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# County Attorney

## MISSION STATEMENT

The mission of the Office of the County Attorney is to act as the chief legal officer of Montgomery County Government and to conduct all its legal business.

## BUDGET OVERVIEW

The total approved FY14 Operating Budget for the Office of the County Attorney is \$5,351,793, a decrease of \$385,088 or 6.7 percent from the FY13 Approved Budget of \$5,736,881. Personnel Costs comprise 88.2 percent of the budget for 73 full-time positions and three part-time positions, and a total of 43.00 FTEs. Total FTEs may include seasonal or temporary positions and may also reflect workforce charged to or from other departments or funds. Operating Expenses account for the remaining 11.8 percent of the FY14 budget.

## LINKAGE TO COUNTY RESULT AREAS

While this program area supports all eight of the County Result Areas, the following are emphasized:

❖ ***A Responsive, Accountable County Government***

## DEPARTMENT PERFORMANCE MEASURES

Performance measures for this department are included below, with multi-program measures displayed at the front of this section and program-specific measures shown with the relevant program. The FY13 estimates reflect funding based on the FY13 approved budget. The FY14 and FY15 figures are performance targets based on the FY14 approved budget and funding for comparable service levels in FY15.

## ACCOMPLISHMENTS AND INITIATIVES

- ❖ ***Replace current case management system with a web-based system that is integrated with Outlook and with a robust reporting system. The proposed new system allows attorneys and managers to manage status of any case(s), assemble and manage legal documents, and provide accurate and easy-to-run ad hoc reports.***
- ❖ ***The Debt Collection Unit registered \$15.1 million in net deposits in FY12 from debts owed to the County despite the economic downturn in the area. The unit continues to achieve efficiencies by increasing collections and decreasing printing costs with the enhanced Enterprise Imaging system.***
- ❖ ***Productivity Improvements***
  - ***Converted Debt Collection Access database to MS SQL database including all queries and reports. This conversion will maintain data integrity and integrate the Debt Collection database with the new case management system.***
  - ***Reconfigured the accounting procedure for posting debt collection into the new ERP Oracle accounts receivable system. The new process will allow the office's Debt Collection Unit to post payments and populate the appropriate accounting codes more effectively and make reporting of debt collection data more effective and efficient.***
  - ***Replaced all office web pages to be part of the new County portal. The new web pages will be consistent with the County's standard and search features.***
  - ***Installed new multifunctional printer/scanner for the Health and Human Services' (HHS) Unit that enables the users to scan documents directly into the Enterprise Imaging System for redaction.***
  - ***Automated a fax system in order to convert incoming faxes as emails and/or PDF attachments. Users can open fax as e-mail and save them into the case management system if needed.***
  - ***Replaced analog dictaphone system for paralegals to a digital recording system that can be imported and transferred as .mp3 files.***

## PROGRAM CONTACTS

Contact Dennis Via of the Office of the County Attorney at 240.777.6715 or Philip Weeda of the Office of Management and Budget at 240.777.2780 for more information regarding this department's operating budget.

## PROGRAM DESCRIPTIONS

### ***Insurance Defense Litigation***

Provides legal defense for cases involving Montgomery County and fourteen local government Self-Insurance Fund participants (including such entities as the Montgomery County Board of Education, City of Rockville, Maryland-National Capital Park and Planning Commission, Montgomery College, and the Housing Opportunities Commission) and all of their employees. The attorneys appear regularly before State and Federal courts in Maryland and the District of Columbia for trials and oral arguments and before the Workers' Compensation Commission. These cases involve litigation in the following areas: common law torts; Police civil rights claims; Other Federal and State civil rights - constitutional torts; Americans with Disabilities Act; Individuals with Disabilities Education Act; Workers' Compensation; and employment discrimination.

<b>Program Performance Measures</b>	<b>Actual FY11</b>	<b>Actual FY12</b>	<b>Estimated FY13</b>	<b>Target FY14</b>	<b>Target FY15</b>
Number of Workers' Compensation hearings	1,807	1,889	1,889	1,889	1,889
Worker's Compensation Cases Net Gain to the County	\$1,798,340	2,411,432	2,411,432	2,411,432	2,411,432
Last Settlement Amount Demanded by Plaintiff (\$)	205,938,308	249,259,227	249,259,227	249,259,227	249,259,227
Total Paid to Plaintiff by the County (\$)	1,585,412	768,491	768,491	768,491	768,491
Ratio Amount Paid by County Versus Amount Demanded by Plaintiff	0.77%	.31%	.31%	.31%	.31%
Total Number of Settlements	33	41	41	41	41
Number of Judgments Paid	7	12	12	12	12
Number of Judgments in County's Favor	104	53	53	53	53
Win/Loss Ratio (Resolution in County's Favor vs. Resolution in Plaintiff's Favor)	94%	84%	84%	84%	84%

<b>FY14 Approved Changes</b>	<b>Expenditures</b>	<b>FTEs</b>
<b>FY13 Approved</b>	<b>74,726</b>	<b>0.00</b>
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.	-22,108	0.00
<b>FY14 Approved</b>	<b>52,618</b>	<b>0.00</b>

### ***Health and Human Services***

The attorneys in this division act as counsel and give legal advice to the Department of Health and Human Services, including the Office of the Director and Management Services, Adult Mental Health, Aging and Disability Services, Children, Youth and Family Services, Child Welfare Services, Crisis, Income and Victim Services, Emergency Services and Public Health Services. The attorneys also represent Child Welfare Services in the Juvenile Court, in cases involving child abuse and child neglect, and Aging and Disability Services in the Circuit Court, in adult guardianship cases.

<b>Program Performance Measures</b>	<b>Actual FY11</b>	<b>Actual FY12</b>	<b>Estimated FY13</b>	<b>Target FY14</b>	<b>Target FY15</b>
Number of Children in Need of Assistance (CINA) or Guardianship Hearings	2,546	2,422	2,422	2,422	2,422
Number of Adoptions Granted	47	23	23	23	23
Number of CINA Cases Closed	216	215	215	215	215
Number of New Adoption Petitions Filed	43	24	24	24	24
Number of New CINA Petitions Filed	214	202	202	202	202
Number of New Termination of Parental Rights (TPR) Petitions Filed	38	25	25	25	25
Number of Termination of Parents Rights (TPR's) Granted	25	22	22	22	22
Ratio of TPR/CINA Adjudicated Granted/Denied	98.07%	96.1%	96.1%	96.1%	96.1%

<b>FY14 Approved Changes</b>	<b>Expenditures</b>	<b>FTEs</b>
<b>FY13 Approved</b>	<b>1,007,401</b>	<b>7.60</b>
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.	-20,451	-0.20
<b>FY14 Approved</b>	<b>986,950</b>	<b>7.40</b>

## Finance and Procurement

Acts as counsel and gives legal advice to the County Executive, County Council, and to several County departments, agencies, boards, and commissions. The Division represents the County Government in tax and procurement matters before State, Federal, and local administrative agencies and courts; drafts and reviews agreements, legislation, regulations, and other legal documents; conducts negotiations; and prepares and issues legal opinions.

<b>FY14 Approved Changes</b>	<b>Expenditures</b>	<b>FTEs</b>
<b>FY13 Approved</b>	<b>785,761</b>	<b>6.00</b>
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.	-124,652	0.00
<b>FY14 Approved</b>	<b>661,109</b>	<b>6.00</b>

## Human Resources and Appeals

Attorneys act as counsel and give legal advice to the following agencies: Montgomery County Fire and Rescue Service, Ethics Commission, Board of Investment Trustees, Office of Human Resources, Department of Correction and Rehabilitation, Office of Public Information, Department of Transportation (Transit Services Division, Taxicab Unit), Human Rights Commission, Board of Appeals, and the Police Department (Internal Affairs Division). Attorneys also defend or prosecute contested cases involving the County, Self-Insurance Fund agencies, and their employees, while pending before State and Federal appellate courts. The mission of the Ethics Commission is to enforce the Montgomery County Code of Ethics that ensures the ethical conduct of individuals who serve in County government.

<b>Program Performance Measures</b>	<b>Actual FY11</b>	<b>Actual FY12</b>	<b>Estimated FY13</b>	<b>Target FY14</b>	<b>Target FY15</b>
Percent of Judicial Appeals Won	81%	87.5%	87.5%	87.5%	87.5%
Appeals Lost	5	3	3	3	3
Appeals Won	22	21	21	21	21

<b>FY14 Approved Changes</b>	<b>Expenditures</b>	<b>FTEs</b>
<b>FY13 Approved</b>	<b>710,602</b>	<b>5.20</b>
Increase Cost: In-House Attorney for Representation before Public Service Commission (Shift funding from Utilities Non-Departmental Account and the Office of Consumer Protection)	148,160	1.00
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.	-128,117	-1.00
<b>FY14 Approved</b>	<b>730,645</b>	<b>5.20</b>

## Zoning, Land Use and Economic Development

Represents and advises the County Executive, the County Council, and various County departments, including the Department of General Services, the Department of Transportation, the Department of Housing and Community Affairs, the Department of Economic Development, and the Department of Public Libraries. Represents and advises agencies and commissions, including the Historic Preservation Commission, the Revenue Authority, Community Use of Public Facilities, and the Cable Compliance Commission. Advises the County Executive and County Council regarding telecommunications and cable matters. Represents the County with respect to land acquisitions and real estate transactions. Represents the County before Federal, State, and administrative courts. Drafts legal opinions and amendments to the County code and County regulations.

<b>FY14 Approved Changes</b>	<b>Expenditures</b>	<b>FTEs</b>
<b>FY13 Approved</b>	<b>216,706</b>	<b>4.20</b>
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.	59,859	0.00
<b>FY14 Approved</b>	<b>276,565</b>	<b>4.20</b>

## Public Interest Litigation

The Division provides litigation and other legal services to County agencies and departments in support of their mission to promote general welfare and protect vulnerable citizens. The Division acts as counsel and gives legal advice to the Police Department, the Departments of Emergency Management and Homeland Security, Environmental Protection, Permitting Services, Consumer Affairs, and Recreation. It also provides counsel to the Office of Landlord and Tenant Affairs, the Historic Preservation Commission, and the Inspector General's Office. The program represents these entities in contested cases before the County Board of Appeals and in both State and Federal courts. The program also drafts and reviews agreements, legislation, regulations and other legal documents. Attorneys from the program conduct negotiations, issue legal opinions, and testify before public bodies. It is primarily responsible for the processing and prosecution of code enforcement violations from all departments, agencies, boards, and commissions which are presented in the District Court of Maryland. The Debt Litigation or Collection Unit collects all monies owed to Montgomery

County that have been referred to the County Attorney, including past due real property taxes, personal property taxes, code enforcement judgments, subrogation claims, bounced checks, unpaid fines, and miscellaneous amounts billed by the County.

<b>Program Performance Measures</b>	<b>Actual FY11</b>	<b>Actual FY12</b>	<b>Estimated FY13</b>	<b>Target FY14</b>	<b>Target FY15</b>
Code Enforcement - Ratio of Win Versus Loss	96.55%	97%	98%	98%	98%
Ratio of Costs/Collection	3%	3.2%	3.2%	3.2%	3.2%
Code Enforcement Collected (\$)	250,000	471,930	471,930	471,930	471,930
Debt Collection (\$)	16,201	15,128,484	15,128,484	15,128,484	15,128,484
Forfeitures Collected (\$)	71,318	40,146	40,146	40,146	40,146
Subrogation Collected (\$)	74,027	9,199	9,199	9,199	9,199

<b>FY14 Approved Changes</b>	<b>Expenditures</b>	<b>FTEs</b>
<b>FY13 Approved</b>	<b>972,156</b>	<b>10.50</b>
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.	182,648	1.00
<b>FY14 Approved</b>	<b>1,154,804</b>	<b>11.50</b>

## Support Services

Provide administrative, research, and technical guidance and support to the other programs within the Department. The program is designed to allow for an equitable distribution of work assignments, to cross-train staff, and to evaluate fairly the performance of the program staff. The program provides administrative support to the Risk Management Fund, and revenue support to the Risk Management Fund, Revenue Authority, and Solid Waste Fund.

<b>FY14 Approved Changes</b>	<b>Expenditures</b>	<b>FTEs</b>
<b>FY13 Approved</b>	<b>149,308</b>	<b>3.90</b>
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.	-10,988	0.00
<b>FY14 Approved</b>	<b>138,320</b>	<b>3.90</b>

## Administration

Provides internal personnel, financial, and operational management for the Office of the County Attorney.

<b>Program Performance Measures</b>	<b>Actual FY11</b>	<b>Actual FY12</b>	<b>Estimated FY13</b>	<b>Target FY14</b>	<b>Target FY15</b>
Average Internal Customer Satisfaction Rating - General and Timeliness <sup>1</sup>	3.35	3.18	3.23	3.23	3.23

<sup>1</sup> Internal Customer Satisfaction Survey Results (Scale of 1 to 4: 3 = Satisfied; 4 = Very Satisfied)

<b>FY14 Approved Changes</b>	<b>Expenditures</b>	<b>FTEs</b>
<b>FY13 Approved</b>	<b>1,820,221</b>	<b>5.00</b>
Enhance: County Attorney Work Management System	165,000	0.00
Increase Cost: Annual Hardware and Software Maintenance	23,498	0.00
Decrease Cost: Elimination of FY13 \$2,000 Lump Sum	-134,998	0.00
Eliminate: Minority, Female, Disabled Business Disparity Study	-600,000	0.00
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.	77,061	-0.20
<b>FY14 Approved</b>	<b>1,350,782</b>	<b>4.80</b>

## BUDGET SUMMARY

	Actual FY12	Budget FY13	Estimated FY13	Approved FY14	% Chg Bud/App
<b>COUNTY GENERAL FUND</b>					
<b>EXPENDITURES</b>					
Salaries and Wages	3,248,590	3,524,937	3,407,747	3,481,883	-1.2%
Employee Benefits	1,032,346	1,170,354	1,243,807	1,237,794	5.8%
<b>County General Fund Personnel Costs</b>	<b>4,280,936</b>	<b>4,695,291</b>	<b>4,651,554</b>	<b>4,719,677</b>	<b>0.5%</b>
Operating Expenses	769,349	1,041,590	980,032	632,116	-39.3%
Capital Outlay	0	0	0	0	—
<b>County General Fund Expenditures</b>	<b>5,050,285</b>	<b>5,736,881</b>	<b>5,631,586</b>	<b>5,351,793</b>	<b>-6.7%</b>
<b>PERSONNEL</b>					
Full-Time	71	71	71	73	2.8%
Part-Time	3	3	3	3	—
FTEs	34.00	42.40	42.40	43.00	1.4%
<b>REVENUES</b>					
Federal Financial Participation Reimbursements	231,165	179,310	231,165	231,165	28.9%
Miscellaneous Revenues	275	0	0	0	—
Other Charges/Fees	48,565	75,000	50,000	75,000	—
Other Intergovernmental	61,824	45,630	45,630	45,630	—
<b>County General Fund Revenues</b>	<b>341,829</b>	<b>299,940</b>	<b>326,795</b>	<b>351,795</b>	<b>17.3%</b>
<b>GRANT FUND MCG</b>					
<b>EXPENDITURES</b>					
Salaries and Wages	6,187	0	0	0	—
Employee Benefits	1,418	0	0	0	—
<b>Grant Fund MCG Personnel Costs</b>	<b>7,605</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>—</b>
Operating Expenses	1,005	0	0	0	—
Capital Outlay	0	0	0	0	—
<b>Grant Fund MCG Expenditures</b>	<b>8,610</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>—</b>
<b>PERSONNEL</b>					
Full-Time	0	0	0	0	—
Part-Time	0	0	0	0	—
FTEs	0.00	0.00	0.00	0.00	—
<b>REVENUES</b>					
State Grants	8,610	0	0	0	—
<b>Grant Fund MCG Revenues</b>	<b>8,610</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>—</b>
<b>DEPARTMENT TOTALS</b>					
<b>Total Expenditures</b>	<b>5,058,895</b>	<b>5,736,881</b>	<b>5,631,586</b>	<b>5,351,793</b>	<b>-6.7%</b>
<b>Total Full-Time Positions</b>	<b>71</b>	<b>71</b>	<b>71</b>	<b>73</b>	<b>2.8%</b>
<b>Total Part-Time Positions</b>	<b>3</b>	<b>3</b>	<b>3</b>	<b>3</b>	<b>—</b>
<b>Total FTEs</b>	<b>34.00</b>	<b>42.40</b>	<b>42.40</b>	<b>43.00</b>	<b>1.4%</b>
<b>Total Revenues</b>	<b>350,439</b>	<b>299,940</b>	<b>326,795</b>	<b>351,795</b>	<b>17.3%</b>

## FY14 APPROVED CHANGES

	Expenditures	FTEs
<b>COUNTY GENERAL FUND</b>		
<b>FY13 ORIGINAL APPROPRIATION</b>	<b>5,736,881</b>	<b>42.40</b>
<b>Changes (with service impacts)</b>		
Enhance: County Attorney Work Management System [Administration]	165,000	0.00
Eliminate: Minority, Female, Disabled Business Disparity Study [Administration]	-600,000	0.00
<b>Other Adjustments (with no service impacts)</b>		
Increase Cost: FY14 Compensation Adjustment	173,844	0.00
Increase Cost: In-House Attorney for Representation before Public Service Commission (Shift funding from Utilities Non-Departmental Account and the Office of Consumer Protection) [Human Resources and Appeals]	148,160	1.00
Increase Cost: Group Insurance Adjustment	78,668	0.00
Increase Cost: Annual Hardware and Software Maintenance [Administration]	23,498	0.00
Increase Cost: Retirement Adjustment	19,570	0.00
Increase Cost: Other Labor Contract Costs	13,772	0.00
Increase Cost: Printing and Mail Adjustment	2,028	0.00
Shift: Assistant County Attorney To Be Charged to Risk Management (1 FTE, \$105,300)	0	0.00

	Expenditures	FTEs
Decrease Cost: Increase Charges to Health and Human Services	-23,704	-0.20
Decrease Cost: Elimination of FY13 \$2,000 Lump Sum [Administration]	-134,998	0.00
Increase Cost: Annualization of FY13 Personnel Costs	-250,926	-0.20
<b>FY14 APPROVED:</b>	<b>5,351,793</b>	<b>43.00</b>

## PROGRAM SUMMARY

Program Name	FY13 Approved		FY14 Approved	
	Expenditures	FTEs	Expenditures	FTEs
Insurance Defense Litigation	74,726	0.00	52,618	0.00
Health and Human Services	1,007,401	7.60	986,950	7.40
Finance and Procurement	785,761	6.00	661,109	6.00
Human Resources and Appeals	710,602	5.20	730,645	5.20
Zoning, Land Use and Economic Development	216,706	4.20	276,565	4.20
Public Interest Litigation	972,156	10.50	1,154,804	11.50
Support Services	149,308	3.90	138,320	3.90
Administration	1,820,221	5.00	1,350,782	4.80
<b>Total</b>	<b>5,736,881</b>	<b>42.40</b>	<b>5,351,793</b>	<b>43.00</b>

## CHARGES TO OTHER DEPARTMENTS

Charged Department	Charged Fund	FY13		FY14	
		Total\$	FTEs	Total\$	FTEs
COUNTY GENERAL FUND					
Board of Appeals	County General Fund	87,210	0.50	87,711	0.50
Cable Television	Cable Television	97,810	0.50	102,624	0.50
CIP	CIP	364,885	3.00	331,697	3.00
Finance	County General Fund	194,310	1.05	168,170	1.05
Finance	Self Insurance Internal Service Fund	2,513,070	19.00	2,525,979	20.00
Health and Human Services	County General Fund	170,590	2.20	194,294	2.40
Housing and Community Affairs	County General Fund	49,340	0.50	57,095	0.50
Housing and Community Affairs	Montgomery Housing Initiative	178,390	1.00	160,587	1.00
Intergovernmental Relations	County General Fund	28,650	0.30	24,607	0.30
NDA - Montgomery County Employee Retirement Plan	BIT 457 Deferred Comp. Plan	134,430	0.85	0	0.00
NDA - Montgomery County Employee Retirement Plan	County General Fund	0	0.00	7,583	0.05
NDA - Montgomery County Employee Retirement Plan	Employee Retirement System	0	0.00	121,329	0.80
NDA - Montgomery County Employee Retirement Plan	Retirement Savings Plan	15,690	0.10	15,166	0.10
Parking District Services	Bethesda Parking District	19,880	0.10	20,164	0.10
Parking District Services	Silver Spring Parking District	39,750	0.20	40,328	0.20
Permitting Services	Permitting Services	172,250	1.00	160,587	1.00
Solid Waste Services	Solid Waste Collection	39,267	0.25	36,776	0.25
Solid Waste Services	Solid Waste Disposal	117,803	0.75	110,329	0.75
Total		4,223,325	31.30	4,165,026	32.50