the strategic direction with goals and objectives
- Oversee development of the capital and operating budgets for the Department’s General Fund, Water Quality Protection Charge and Solid Waste Enterprise funds
- Assist the Climate Change Officer with development of the capital and operating budgets for the Climate Fund
- Develop financing strategy for all Department Capital projects
- Ensure requirements for safe operations at all department facilities are in place and document they are being followed
- In coordination with the Strategic Services Division, identify programs to be evaluated for efficiency. Work with appropriate division chiefs to perform the evaluation and implement necessary changes
- Identify organizational changes that may be needed to enhance efficiency and break down stovepipes.



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject Position Description: Deputy Director of Environmental Protection, Department of Environmental Protection	Number 5-23
Originating Department Office of Human Resources	Effective Date

Implement necessary changes with support from the HR Liaisons and OHR

- Develop strategy, programs, procedures, and policies to ensure compliance with environmental regulations at U.S. Federal, state, and local levels
- Evaluate execution of budgets to identify areas of opportunity to be more efficient and provide enhanced services to residents at lower cost
- In coordination with Division Chiefs identify the areas of coordination within DEP and between DEP and other county departments that must be managed to ensure efficiencies in program implementation
- Ensure the department is following procurement regulations and administrative procedures related to financial controls and budgeting
- Performs full range of supervisory duties and leadership responsibilities including providing guidance, consultation and direction to direct reports, multiple executives as well as senior staff as required
- In coordination with Division Chiefs, ensure compliance with federal, state, and local laws governing the delivery of environmental protection services and programs
- Display executive level communication, long-range strategic planning, and organizational leadership competencies
- Build trust and communicate effectively with internal and external stakeholders
- Perform other related duties as required

01A.104.35.03 Recommended qualifications:

Experience: Seven (7) years of progressively responsible professional experience in organizational or operations management in a related field, four (4) years of which were in a supervisory or executive capacity.

Education: Graduation from an accredited college or university with a Master's Degree.

Equivalency: An equivalent combination of education and experience may be substituted.

01A.104.35.04 Knowledge, skills, and abilities:

- Extensive knowledge of the principles, practices, methods, and techniques of service delivery in a public administration with particular reference to management concepts and techniques, strategic planning principles, resource allocation and budgeting.
- Extensive knowledge of and ability to apply knowledge of budget, fiscal, and human resource regulations, and requirements and defend and execute large complex budgets
- Extensive knowledge of government and private sector procurement, contract management, and



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject Position Description: Deputy Director of Environmental Protection, Department of Environmental Protection	Number 5-23
Originating Department Office of Human Resources	Effective Date

human resources management

- Extensive knowledge of the principles and practices of public administration with particular reference to management concepts and techniques, strategic planning principles, resource allocation and budgeting
- Ability to prepare, defend, and execute large, complex budgets
- Extensive knowledge of government and private sector procurement, contract management, and human resources management
- Extensive knowledge of program development, implementation, management and evaluation techniques
- Skilled in high level interagency coordination, negotiations, and conflict resolution
- Skilled in interpersonal relations and ability to work tactfully and effectively with elected/appointed officials, union representatives, employees, supervisors and managers, and community and business organization leaders
- Knowledge of applicable Federal, State and County laws, regulations, and policies affecting environmental protection services and programs
- Skill in identifying, analyzing, and evaluating information concerning highly complex and often sensitive environmental protection services and programs
- Skill and ability to manage a department/agency/organization, set priorities, communicate expectations, anticipate problems, develop contingency plans, and monitor achievement of broad programmatic goals, objectives, and quality standards
- Ability to lead, inspire, motivate, evaluate, and counsel subordinate supervisory staff and to delegate responsibility to them, as appropriate
- Ability to communicate effectively, orally and in writing, in a clear and concise manner

01A.104.35.05 Medical protocol:

Medical History Review.

Approved:

Marc Elrich, County Executive

4/13/2023

Date

APPROVED AS TO FORM AND LEGALITY
OFFICE OF THE COUNTY ATTORNEY

BY:

DATE: 3/17/23

(6)



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject Position Description: Deputy Director of Environmental Protection, Department of Environmental Protection	Number 5-23
Originating Department Office of Human Resources	Effective Date

Montgomery County Regulation on

POSITION DESCRIPTION: DEPUTY DIRECTOR ENVIRONMENTAL PROTECTION, DEPARTMENT OF ENVIRONMENTAL PROTECTION

Issued by: County Executive

Regulation No. 5-23

Authority: Montgomery County Code (2014) Section 1A-104(b)(2)

Supersedes: None

Council Review: Method (1) under Code Section 2A-15

Register Vol. 40 No. 2

Comment Deadline: March 2, 2023

Effective Date: _____

Summary: This regulation establishes the position description of Deputy Director Environmental Protection in the Department of Environmental Protection, a non-merit position.

Staff contact: Kimberly D. Williams
(240) 777-5198

Address: Office of the Human Resources
Executive Office Building
101 Monroe Street, Twelfth Floor
Rockville, Maryland 20850

Background: Under County Code Section 1A-104(b)(2), a person holding a position in the Executive Branch designated by law as a non-merit position must be professionally qualified under a position description established by regulation under method (1).

COMCOR 01A.104.35 Deputy Director Environmental Protection, Department of Environmental Protection

01A.104.35.01 Definition of Class:

This is an appointed, non-merit full-time position in the County Government reporting to the Director of Environmental Protection. Under the executive appointment of the County Executive and Directorship of the



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject Position Description: Deputy Director of Environmental Protection, Department of Environmental Protection	Number 5-23
Originating Department Office of Human Resources	Effective Date

Department of Environmental Protection, the Deputy Director is responsible for assisting the Director in the leadership, operational management and administrative work directing the planning, analysis and execution of Environmental Protection services and programs across all divisions of the department. This position ensures safe continuity of operations and handles the strategic planning and execution of programs and business operations.

Key responsibilities of the position include organizational leadership and oversight of the budgets (General Fund, Water Quality Protection Fund, Solid Waste Fund Collection and Disposal Funds, and Capital Improvements Program), development of integrated resources (financial, human capital), and defining revenue financing plans that align with the department's operational and strategic direction. The Deputy Director plays an integral role in assisting the Directors in defining and developing requirements and programs to ensure safe operations as well as identifying cost saving measures while ensuring effective and efficient operations, processes and services. This role works in consultation with the Director of Environmental Protection to plan, oversee and direct high-priority, cross-cutting, or time-sensitive special initiatives and projects. The Deputy Director also oversees the development and execution of health and safety programs for the department.

The work is primarily sedentary, performed primarily in office settings, and subject to usual everyday risks.

01A.104.35.02 Examples of duties:

- Oversee development of the Departments Roadmap clarifying the strategic direction with goals and objectives
- Oversee development of the capital and operating budgets for the Department's General Fund, Water Quality Protection Charge and Solid Waste Enterprise funds
- Assist the Climate Change Officer with development of the capital and operating budgets for the Climate Fund
- Develop financing strategy for all Department Capital projects
- Ensure requirements for safe operations at all department facilities are in place and document they are being followed
- In coordination with the Strategic Services Division, identify programs to be evaluated for efficiency. Work with appropriate division chiefs to perform the evaluation and implement necessary changes
- Identify organizational changes that may be needed to enhance efficiency and break down stovepipes.



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject Position Description: Deputy Director of Environmental Protection, Department of Environmental Protection	Number 5-23
Originating Department Office of Human Resources	Effective Date

Implement necessary changes with support from the HR Liaisons and OHR

- Develop strategy, programs, procedures, and policies to ensure compliance with environmental regulations at U.S. Federal, state, and local levels
- Evaluate execution of budgets to identify areas of opportunity to be more efficient and provide enhanced services to residents at lower cost
- In coordination with Division Chiefs identify the areas of coordination within DEP and between DEP and other county departments that must be managed to ensure efficiencies in program implementation
- Ensure the department is following procurement regulations and administrative procedures related to financial controls and budgeting
- Performs full range of supervisory duties and leadership responsibilities including providing guidance, consultation and direction to direct reports, multiple executives as well as senior staff as required
- In coordination with Division Chiefs, ensure compliance with federal, state, and local laws governing the delivery of environmental protection services and programs
- Display executive level communication, long-range strategic planning, and organizational leadership competencies
- Build trust and communicate effectively with internal and external stakeholders
- Perform other related duties as required

01A.104.35.03 Recommended qualifications:

Experience: Seven (7) years of progressively responsible professional experience in organizational or operations management in a related field, four (4) years of which were in a supervisory or executive capacity.

Education: Graduation from an accredited college or university with a Master’s Degree.

Equivalency: An equivalent combination of education and experience may be substituted.

01A.104.35.04 Knowledge, skills, and abilities:

- Extensive knowledge of the principles, practices, methods, and techniques of service delivery in a public administration with particular reference to management concepts and techniques, strategic planning principles, resource allocation and budgeting.
- Extensive knowledge of and ability to apply knowledge of budget, fiscal, and human resource regulations, and requirements and defend and execute large complex budgets
- Extensive knowledge of government and private sector procurement, contract management, and



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject Position Description: Deputy Director of Environmental Protection, Department of Environmental Protection	Number 5-23
Originating Department Office of Human Resources	Effective Date

human resources management

- Extensive knowledge of the principles and practices of public administration with particular reference to management concepts and techniques, strategic planning principles, resource allocation and budgeting
- Ability to prepare, defend, and execute large, complex budgets
- Extensive knowledge of government and private sector procurement, contract management, and human resources management
- Extensive knowledge of program development, implementation, management and evaluation techniques
- Skilled in high level interagency coordination, negotiations, and conflict resolution
- Skilled in interpersonal relations and ability to work tactfully and effectively with elected/appointed officials, union representatives, employees, supervisors and managers, and community and business organization leaders
- Knowledge of applicable Federal, State and County laws, regulations, and policies affecting environmental protection services and programs
- Skill in identifying, analyzing, and evaluating information concerning highly complex and often sensitive environmental protection services and programs
- Skill and ability to manage a department/agency/organization, set priorities, communicate expectations, anticipate problems, develop contingency plans, and monitor achievement of broad programmatic goals, objectives, and quality standards
- Ability to lead, inspire, motivate, evaluate, and counsel subordinate supervisory staff and to delegate responsibility to them, as appropriate
- Ability to communicate effectively, orally and in writing, in a clear and concise manner

01A.104.35.05 Medical protocol:

Medical History Review.

Approved:

Marc Elrich, County Executive

4/13/2023

Date

APPROVED AS TO FORM AND LEGALITY
OFFICE OF THE COUNTY ATTORNEY

BY:

DATE: 3/17/23



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject Position Description: General Manager of Transit Services, Department of Transportation	Number 6-23
Originating Department Office of Human Resources	Effective Date

Montgomery County Regulation on

POSITION DESCRIPTION: GENERAL MANAGER OF TRANSIT SERVICES, DEPARTMENT OF TRANSPORTATION

Issued by: County Executive

Regulation No. 6-23

Authority: Montgomery County Code (2014) Section 1A-104(b)(2)

Supersedes: None

Council Review: Method (1) under Code Section 2A-15

Register Vol. 40 No. 2

Comment Deadline: March 2, 2023

Effective Date: _____

Summary: This regulation establishes the position description of General Manager of Transit Services in the Department of Transportation, a non-merit position.

Staff contact: Kimberly D. Williams
(240) 777-5198

Address: Office of the Human Resources
Executive Office Building
101 Monroe Street, Twelfth Floor
Rockville, Maryland 20850

Background: Under County Code Section 1A-104(b)(2), a person holding a position in the Executive Branch designated by law as a non-merit position must be professionally qualified under a position description established by regulation under method (1).

COMCOR 01A.104.36 General Manager Transit Services, Department of Transportation

01A.104.36.01 Definition of Class:

This is an appointed, non-merit full-time position in the County Government reporting to the Director of Transportation. Under the executive appointment of the County Executive and Directorship of the Department



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject Position Description: General Manager of Transit Services, Department of Transportation	Number 6-23
Originating Department Office of Human Resources	Effective Date

of Transportation, the General Manager of Transit Services is responsible for the leadership, management and administrative work directing the Division of Transit Services within the Department of Transportation. The General Manager of Transit Services is responsible for the safe and timely delivery of public transit services to meet the needs of the public

Key responsibilities of the position include organizational leadership; full line management; fiscal oversight; planning and operational implementation; and policy development to achieve County objectives related to a county-wide public transit bus system, including planning, direction and operation of the transit system and related facilities. The General Manager leads and supervises the operation of the County's transit system including Ride On, Ride On extRa, Ride On Flex, and the FLASH bus rapid transit network, overseeing a staff of approximately 800 employees, and 400 buses operating out of 3 transit depots. The General Manager ensures a commitment to safety and customer service through effective leadership, role modeling, and implementing practices that demonstrate that safety, customer service, and stewardship of County resources are fundamental values in all aspects of work. The General Manager ensures that County provided transit and related mobility services will address equity within the community and meet the needs of county residents, including the specific needs of youth, low-income seniors, and residents with disabilities. The General Manager also ensures the County's system is coordinated with regional services such as MetroBus, MARC Commuter Rail, and MTA Commuter Bus services.

The work is primarily sedentary, performed primarily in office settings, and subject to usual everyday risks.

01A.104.36.02 Examples of duties:

- Performs full range of supervisory duties and responsibilities associated with leading the Division of Transit Services
- Develops and implements long and short-range strategies designed to achieve the County's transit service goals and objectives and establishes priorities as necessary to accomplish.
- Exercise technical management oversight for transit operations.
- Ensure compliance with federal, state, and local laws governing the provision of transit services and its resources (personnel, vehicles, passenger facilities, etc.).
- Lead and manage a workforce consisting of unionized employees, and foster a positive labor relations environment based on trust, respect, and cooperation in a collective bargaining environment.
- Display executive level communication, long-range strategic planning, and organizational leadership competencies.



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject Position Description: General Manager of Transit Services, Department of Transportation	Number 6-23
Originating Department Office of Human Resources	Effective Date

- Build trust and communicate effectively with residents and businesses about transit services, programs, and plans.
- Ensure and be available on a 24/7/365 basis to respond to major events and emergencies that affect countywide transit service continuity.
- Perform other related duties as required.

01A.104.36.03 Recommended qualifications:

Experience: Ten (10) years of progressively responsible professional experience in organizational management and long-range strategic planning in Public Transit Bus Systems, four (4) years of which were in a supervisory or executive capacity.

Education: Graduation from an accredited college or university with a Bachelor's Degree

Equivalency: An equivalent combination of education and experience may be substituted.

01A.104.36.04 Knowledge, skills, and abilities:

- Extensive knowledge of the principles, practices, methods, and techniques of service delivery in a public transit system.
- Extensive knowledge of and ability to apply knowledge of budget, fiscal, and human resource regulations, and requirements.
- In-depth knowledge of federal, state, and local laws and regulations governing the provision of transit services and its resources (personnel, vehicles, passenger facilities, etc.).
- Skill and ability to manage and lead a large organization, set priorities, anticipate problems, develop contingency plans, and monitor achievement of broad program goals and objectives.
- Skill in interpersonal relations and ability to establish and maintain effective working relationships with other government staff, civic, community and private groups, and passengers.
- Ability to represent the organization on policy matters and controversial topics
- Exceptional ability to inspire, empower, mentor, develop and sustain a highly functional team, including ability to evaluate and counsel subordinate supervisory staff and to delegate responsibility to them as appropriate.
- Ability to communicate clearly, concisely, and effectively; listen effectively and share information internally and externally.
- Ability to attend meetings and/or perform assignments at location outside the office.



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject Position Description: General Manager of Transit Services, Department of Transportation	Number 6-23
Originating Department Office of Human Resources	Effective Date

01A.104.36.05 Medical protocol:

Medical History Review.

Approved:

Handwritten signature of Marc Elrich in black ink.

Marc Elrich, County Executive

4/13/2023

Date

Approved as to form and legality:

Handwritten signature of Edward B. Lattner in blue ink.

Jan. 25, 2023

Edward B. Lattner
Office of the County Attorney



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject Position Description: General Manager of Transit Services, Department of Transportation	Number 6-23
Originating Department Office of Human Resources	Effective Date

Montgomery County Regulation on

POSITION DESCRIPTION: GENERAL MANAGER OF TRANSIT SERVICES, DEPARTMENT OF TRANSPORTATION

Issued by: County Executive

Regulation No. 6-23

Authority: Montgomery County Code (2014) Section 1A-104(b)(2)

Supersedes: None

Council Review: Method (1) under Code Section 2A-15

Register Vol. 40 No. 2

Comment Deadline: March 2, 2023

Effective Date: _____

Summary: This regulation establishes the position description of General Manager of Transit Services in the Department of Transportation, a non-merit position.

Staff contact: Kimberly D. Williams
(240) 777-5198

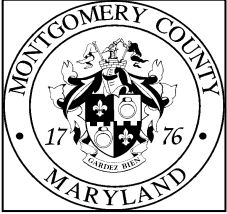
Address: Office of the Human Resources
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101 Monroe Street, Twelfth Floor
Rockville, Maryland 20850

Background: Under County Code Section 1A-104(b)(2), a person holding a position in the Executive Branch designated by law as a non-merit position must be professionally qualified under a position description established by regulation under method (1).

COMCOR 01A.104.36 General Manager Transit Services, Department of Transportation

01A.104.36.01 Definition of Class:

This is an appointed, non-merit full-time position in the County Government reporting to the Director of Transportation. Under the executive appointment of the County Executive and Directorship of the Department



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject Position Description: General Manager of Transit Services, Department of Transportation	Number 6-23
Originating Department Office of Human Resources	Effective Date

of Transportation, the General Manager of Transit Services is responsible for the leadership, management and administrative work directing the Division of Transit Services within the Department of Transportation. The General Manager of Transit Services is responsible for the safe and timely delivery of public transit services to meet the needs of the public

Key responsibilities of the position include organizational leadership; full line management; fiscal oversight; planning and operational implementation; and policy development to achieve County objectives related to a county-wide public transit bus system, including planning, direction and operation of the transit system and related facilities. The General Manager leads the operation of the County’s transit system including Ride On, Ride On extRa, Ride On Flex, and the FLASH bus rapid transit network, overseeing a staff of approximately 800 employees, and 400 buses operating out of 3 transit depots. The General Manager ensures a commitment to safety and customer service through effective leadership, role modeling, and implementing practices that demonstrate that safety, customer service, and stewardship of County resources are fundamental values in all aspects of work. The General Manager ensures that County provided transit and related mobility services will address equity within the community and meet the needs of county residents, including the specific needs of youth, low-income seniors, and residents with disabilities. The General Manager also ensures the County’s system is coordinated with regional services such as MetroBus, MARC Commuter Rail, and MTA Commuter Bus services.

The work is primarily sedentary, performed primarily in office settings, and subject to usual everyday risks.

01A.104.36.02 Examples of duties:

- Performs full range of supervisory duties and responsibilities associated with leading the Division of Transit Services
- Develops and implements long and short-range strategies designed to achieve the County’s transit service goals and objectives and establishes priorities as necessary to accomplish.
- Exercise technical management oversight for transit operations.
- Ensure compliance with federal, state, and local laws governing the provision of transit services and its resources (personnel, vehicles, passenger facilities, etc.).
- Lead and manage a workforce, and foster a positive labor relations environment based on trust, respect, and cooperation in a collective bargaining environment.
- Display executive level communication, long-range strategic planning, and organizational leadership competencies.



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject Position Description: General Manager of Transit Services, Department of Transportation	Number 6-23
Originating Department Office of Human Resources	Effective Date

- Build trust and communicate effectively with residents and businesses about transit services, programs, and plans.
- Ensure and be available on a 24/7/365 basis to respond to major events and emergencies that affect countywide transit service continuity.
- Perform other related duties as required.

01A.104.36.03 Recommended qualifications:

Experience: Ten (10) years of progressively responsible professional experience in organizational management and long-range strategic planning in Public Transit Bus Systems, four (4) years of which were in a supervisory or executive capacity.

Education: Graduation from an accredited college or university with a Bachelor's Degree

Equivalency: An equivalent combination of education and experience may be substituted.

01A.104.36.04 Knowledge, skills, and abilities:

- Extensive knowledge of the principles, practices, methods, and techniques of service delivery in a public transit system.
- Extensive knowledge of and ability to apply knowledge of budget, fiscal, and human resource regulations, and requirements.
- In-depth knowledge of federal, state, and local laws and regulations governing the provision of transit services and its resources (personnel, vehicles, passenger facilities, etc.).
- Skill and ability to manage and lead a large organization, set priorities, anticipate problems, develop contingency plans, and monitor achievement of broad program goals and objectives.
- Skill in interpersonal relations and ability to establish and maintain effective working relationships with other government staff, civic, community and private groups, and passengers.
- Ability to represent the organization on policy matters and controversial topics
- Exceptional ability to inspire, empower, mentor, develop and sustain a highly functional team, including ability to evaluate and counsel subordinate supervisory staff and to delegate responsibility to them as appropriate.
- Ability to communicate clearly, concisely, and effectively; listen effectively and share information internally and externally.
- Ability to attend meetings and/or perform assignments at location outside the office.



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject Position Description: General Manager of Transit Services, Department of Transportation	Number 6-23
Originating Department Office of Human Resources	Effective Date

01A.104.36.05 Medical protocol:

Medical History Review.

Approved:

Handwritten signature of Marc Elrich in black ink.

Marc Elrich, County Executive

4/13/2023

Date

Approved as to form and legality:

Handwritten signature of Edward B. Lattner in blue ink.

Jan. 25, 2023

Edward B. Lattner
Office of the County Attorney




OFFICE OF THE COUNTY EXECUTIVE

Marc Elrich
County Executive

MEMORANDUM

April 13, 2023

TO: Evan Glass, President
Montgomery County Council

FROM: Marc Elrich, County Executive 

SUBJECT: Proposed Legislation Designating Executive Branch Positions as Non-Merit

I am submitting to Council the enclosed bill and associated Executive Regulations, which would redesignate two positions in the Executive Branch from merit to non-merit positions in accordance with §1A-104(b)(2) of the County Code. These two positions are deeply involved in the development of high-level, Countywide policies that have direct impact on the quality of life for Montgomery County residents. These two positions are responsible for public engagement and the implementation of high-impact programs that protect Montgomery County's air, water and land, as well as ensure safe and equitable transportation options across the County. Designating these positions as non-merit will improve the effectiveness of County government and ensure full accountability to the County Executive, the County Council and the taxpayers of Montgomery County. Furthermore, the non-merit designation of these positions allows for regular innovation at the senior management level in these mission critical departments. This bill establishes the non-merit positions of Deputy Director in the Department of Environmental Protection and the General Manager of Transit Services in the Department of Transportation.

Montgomery County Code §1A-104(b)(2) requires this position be supported by a position description established by executive regulation under method (1). Executive Regulations No. 5-23 (Position Description - Deputy Director, Department of Environmental Protection) and 6-23 (Position Description - General Manager of Transit Services, Department of Transportation) were advertised in the February 2023 Montgomery County Register with a comment deadline of March 2, 2023, and no comments were received. The Legislative Request Report and Fiscal Impact Statement for this proposed legislation are also attached. We are requesting this bill be expedited so that the bill becomes effective at the same time the regulations for the position descriptions are adopted to allow recruitment for these important positions to begin immediately.

Proposed Legislation Designating Executive Branch Positions as Non-Merit

April 13, 2023

Page 2 of 2

I appreciate the Council's introduction of this legislation, and my staff is ready to assist in any way needed.

Enclosures

cc: Richard Madaleno, Chief Administrative Officer, Office of the County Executive
Fariba Kassiri, Deputy Chief Administrative Officer, Office of the County Executive
Ken Hartman, Director of Strategic Partnerships, Office of the County Executive
Traci L. Anderson, Director, Office of Human Resources
Jennifer Bryant, Director, Office of Management and Budget
Chris Conklin, Director, Department of Transportation
Adriana Hochberg, Acting Director, Department of Environmental Protection
John Markovs, County Attorney, Office of the County Attorney
Edward B. Lattner, Chief, Division of Government Operations, Office of the County Attorney

Expedited Bill No. _____
 Concerning: _____
 Revised: _____ Draft No.2 _____
 Introduced: _____
 Expires: _____
 Enacted: _____
 Executive: _____
 Effective: _____
 Sunset Date: _____
 Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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

AN EXPEDITED ACT to:

- (1) make the position of Deputy Director in the Department of Environmental Protection a non-merit position; and
- (2) make the position of General Manager, Transit Services a non-merit position.

By adding
 Montgomery County Code
 Chapter 2, Administration
 Sections 2-29A

By amending
 Montgomery County Code
 Chapter 2, Administration
 Sections 2-56

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

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

Approved:

Evan Glass, President, County Council

Date

Approved:

Marc Elrich, County Executive


Date

This is a correct copy of Council action.

Judy Rupp, Clerk of the Council

Date

Approved as to form and legality:



Edward B. Lattner

March 16, 2023

LEGISLATIVE REQUEST REPORT
Bill XX-23

Designation of Positions as Non-Merit

DESCRIPTION: This bill converts the deputy director positions in both the Department of Environmental Protection and the Department of Transportation from merit to non-merit.

PROBLEM: These two positions are responsible for policy, public engagement and the implementation of high-impact programs in the areas of environment and transportation. Designating these positions as non-merit will improve the effectiveness of County government and ensure full accountability to the County Executive, County Council and the taxpayers of Montgomery County, as well as allows for regular innovation at the senior management level in these mission critical departments.

GOALS AND OBJECTIVES: Increase the effectiveness, efficiency, and responsiveness of these policy-driven positions

COORDINATION: Office of the Chief Administrative Officer

FISCAL IMPACT: Office of Management and Budget

ECONOMIC IMPACT: Office of Legislative Oversight

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

EXPERIENCE ELSEWHERE: Unknown

SOURCES OF INFORMATION: Edward B. Lattner, Chief, Division of Government Operations
Office of the County Attorney

Fariba Kassiri, Deputy Chief Administrative Officer
Office of the Chief Administrative Officer

APPLICATION WITHIN MUNICIPALITIES: None

PENALTIES: None



Fiscal Impact Statement

Office of Management and Budget

Bill XX-23

Administration - Non-Merit Positions - Amendment

Bill Summary

This bill makes the positions of Deputy Director in the Department of Environmental Protection, and General Manager, Transit Services non-merit positions.

Fiscal Impact Summary

Expenditures could increase by up to \$7,394 in FY23 and \$22,180 annually thereafter. Revenues will not be impacted.

Fiscal Year	2023	2024	2025	2026	2027	2028	Total
Personnel Costs	\$7,394	\$22,180	\$22,180	\$22,180	\$22,180	\$22,180	\$118,294
Operating Expenses	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Expenditures	\$7,394	\$22,180	\$22,180	\$22,180	\$22,180	\$22,180	\$118,294
Revenues	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Impact	(\$7,394)	(\$22,180)	(\$22,180)	(\$22,180)	(\$22,180)	(\$22,180)	(\$118,294)
FTE	0.00	0.00	0.00	0.00	0.00	0.00	

Fiscal Impact Analysis

The fiscal impact is the potential for a higher salary due to a higher maximum salary on the Executive Level (EX3) pay band compared to the Management Level (MI) pay band. There would be up to a \$22,180 increase in annualized salary and benefits costs with these positions transitioning from the M1 pay band (\$108,684 - \$191,726 range) to the EX3 pay band (\$118,420 - \$201,315 range), if the salary at the top of grade on the new schedule is offered. FY23 costs of \$7,394 reflect four month costs of \$3,697 for each position. Annualized costs are \$11,090 for each position, beginning in FY24. The fiscal impact analysis assumes an annual salary range for the positions within the FY23 salary schedules, plus benefits. To the extent that the assumed salary range for these position deviates from these assumptions, the fiscal impact will adjust accordingly.

Staff Impact

The Office of Human Resources advises that staff time to implement this bill will be minimal, and will not increase staff responsibilities.

Actuarial Analysis

The bill is not expected to impact retiree pension or group insurance costs.

Information Technology Impact

The bill is not expected to impact the County Information Technology (IT) or Enterprise Resource Planning (ERP) systems.

Other Information

Later actions that may impact revenue or expenditures if future spending is projected

Future compensation increases could increase the costs of these positions, however, it is difficult to estimate compensation increases for non-merit positions at this time.

Sources of information

FY23 Management Leadership Service Salary Schedule, FY23 Executive Salary Schedule



Contributors

Samuel Frushour, Office of Human Resources
Shantee Jackson, Office of Management and Budget





Fiscal Impact Statement

Office of Management and Budget

Executive Regulation 5-23

Position Description: Deputy Director of Environmental Protection

Regulation Summary

Executive Regulation 5-23 establishes the position description of Deputy Director of Environmental Protection in the Department of Environmental Protection, a non-merit position.

Fiscal Impact Summary

There is no fiscal impact from this regulation.

Fiscal Year	0	0	0	0	0	0	Total
Personnel Costs	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Operating Expenses	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Expenditures	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Revenues	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Impact	\$0	\$0	\$0	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00	0.00	0.00	0.00

Fiscal Impact Analysis

Establishing the position description of Deputy Director of Environmental Protection is not expected to impact County revenues or expenditures.

Staff Impact

The Office of Human Resources advises that staff time to implement this regulation will be minimal, and will not increase staff responsibilities.

Actuarial Analysis

The regulation is not expected to impact retiree pension or group insurance costs.

Information Technology Impact

The regulation is not expected to impact the County Information Technology (IT) or Enterprise Resource Planning (ERP) systems.

Other Information

Later actions that may impact revenue or expenditures if future spending is projected

The regulation does not authorize future spending.

Contributors

Samuel Frushour, Office of Human Resources
Shantee Jackson, Office of Management and Budget





Fiscal Impact Statement

Office of Management and Budget

Executive Regulation 6-23

Position Description: General Manager of Transit Services

Regulation Summary

Executive Regulation 6-23 establishes the position description of General Manager of Transit Services in the Department of Transportation, a non-merit position.

Fiscal Impact Summary

There is no fiscal impact from this regulation.

Fiscal Year	0	0	0	0	0	0	Total
Personnel Costs	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Operating Expenses	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Expenditures	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Revenues	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Impact	\$0	\$0	\$0	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00	0.00	0.00	0.00

Fiscal Impact Analysis

Establishing the position description of General Manager of Transit Services is not expected to impact County revenues or expenditures.

Staff Impact

The Office of Human Resources advises that staff time to implement this regulation will be minimal, and will not increase staff responsibilities.

Actuarial Analysis

The regulation is not expected to impact retiree pension or group insurance costs.

Information Technology Impact

The regulation is not expected to impact the County Information Technology (IT) or Enterprise Resource Planning (ERP) systems.

Other Information

Later actions that may impact revenue or expenditures if future spending is projected

The regulation does not authorize future spending.

Contributors

Samuel Frushour, Office of Human Resources
Shantee Jackson, Office of Management and Budget



Racial Equity and Social Justice (RESJ) Impact Statement

Office of Legislative Oversight

EXPEDITED ADMINISTRATION - NON-MERIT POSITIONS – BILL 29-23: DEPARTMENT OF ENVIRONMENTAL PROTECTION- DEPARTMENT OF TRANSPORTATION

SUMMARY

The Office of Legislative Oversight (OLO) anticipates Expedited Bill 29-23 will have little to no impact on racial equity and social justice (RESJ) in the County. Redesignating the two positions from merit to non-merit positions is unlikely to materially impact RESJ in the County.

PURPOSE OF RESJ IMPACT STATEMENTS

The purpose of RESJ impact statements (RESJIS) is to evaluate the anticipated impact of legislation on racial equity and social justice in the County. Racial equity and social justice refer to a **process** that focuses on centering the needs, leadership, and power of communities of color and low-income communities with a **goal** of eliminating racial and social inequities.¹ Achieving racial equity and social justice usually requires seeing, thinking, and working differently to address the racial and social harms that have caused racial and social inequities.²

PURPOSE OF EXPEDITED BILL 29-23

The Purpose of Bill 29-23 is to redesignate two merit positions in the Executive Branch into two non-merit positions:

- Deputy Director of Department of Environmental Protection; and
- General Manager of Transit Services in the Department of Transportation.³

The County Executive provided the following reasons for the proposed redesignations of the two positions:⁴

- The positions are responsible for public engagement and the implementation of high-impact programs that protect Montgomery County's air, water, and land, and ensure safe and equitable transportation options.
- Designating the two positions as non-merit will improve the effectiveness of County government and ensure full accountability to the County Executive, the County Council, and the taxpayers of Montgomery County.
- The non-merit designation of these positions allows for regular innovation at the senior management level in mission critical departments - the Departments of Environmental Protection and Transportation.

Expedited Bill 29-23, Administration– Non-merit Positions – Department of Environmental Protection – Department of Transportation, was introduced by the Council on behalf of the County Executive on June 20, 2023.

RESJ Impact Statement

Expedited Bill 29-23

ANTICIPATED RESJ IMPACTS

OLO does not anticipate a racial equity and social justice impact for Expedited Bill 29-23 because the proposed redesignation of the two positions from merit to a non-merit position is unlikely to materially impact RESJ in the County.

RECOMMENDED AMENDMENTS

The Racial Equity and Social Justice Act requires OLO to consider whether recommended amendments to bills aimed at narrowing racial and social inequities are warranted in developing RESJ impact statements.⁵ OLO anticipates that Expedited Bill 29-23 will have little to no impact on RESJ in the County. As such, OLO does not offer recommended amendments.

CAVEATS

Two caveats to this racial equity and social justice impact statement should be noted. First, predicting the impact of legislation on racial equity and social justice is a challenging analytical endeavor due to data limitations, uncertainty, and other factors. Second, this RESJ impact statement is intended to inform the legislative process rather than determine whether the Council should enact legislation. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the bill under consideration.

CONTRIBUTIONS

OLO staffer Tesfaye, Performance Management and Data Analyst, drafted this RESJ impact statement.

¹ Definition of racial equity and social justice adopted from “Applying a Racial Equity Lens into Federal Nutrition Programs” by Marlysa Gamblin, et.al. Bread for the World, and from Racial Equity Tools. <https://www.racialequitytools.org/glossary>

² Ibid

³ Memorandum from Khandikile Mvunga Sokoni, Legislative Attorney to County Council. June 15, 2023

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2023/20230620/20230620_1B-3D-3E.pdf

⁴ Memorandum from Marc Elrich, County Executive Legislative Attorney to County Council. April 13, 2023

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2023/20230620/20230620_1B-3D-3E.pdf

⁵ Bill 27-19, Administration – Human Rights – Office of Racial Equity and Social Justice – Racial Equity and Social Justice Advisory Committee – Established, Montgomery County Council