

PS COMMITTEE #1  
April 19, 2013

Worksession

MEMORANDUM

April 18, 2013

TO: Public Safety Committee

FROM: Susan J. Farag, Legislative Analyst *SJF*

SUBJECT: **Worksession: FY14 Operating Budget -- State's Attorney**

*Those expected for this worksession:*

The Honorable John McCarthy, State's Attorney for Montgomery County  
Lisa Russo, State's Attorney's Office  
Corey Orlosky, Office of Management and Budget

**Major Issue: The State's Attorney's Office implemented a revised salary plan for Assistant State's Attorneys, beginning in FY13. While the SAO has significant flexibility to make funding changes, the office should stay within its FY13 approved appropriation. According to the Second Quarterly Analysis, the SAO is more than \$500,000 over its FY13 appropriation. See discussion below.**

The Executive's recommendation for the State's Attorney's Office is attached at ©1-6.

**Overview**

For FY14, the Executive recommends total expenditures of \$13,720,834 for the State's Attorney, a 6.2% increase from the approved FY13 budget.

	FY12 Actual	FY13 Approved	FY14 CE Recommended	% Change FY13-FY14
<b>Expenditures:</b>				
<b>General Fund</b>	\$12,490,363	\$12,729,550	\$13,603,836	6.9%
<b>Grant Fund</b>	\$451,959	\$195,691	\$116,998	-40.2%
<b>TOTAL Expenditures</b>	\$12,942,322	\$12,925,241	\$13,720,834	6.2%
<b>Positions:</b>				
<b>Full-time</b>	115	114	115	0.9%
<b>Part-time</b>	9	9	12	33.3%
<b>TOTAL Positions</b>	132	123	127	3.3%
<b>TOTAL FTEs</b>	122.4	128.5	131.1	2.0%

The FY14 CE recommendation is a net of \$759,595, which comes from the following identified same services adjustments:

<b>Identified Same Service Adjustments</b>	
Increase Cost: FY14 Compensation Adjustment	\$442,923
Increase Cost: Annualization of FY13-14 Salary Restructuring Plan	\$361,036
Increase Cost: Increase Funding for Lost Grants	\$278,133
Increase Cost: Group Insurance Adjustment	\$218,763
Increase Cost: Annualization of FY13 Lapsed Positions	\$40,000
Increase Cost: Retirement Adjustment	\$28,196
Increase Cost: Additional Licenses for SAO Case Management System	\$26,950
Increase Cost: Motor Pool Adjustment	\$19,247
Increase Cost: Other Labor Contract Costs	\$12,656
Increase Cost: Section 2-132A Mandated Salary Increase for State's Attorney	\$2,990
Increase Cost: Printing and Mail Adjustment	\$1,845
	<b>Total Increases:</b>
	\$1,432,739
Decrease Cost: Elimination of FY13 \$2,000 Lump Sum	(\$240,060)
Decrease Cost: Turnover Savings and Annualization of FY13 Personnel Costs	(\$318,393)
Decrease Cost: Reduction in Grant Awards	(\$114,691)
	<b>Total Decreases:</b>
	(\$673,144)
<b>NET SAME SERVICES ADJUSTMENT TOTAL:</b>	<b>\$759,595</b>

## **FY14 Expenditure Issues**

### **New Salary Plan for Attorneys (\$361,036)**

The SAO implemented a new salary structure for Assistant State’s Attorneys, beginning July 1, 2012 (FY13). Previously, the SAO had had no formal salary structure in place for attorney staff. The new salary structure is based on salary surveys of local jurisdictions as well as federal data provided by the Bureau of Labor and Statistics, all of which show that Montgomery County ASAs are paid significantly less than many surrounding jurisdictions. According to the SAO, their salaries ranked as some of the lowest in the greater Baltimore-Washington region. In order to more closely align pay scales for Montgomery County ASAs with those in the region, the SAO adopted higher pay scales based on County compensation from FY2011. The SAO has adopted part of the County’s General Salary Schedule, Grades 23 – 34, using FY11 pay bands (attached at © 7-8). The new salary structure permits the SAO to give raises to staff who have been promoted to a new class (ASA I, II, III, IV, and V). Prior to this, staff were promoted and undertook more complex duties, but had no opportunity to get a corresponding increase in pay.

It is Council staff’s understanding that the SAO may make significant salary and personnel changes within its budget without Council approval, although it should generally stay within the approved appropriation. According to the 2<sup>nd</sup> Quarterly analysis, however, the SAO is currently \$505,075 over budget for FY13 (attached at © 9-10). The SAO advises that the

impact of the salary increases in **FY13** is expected to be approximately \$213,000. The \$361,036 in the FY14 recommended budget reflects annualization of the new salary plan.

Council staff agrees that a new salary schedule is appropriate if County ASAs are paid significantly less than in surrounding jurisdictions. Pay disparities can and often do create hiring and retention problems, and more closely aligning County ASA salaries with those in other jurisdictions will make it easier to recruit and maintain highly qualified staff. However, the implementation of such a large change within the current fiscal year could be very problematic if the change is not approved by Council moving forward into FY14. ***The Committee may wish to ask the SAO why it implemented a large salary scale change in the current fiscal year instead of waiting for the FY14 budget process. Does the SAO foresee closing its budget deficit by the end of FY13?***

### **Increased General Funds to Fund Lost Grants (\$278,133)**

Over the past several years, the Committee has been briefed on the ongoing concern that grant funding would cease or be significantly reduced for several critical positions, including gang investigators. Last year, the Committee was briefed on the expiration of the federal Bi-County Gang grant that funded three gang investigator positions and an Assistant State's Attorney position. The FY14 recommended budget contains \$150,433 to pay for one full-time and two part-time gang investigator positions using general funds. It does not include funds for the Assistant State's Attorney position. ***The Committee may wish to ask whether the ASA position was ever filled in FY13 using grant funds. If so, what is the current status of the position? What is the impact of the loss of the position, if any?***

The State's Attorney's Office also lost State grant funding under the Collaborative Supervision and Focused Enforcement (CSAFE) program, which has been discontinued by the State. This \$54,414 grant had funded 0.64 FTEs of an Assistant State's Attorney position in the Community Prosecution unit. The FY14 recommended budget includes 92,473 (general funds) to fully fund this position.

The SAO also lost funding for a Legal Assistant position that coordinates mediations, helping to divert cases from formal court proceedings. This position had been funded by a Mediation and Conflict Resolution grant (\$24,777), but ended after five years of funding. The mediations in the office have increased from 130 in 2011 to 214 in 2012. The program recovered over \$91,000 for 43 participations in 2012.

The SAO has also seen reduced grant funding for the Drug Court grant (reduced by \$20,500) and the STOP Violence Against Women grant (reduced by \$15,000).

## Truancy Court Update

In FY13, the State's Attorney's Office received \$52,000 to fund its Truancy Court initiative. The SAO advises that the Truancy Court is a 10 week program that operates during the fall and spring semesters. The program meets at the designated schools once a week. The Truancy Court mentor generally meets with the child prior to the Court session. The child also meets individually with the Truancy Court team, which consists of the Truancy Court Judge, and ASA, the Truancy Court coordinator, and the school's Pupil Personnel Worker. The team reviews the child's attendance, grades, school performance, and offers advice and support to help the child become more consistent at attending school daily and punctually.

**Fall 2012:** During the fall semester, the Truancy Court operated in two County schools, Neelsville Middle School in Germantown and Francis Scott Key Middle School in Silver Spring.

In Neelsville, the program had the following experience:

- There were 14 participants;
- Nine of the 14 graduated successfully from Truancy Court;
- Participants experienced a 72% reduction in absences while in the Truancy Court;
- Participants experiences a 42% reduction in tardies while in Truancy Court;
- On average, participants had nine absences in the 10 weeks prior to the program, but only two absences during the program;
- Truancy Court graduates were tracked for 10 weeks after graduating and averaged 60% fewer absences and 50% fewer tardies; and
- 82% of the students reported enjoying attending Truancy Court, 89% believed it follow through on its promises, and 75% thought it helped them with their attendance issues.

In Francis Scott Key Middle, the program had the following experience:

- There were seven participants;
- Three out of seven graduated successfully from Truancy Court;
- Participants averaged a 57% reduction in absences while in Truancy Court;
- Participants averaged fewer than two absences during the 10 week Truancy Court program; and
- The remaining four students who did not graduate from Truancy Court participated during the Spring 2013 session at Key Middle School.

**Spring 2013:** Right now, the Truancy Court is operating in three County schools:

- Neelsville has 14 participants;
- Francis Scott Key Middle has 16 children (four of whom also participated last fall);
- Mario Loiderman Middle School has eight participants.

**Future Plans:** Loiderman and Key Middle Schools are being operated with a full complement of services through the University of Baltimore Center for Families Children, and the Courts, the State's Attorney's Office, Montgomery County Public Schools, and Montgomery County Court Judges. Neelsville is operating weekly with the SAO and MPCPS providing on-site support and weekly attendance. University of Baltimore is currently providing technical assistance. The SAO advises it could potentially expand the program with support from judges and volunteers within the County Bar Association. *The Committee may wish to ask what funding is necessary to continue and/or expand the program to other schools. Has the SAO or MCPS identified other schools that could benefit from the program?*

### **Gun Violence Reduction Grant**

This grant currently funds personnel costs for one part-time Legal Assistant in the SAO Firearm Cases Personnel Support program. This program assists in developing and implementing strategies intended to reduce gun-related crime in the State. The funded position screens and prepares all firearm cases for prosecution in the District Court. The employee also tracks trends and performs analysis related to firearms cases to identify any problem areas. The employee coordinates with ATF, State Police, MCPD Firearms Unit, patrol officers, and others to ensure important cases are ready for trial. The SAO is currently applying for renewal of the award for FY14. The current grant award period ends June 30, 2013.

### **Council Staff Recommendation**

**Council staff recommends approval of the FY14 budget as submitted by the Executive.**

<b><u>This packet contains</u></b>	<b>©</b>
Recommended FY14 Operating Budget	1-6
Salary Restructuring Plan and New Pay Bands	7-8
Excerpts from 2 <sup>nd</sup> Quarterly Analysis FY13	9-10

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# State's Attorney

## MISSION STATEMENT

The State's Attorney is a constitutionally created independent agency. The mission of the Office of the State's Attorney is to serve the public interest through the fair and honest administration of justice by exercising its responsibilities to: prosecute criminal violations in Montgomery County; educate the public with regard to criminal justice issues; provide training to lawyers for future service; address inequality and promote fairness in the criminal justice system; ensure access to the criminal justice system; promote professional relations with judges and attorneys; and further the efficient use of criminal justice resources.

## BUDGET OVERVIEW

The total recommended FY14 Operating Budget for the Office of the State's Attorney is \$13,720,834, an increase of \$795,593 or 6.2 percent from the FY13 Approved Budget of \$12,925,241. Personnel Costs comprise 95.3 percent of the budget for 115 full-time positions and 12 part-time positions. A total of 131.10 FTEs includes these positions as well as any seasonal, temporary, and positions charged to or from other departments or funds. Operating Expenses account for the remaining 4.7 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:

- ❖ **Safe Streets and Secure Neighborhoods**

## 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 recommended budget and funding for comparable service levels in FY15.

## ACCOMPLISHMENTS AND INITIATIVES

- ❖ **The State's Attorney's Office will receive funding to continue work on expiring grants. These expiring grants include the Gang Unit grant, the Collaborative Supervision and Focused Enforcement (CSAFE) project grant, mediation and conflict resolution grant, Drug Court grant, and Stop Violence Against Women grant.**
- ❖ **The State's Attorney's Office will receive additional funding to fund a salary plan for attorneys.**
- ❖ **The Gang Prosecution Unit handled a total of 370 cases during FY12 under the all crimes approach to gang prosecution.**
- ❖ **The State's Attorney's Office and Police Department were joint recipients of the Anti-Defamation League's Shield Award for their investigation, prosecution and conviction of a hate crime that targeted Latinos.**
- ❖ **Productivity Improvements**
  - **The State's Attorney's Office continues to recruit undergraduate and law school students to volunteer as interns who screen District Court criminal cases, assist in preparing cases for trial, contact witnesses, and gather evidence. During the Spring 2012 semester the office had 32 interns who worked a total of 9,216 hours or the equivalent of 4.45 FTEs. In the Summer of 2012 the office had 41 interns who worked 17,160 hours or 8.28 FTEs.**

## PROGRAM CONTACTS

Contact Lisa Russo of the Office of the State's Attorney at 240.777.7407 or Corey Orlosky of the Office of Management and Budget at 240.777.2762 for more information regarding this department's operating budget.

## PROGRAM DESCRIPTIONS

### Circuit Court Prosecution

The Circuit Court Prosecution program reviews cases for possible filing in the Circuit Court by presenting these cases to the Grand Jury for indictment or filing a Circuit Court information (charging document). After charges are filed, the State's Attorney's Office litigates these cases to disposition. Senior Assistant State's Attorneys provide support and guidance to ongoing police investigations and conduct Grand Jury investigations of major felony, drug distribution, gang crimes, internet crimes, and environmental cases. The Family Violence Unit prosecutes crimes of domestic violence, child abuse, and elder abuse. Prosecutors in this unit have specialized training to attack these difficult and often devastating crimes. In addition, appeals and demands for jury trials in District Court cases are litigated in the Circuit Court.

<b>FY14 Recommended Changes</b>	<b>Expenditures</b>	<b>FTEs</b>
<b>FY13 Approved</b>	<b>6,009,067</b>	<b>50.14</b>
Increase Cost: Annualization of FY13 Lapsed Positions	40,000	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.	78,386	0.36
<b>FY14 CE Recommended</b>	<b>6,127,453</b>	<b>50.50</b>

### District Court Screening

The District Court Screening program resolves cases before the trial date by contacting victims and witnesses to determine what outcome they would like to obtain from the criminal justice system. This program relies on volunteers and is supervised by permanent staff. It provides victim/witness assistance by delivering information about the criminal justice system to victims and witnesses whose cases are expected to go to trial. The Pre-Trial Mediation program is designed to resolve non-violent disputes between individuals. Trained volunteers and a mediation specialist work to resolve issues and reduce to writing an agreement by which all sides will abide. The Bad Check Mediation Program gives merchants and receivers of checks a means for recovering their losses for bad checks passed for goods or services. In appropriate circumstances, criminal charges are filed when funds are not recovered through the mediation. The Rental Return and Restitution Program is an effort to assist the business community by providing merchants with a quick and effective way to recover their rental property and fees.

<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>
Bad Check Mediation Program Revenue <sup>1</sup>	5,235	3,615	2,000	0	0
Rental Return Restitution Program Revenue <sup>2</sup>	7,955	1,610	500	0	0

<sup>1</sup> The goal of this program is to provide the business community with a quick and effective way to recover their losses from bad checks through pretrial mediation without involving the court system. This program is being discontinued at the conclusion of FY13 due to low usage. Merchants have been contacted about how to pursue bad check cases in the future.

<sup>2</sup> The goals of this program are to recover rental property and/or secure restitution to those merchants that provide rental services to the public without having to involve the criminal court system. This program is being discontinued at the conclusion of FY13 due to low usage. Merchants have been advised how to pursue these charges.

<b>FY14 Recommended Changes</b>	<b>Expenditures</b>	<b>FTEs</b>
<b>FY13 Approved</b>	<b>491,674</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.	-6,392	-0.50
<b>FY14 CE Recommended</b>	<b>485,282</b>	<b>5.50</b>

### Juvenile Court Prosecution

The Juvenile Court Prosecution program prosecutes criminal violations committed by juvenile offenders in Montgomery County and performs a preliminary review of all cases in which a juvenile is charged with a violent crime. This includes cases which have been reviewed by the Juvenile Services Administration and then referred to the Office of the State's Attorney. In such cases, formal charges are filed where appropriate, and litigated to disposition in the Juvenile Court, attempting to obtain restitution for victims when possible. This program also provides administrative support to Teen Court, a countywide peer adjudication initiative for non-violent juvenile offenses.

<b>FY14 Recommended Changes</b>	<b>Expenditures</b>	<b>FTEs</b>
<b>FY13 Approved</b>	<b>1,141,021</b>	<b>14.00</b>
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.	152,112	0.10
<b>FY14 CE Recommended</b>	<b>1,293,133</b>	<b>14.10</b>

### Victim/Witness Court Assistance

This program assists victims in criminal cases that have been designated as “victim-intensive” by virtue of the vulnerability of the victim or the type of crime. Victims receive direct court assistance from a Victim/Witness Coordinator. The Coordinator guides the victim through the judicial process, provides assistance where necessary, and makes referrals to other County agencies as needed. In all other cases, Assistant State's Attorneys provide information and assistance to victims and witnesses. This program is staffed with permanent and volunteer personnel.

<b>FY14 Recommended Changes</b>	<b>Expenditures</b>	<b>FTEs</b>
<b>FY13 Approved</b>	<b>351,307</b>	<b>4.00</b>
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.	-13,482	0.00
<b>FY14 CE Recommended</b>	<b>337,825</b>	<b>4.00</b>

### Special Prosecutions Division

The Special Prosecutions Division program investigates allegations of complex financial crimes such as real estate and other business investment fraud schemes for which the Department of Police is unable to provide investigative resources. The program also investigates allegations of thefts involving attorneys stealing from clients, financial exploitation of elderly victims, and misconduct by public officials. When these investigations support criminal charges, the cases are charged, generally in the Circuit Court, and litigated to disposition by Senior Assistant State's Attorneys. A significant part of this program is attempting to obtain restitution for victims and businesses that have lost money in these complex cases. Program staff also provide guidance to police officers and investigators from other agencies in situations where financial crimes may be suspected.

<b>FY14 Recommended Changes</b>	<b>Expenditures</b>	<b>FTEs</b>
<b>FY13 Approved</b>	<b>456,347</b>	<b>5.00</b>
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.	15,687	0.00
<b>FY14 CE Recommended</b>	<b>472,034</b>	<b>5.00</b>

### Prosecution Management

Prosecution Management staff coordinate case loads; schedule docket assignments; receive visitors; direct phone calls; and enter and audit data in the Criminal Justice Information System (CJIS) for the Circuit, District, and Juvenile Courts.

<b>FY14 Recommended Changes</b>	<b>Expenditures</b>	<b>FTEs</b>
<b>FY13 Approved</b>	<b>1,046,570</b>	<b>8.50</b>
Increase Cost: Additional Licenses for SAO Case Management System	26,950	0.00
Increase Cost: Motor Pool Adjustment	19,247	0.00
Increase Cost: Printing and Mail Adjustment	1,845	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.	41,995	0.00
<b>FY14 CE Recommended</b>	<b>1,136,607</b>	<b>8.50</b>

### Administration

Staff provide central services in areas of budget, personnel, automated systems management, general office management, and public information. In addition, staff coordinate efforts and initiatives with other criminal justice agencies.

<b>FY14 Recommended Changes</b>	<b>Expenditures</b>	<b>FTEs</b>
<b>FY13 Approved</b>	<b>885,087</b>	<b>7.00</b>
Increase Cost: Section 2-132A Mandated Salary Increase for the State's Attorney	2,990	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.	300,316	2.50
<b>FY14 CE Recommended</b>	<b>1,188,393</b>	<b>9.50</b>

### District Court Prosecution

The District Court Prosecution program prosecutes criminal cases including misdemeanor arrests, citizen complaints, and serious or incarcerable traffic offenses. The State's Attorney's Office has also implemented a Domestic Violence docket in District Court to ensure that assault cases of a domestic nature and violations of protective orders are given special attention.



<b>FY14 Recommended Changes</b>	<b>Expenditures</b>	<b>FTEs</b>
<b>FY13 Approved</b>	<b>2,544,168</b>	<b>33.86</b>
Add: Gun Violence Reduction Grant Personnel Support	35,998	0.50
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.	99,941	-0.36
<b>FY14 CE Recommended</b>	<b>2,680,107</b>	<b>34.00</b>

## BUDGET SUMMARY

	<b>Actual FY12</b>	<b>Budget FY13</b>	<b>Estimated FY13</b>	<b>Recommended FY14</b>	<b>% Chg Bud/Rec</b>
<b>COUNTY GENERAL FUND</b>					
<b>EXPENDITURES</b>					
Salaries and Wages	9,117,378	9,083,898	9,628,858	9,788,090	7.8%
Employee Benefits	2,655,804	3,042,682	2,901,432	3,164,734	4.0%
<b>County General Fund Personnel Costs</b>	<b>11,773,182</b>	<b>12,126,580</b>	<b>12,530,290</b>	<b>12,952,824</b>	<b>6.8%</b>
Operating Expenses	717,181	602,970	704,335	651,012	8.0%
Capital Outlay	0	0	0	0	—
<b>County General Fund Expenditures</b>	<b>12,490,363</b>	<b>12,729,550</b>	<b>13,234,625</b>	<b>13,603,836</b>	<b>6.9%</b>
<b>PERSONNEL</b>					
Full-Time	112	111	111	113	1.8%
Part-Time	8	8	8	11	37.5%
FTEs	119.70	126.06	126.06	129.60	2.8%
<b>REVENUES</b>					
Discovery Materials	52,250	66,000	55,000	55,000	-16.7%
Miscellaneous Revenues	-50	0	0	0	—
Other Charges/Fees	43,275	16,300	12,000	13,000	-20.2%
<b>County General Fund Revenues</b>	<b>95,475</b>	<b>82,300</b>	<b>67,000</b>	<b>68,000</b>	<b>-17.4%</b>
<b>GRANT FUND MCG</b>					
<b>EXPENDITURES</b>					
Salaries and Wages	356,059	159,289	159,289	98,538	-38.1%
Employee Benefits	59,879	36,402	36,402	18,460	-49.3%
<b>Grant Fund MCG Personnel Costs</b>	<b>415,938</b>	<b>195,691</b>	<b>195,691</b>	<b>116,998</b>	<b>-40.2%</b>
Operating Expenses	36,021	0	0	0	—
Capital Outlay	0	0	0	0	—
<b>Grant Fund MCG Expenditures</b>	<b>451,959</b>	<b>195,691</b>	<b>195,691</b>	<b>116,998</b>	<b>-40.2%</b>
<b>PERSONNEL</b>					
Full-Time	3	3	3	2	-33.3%
Part-Time	1	1	1	1	—
FTEs	2.70	2.44	2.44	1.50	-38.5%
<b>REVENUES</b>					
Federal Grants	338,107	75,000	75,000	60,000	-20.0%
State Grants	113,852	120,691	120,691	56,998	-52.8%
<b>Grant Fund MCG Revenues</b>	<b>451,959</b>	<b>195,691</b>	<b>195,691</b>	<b>116,998</b>	<b>-40.2%</b>
<b>DEPARTMENT TOTALS</b>					
<b>Total Expenditures</b>	<b>12,942,322</b>	<b>12,925,241</b>	<b>13,430,316</b>	<b>13,720,834</b>	<b>6.2%</b>
<b>Total Full-Time Positions</b>	<b>115</b>	<b>114</b>	<b>114</b>	<b>115</b>	<b>0.9%</b>
<b>Total Part-Time Positions</b>	<b>9</b>	<b>9</b>	<b>9</b>	<b>12</b>	<b>33.3%</b>
<b>Total FTEs</b>	<b>122.40</b>	<b>128.50</b>	<b>128.50</b>	<b>131.10</b>	<b>2.0%</b>
<b>Total Revenues</b>	<b>547,434</b>	<b>277,991</b>	<b>262,691</b>	<b>184,998</b>	<b>-33.5%</b>

## FY14 RECOMMENDED CHANGES

	Expenditures	FTEs
<b>COUNTY GENERAL FUND</b>		
<b>FY13 ORIGINAL APPROPRIATION</b>	<b>12,729,550</b>	<b>126.06</b>
<b><u>Other Adjustments (with no service impacts)</u></b>		
Increase Cost: FY14 Compensation Adjustment	442,923	0.00
Increase Cost: Annualization of FY13-14 Salary Restructuring Plan	361,036	0.00
Increase Cost: Increase funding for lost Grants	278,133	3.40
Increase Cost: Group Insurance Adjustment	218,763	0.00
Increase Cost: Annualization of FY13 Lapsed Positions [Circuit Court Prosecution]	40,000	0.00
Increase Cost: Retirement Adjustment	28,196	0.00
Increase Cost: Additional Licenses for SAO Case Management System [Prosecution Management]	26,950	0.00
Increase Cost: Motor Pool Adjustment [Prosecution Management]	19,247	0.00
Increase Cost: Other Labor Contract Costs	12,656	0.00
Increase Cost: Section 2-132A Mandated Salary Increase for the State's Attorney [Administration]	2,990	0.00
Increase Cost: Printing and Mail Adjustment [Prosecution Management]	1,845	0.00
Technical Adj: Correction of FTEs due to Rounding	0	0.14
Decrease Cost: Elimination of FY13 \$2,000 Lump Sum	-240,060	0.00
Increase Cost: Turnover Savings and Annualization of FY13 Personnel Costs	-318,393	0.00
<b>FY14 RECOMMENDED:</b>	<b>13,603,836</b>	<b>129.60</b>
<b>GRANT FUND MCG</b>		
<b>FY13 ORIGINAL APPROPRIATION</b>	<b>195,691</b>	<b>2.44</b>
<b><u>Changes (with service impacts)</u></b>		
Add: Gun Violence Reduction Grant Personnel Support [District Court Prosecution]	35,998	0.50
<b><u>Other Adjustments (with no service impacts)</u></b>		
Technical Adj: Adjust FTEs due to Rounding	0	-0.04
Shift: Reduction in Grant Awards	-114,691	-1.40
<b>FY14 RECOMMENDED:</b>	<b>116,998</b>	<b>1.50</b>

## PROGRAM SUMMARY

Program Name	FY13 Approved		FY14 Recommended	
	Expenditures	FTEs	Expenditures	FTEs
Circuit Court Prosecution	6,009,067	50.14	6,127,453	50.50
District Court Screening	491,674	6.00	485,282	5.50
Juvenile Court Prosecution	1,141,021	14.00	1,293,133	14.10
Victim/Witness Court Assistance	351,307	4.00	337,825	4.00
Special Prosecutions Division	456,347	5.00	472,034	5.00
Prosecution Management	1,046,570	8.50	1,136,607	8.50
Administration	885,087	7.00	1,188,393	9.50
District Court Prosecution	2,544,168	33.86	2,680,107	34.00
<b>Total</b>	<b>12,925,241</b>	<b>128.50</b>	<b>13,720,834</b>	<b>131.10</b>

## CHARGES TO OTHER DEPARTMENTS

Charged Department	Charged Fund	FY13		FY14	
		Total\$	FTEs	Total\$	FTEs
<b>COUNTY GENERAL FUND</b>					
Police	County General Fund	87,140	0.50	101,695	0.50
Sheriff	Grant Fund MCG	0	0.00	134,361	2.00
<b>Total</b>		<b>87,140</b>	<b>0.50</b>	<b>236,056</b>	<b>2.50</b>

## FUTURE FISCAL IMPACTS

Title	(5000's)					
	CE REC. FY14	FY15	FY16	FY17	FY18	FY19
<b>This table is intended to present significant future fiscal impacts of the department's programs.</b>						
<b>COUNTY GENERAL FUND</b>						
<b>Expenditures</b>						
<b>FY14 Recommended</b>	<b>13,604</b>	<b>13,604</b>	<b>13,604</b>	<b>13,604</b>	<b>13,604</b>	<b>13,604</b>
No inflation or compensation change is included in outyear projections.						
<b>Annualization of Salary Plan</b>	<b>0</b>	<b>180</b>	<b>180</b>	<b>180</b>	<b>180</b>	<b>180</b>
This represents the annualization of the State's Attorney's FY14 salary plan.						
<b>Labor Contracts</b>	<b>0</b>	<b>641</b>	<b>840</b>	<b>840</b>	<b>840</b>	<b>840</b>
These figures represent the estimated cost of general wage adjustments, new service increments, and associated benefits.						
<b>Labor Contracts - Other</b>	<b>0</b>	<b>1</b>	<b>-10</b>	<b>-10</b>	<b>-10</b>	<b>-10</b>
These figures represent other negotiated items included in the labor agreements.						
<b>Section 2-123A mandated Salary Increase</b>	<b>0</b>	<b>3</b>	<b>4</b>	<b>4</b>	<b>4</b>	<b>4</b>
Montgomery County Code Article VII Section 2-123A mandated salary adjustment for the States Attorney.						
<b>Subtotal Expenditures</b>	<b>13,604</b>	<b>14,430</b>	<b>14,618</b>	<b>14,618</b>	<b>14,618</b>	<b>14,618</b>

## ANNUALIZATION OF PERSONNEL COSTS AND FTES

	FY14 Recommended		FY15 Annualized	
	Expenditures	FTEs	Expenditures	FTEs
Increase Cost: Annualization of FY13-14 Salary Restructuring Plan	361,036	0.00	541,263	0.00
<b>Total</b>	<b>361,036</b>	<b>0.00</b>	<b>541,263</b>	<b>0.00</b>

**County Council Questions**

**Could you give me a summary of what is going on with the Salary Restructuring Plan, including (if you have them) current salary schedules and proposed salary schedules?**

Prior to July 2012, the State's Attorney's Office had no formal salary structure for attorney staff. The new salary plan, which coincides with merit based promotions follows:

A new employee is hired as ASA I, with a starting salary of \$51,598. An attorney remains an ASA I until the beginning of year three of employment (successful completion of two full years of service) at which time they are promoted to ASA II, with a salary of \$62,168. The attorney remains an ASA II until the beginning of year five (successful completion of four years of service) when promotion to ASA III occurs. The current ASA III salary is \$77,596. Promotion to ASA IV or ASA V remains at the discretion of the State's Attorney. The proposed structure and corresponding grades and salaries are detailed below.

Title/Grade	Years of Service Completed	Salary
ASA I/Grade 23:	0-2y	51,598
ASA II/Grade 27	2y,1d-4y	62,168
ASA III/Grade 32	4y,1d-	77,596
ASA IV/Grade 33	Discretionary	81,161
ASA V/Grade 34	Discretionary	84,904

The cost for FY14 is estimated at 73,059, exclusive of any compensation increases approved by Council this budget season. The annualization cost is 361,036 which includes the estimated combined cost of FY13 and FY14.

**MONTGOMERY COUNTY GOVERNMENT  
GENERAL SALARY SCHEDULE**

**FISCAL YEAR 2011**

**EFFECTIVE JULY 4, 2010**

<u>GRADE</u>	<u>MINIMUM</u>	<u>MID-POINT</u>	<u>MAXIMUM</u>	<u>PERFORMANCE LONGEVITY MAXIMUM*</u>
5	\$24,239	\$30,842	\$37,444	\$38,193
6	\$25,167	\$32,085	\$39,003	\$39,784
7	\$26,148	\$33,410	\$40,672	\$41,486
8	\$27,165	\$34,844	\$42,522	\$43,373
9	\$28,238	\$36,353	\$44,468	\$45,358
10	\$29,371	\$37,969	\$46,567	\$47,499
11	\$30,558	\$39,658	\$48,758	\$49,734
12	\$31,797	\$41,430	\$51,062	\$52,084
13	\$33,107	\$43,295	\$53,483	\$54,553
14	\$34,484	\$45,257	\$56,030	\$57,151
15	\$35,923	\$47,308	\$58,693	\$59,867
16	\$37,457	\$49,478	\$61,498	\$62,728
17	\$39,157	\$51,799	\$64,441	\$65,730
18	\$40,952	\$54,243	\$67,533	\$68,884
19	\$42,883	\$56,828	\$70,773	\$72,189
20	\$44,900	\$59,541	\$74,181	\$75,665
21	\$47,028	\$62,392	\$77,756	\$79,312
22	\$49,253	\$65,383	\$81,513	\$83,144
23	\$51,598	\$68,531	\$85,463	\$87,173
24	\$54,054	\$71,825	\$89,596	\$91,388
25	\$56,631	\$75,288	\$93,944	\$95,823
26	\$59,345	\$78,929	\$98,513	\$100,484
27	\$62,168	\$82,739	\$103,309	\$105,376
28	\$64,960	\$86,652	\$108,343	\$110,510
29	\$67,890	\$90,759	\$113,628	\$115,901
30	\$70,971	\$95,077	\$119,183	\$121,567
31	\$74,206	\$99,608	\$125,010	\$127,511
32	\$77,596	\$103,216	\$128,836	\$131,413
33	\$81,161	\$106,913	\$132,664	\$135,318
34	\$84,904	\$110,700	\$136,495	\$139,225
35	\$88,837	\$114,580	\$140,322	\$143,129
36	\$92,966	\$118,560	\$144,153	\$147,037
37	\$97,296	\$122,637	\$147,977	\$150,937
38	\$101,846	\$126,614	\$151,381	\$154,409
39	\$106,622	\$130,116	\$153,610	\$156,683
40	\$111,640	\$133,739	\$155,837	\$158,954

\*A one-time 2.0 percent performance-based longevity increment is provided to employees who have received performance ratings of "exceptional" or "highly successful" for the two most recent consecutive years, are at the top of their pay grade, and have 20 years completed service.

\*Note - FY2011: No GWA

No Service Increment for Non-represented General Salary Schedule employees  
There is no movement to the Longevity/Performance maximum for Non-represented General Salary Schedule employees, however employees who are currently receiving a longevity performance increment will continue to receive the longevity/performance increment.



ROCKVILLE, MARYLAND

MEMORANDUM

March 14, 2013

TO: Nancy Navarro, President, County Council

FROM: Jennifer A. Hughes, Director, Office of Management and Budget  
Joseph F. Beach, Director, Department of Finance

SUBJECT: FY13 Second Quarterly Analysis

Attached please find the Second Quarterly Analysis for Montgomery County Government. The County Executive's recommended operating budget incorporates the results of this analysis in its allocation of resources for FY14. We will continue to monitor department spending and may make revisions to this estimate to reflect more up-to-date information at the end of the third quarter. Significant expenditure variances are described below.

**Second Quarter Expenditure Results**

The Board of Elections overspent because of Hurricane Sandy, the requirement to add more election judges at Early Voting Centers, and problems related to the absentee ballot.

The Department of Correction and Rehabilitation's projected overage is significantly reduced compared to this time last year. The primary cause of the overage is higher than budgeted retirement costs.

While the Department of Economic Development has experienced savings from vacant positions, the department has incurred unbudgeted costs related to Federal and State lobbying contracts, a business incubator study, and a cyber security requirements study.

The Department of General Services experienced significant unbudgeted expenditures for emergency maintenance services to repair critical equipment and systems.

The Office of Human Resources' projected overage is due to lower than projected lapse assumption and the need to increase temporary personnel to support the deployment of Oracle Workforce Performance Management.

The Sheriff's Office is projecting to be overspent because of excess compensatory leave payments and overtime. ←

The State's Attorney's projected overage is due to the expiration of the Gang Grant (replaced with general operating budget funds) and higher than budgeted transcript and translation costs.

## FY13 2ND QUARTERLY ANALYSIS

Department	Original Budget (A)	Latest Budget (B)	Estimate (2nd QA) (C)	Variance to Budget (B-C)	% Change to Budget (B-C)/(B)
<b>Tax Supported</b>					
<b>General Fund</b>					
Board of Appeals	577,686	577,686	583,416	-5,730	-1.0 %
Board of Elections	6,175,309	6,175,309	6,757,362	-582,053	-9.4 %
Circuit Court	10,330,453	10,330,453	10,330,453	0	0.0 %
Community Engagement Cluster	3,253,049	3,253,049	3,018,535	234,514	7.2 %
Consumer Protection	2,182,612	2,182,612	2,174,187	8,425	0.4 %
Correction and Rehabilitation	65,181,902	65,181,902	65,525,221	-343,319	-0.5 %
County Attorney	5,736,881	5,736,881	5,621,303	115,578	2.0 %
County Council	9,333,290	9,333,290	9,326,847	6,443	0.1 %
County Executive	4,421,467	4,421,467	4,349,813	71,654	1.6 %
Economic Development	9,197,933	9,197,933	9,347,377	-149,444	-1.6 %
Emergency Management and Homeland Security	1,283,188	1,283,188	1,267,734	15,454	1.2 %
Environmental Protection	1,510,982	1,510,982	1,506,490	4,492	0.3 %
Ethics Commission	307,776	307,776	304,049	3,727	1.2 %
Finance	10,791,460	10,791,460	10,764,922	26,538	0.2 %
General Services	24,726,123	24,726,123	25,965,656	-1,239,533	-5.0 %
Health and Human Services	181,733,135	181,833,135	179,996,533	1,836,602	1.0 %
Housing and Community Affairs	4,468,267	4,468,267	4,464,915	3,352	0.1 %
Human Resources	7,136,988	7,136,988	7,189,769	-52,781	-0.7 %
Human Rights	896,948	896,948	896,948	0	0.0 %
Inspector General	687,373	687,373	686,556	817	0.1 %
Intergovernmental Relations	848,028	848,028	848,028	0	0.0 %
Legislative Oversight	1,331,137	1,331,137	1,330,140	997	0.1 %
Management and Budget	3,697,949	3,697,949	3,408,556	289,393	7.8 %
Merit System Protection Board	159,097	159,097	50,193	108,904	68.5 %
Non-Departmental Accounts	238,975,664	238,975,664	246,973,521	-7,997,857	-3.3 %
Police	250,350,841	250,350,841	250,319,679	31,162	0.0 %
Public Information	5,016,769	5,016,769	4,993,211	23,558	0.5 %
Public Libraries	31,362,801	31,362,801	31,180,585	182,216	0.6 %
Sheriff	20,972,895	20,972,895	21,364,514	-391,619	-1.9 %
State's Attorney	12,729,550	12,729,550	13,234,625	-505,075	-4.0 %
Technology Services	26,259,783	26,259,783	26,246,302	13,481	0.1 %
Transportation	41,128,342	42,309,362	42,694,595	-385,233	-0.9 %
Utilities	26,109,860	26,109,860	26,109,860	0	0.0 %
Zoning and Administrative Hearings	592,188	592,188	580,188	12,000	2.0 %
<b>General Fund Total</b>	<b>1,009,467,726</b>	<b>1,010,748,746</b>	<b>1,019,412,083</b>	<b>-8,663,337</b>	<b>-0.9 %</b>
<b>Special Funds</b>					
<u>Bethesda Urban District</u>					
Urban Districts	3,416,886	3,416,886	3,416,886	0	0.0 %
<u>Silver Spring Urban District</u>					
Urban Districts	2,702,477	2,702,477	2,633,957	68,520	2.5 %