

GO COMMITTEE #1  
April 21, 2014

**Worksession**

**MEMORANDUM**

April 17, 2014

TO: Government Operations and Fiscal Policy Committee  
FROM: Jean C. Arthur, <sup>JA</sup>Legislative Analyst  
SUBJECT: **Worksession:** FY15 Operating Budget  
**Office of the County Attorney**

At this session, the Committee will review the County Executive's recommendation for the FY15 Operating Budget for the Office of the County Attorney. Relevant pages from the FY15 Recommended Operating Budget are attached on ©1-6.

*The following persons are expected at this worksession:*

Marc Hansen, County Attorney  
Dennis Via, Office of the County Attorney  
Erika Lopez-Finn, OMB Analyst

**OVERVIEW**

For FY15, the County Executive is recommending a total of \$5,381,236, an increase of \$29,443 or 0.6 percent from the FY14 approved budget of \$5,351,793.

	<b>FY14 Approved</b>	<b>FY15 CE Recommended</b>	<b>% Change</b>
<b>EXPENDITURES</b>			
• <i>Personnel</i>	\$4,719,677	\$4,907,091	4.00%
• <i>Operating Expenses</i>	\$632,116	\$474,145	-25.0%
Total General Fund Expenditures	\$5,351,793	\$5,381,236	0.6%
<b>PERSONNEL</b>			
Full-time	73	72	-1.4%
Part-time	3	5	66.7%
FTEs	43	43.25	0.6%
<b>REVENUE</b>			
• <i>Federal Financial Participation Reimbursements</i>	\$231,165	\$231,165	0
• <i>Other Charges/Fees</i>	\$75,000	\$75,000	0
• <i>Other Intergovernmental*</i>	\$45,630	\$45,630	0
General Fund Revenue	\$351,795	\$351,795	0

### **FY15 Expenditure Issues**

There are no significant changes in the FY15 budget for the Office of the County Attorney. The entire budget is only 0.6 percent over the approved current expenditures, and 91.2 percent of the funds cover personnel costs.

The following highlights some of the budget changes:

- Music Licensing is a fee that the County must pay to the music industry for playing copyrighted tunes at County activities such as dances or sporting events. Rather than each department that plays music at an event tracking down the proper entity to which it should pay royalty fees, the County is paying an annual, general license to cover all departments. \$30,000
- FY15 compensation adjustment \$245,941
- Elimination of one-time FY14 item - County Attorney Work Management System -\$147,000

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\* Charges to the Revenue Authority for legal services.

The Office of the County Attorney is currently in the process of reorganizing its divisions to ensure better service to clients. It is replacing the Public Interest Litigation division with the Division of Government Operations. The new division will focus primarily on:

- Legislation
- Opinion
- Ethics
- Public information requests, and
- Confidentiality issues.

The Committee should note that this office also includes 32.5 FTEs and a recommended FY15 budget of \$4,350,408 that is charged to other departments. See ©5-6.

**Council Staff Recommendation: Approve as submitted by the County Executive.**

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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 recommended FY15 Operating Budget for the Office of the County Attorney is \$5,381,236, an increase of \$29,443 or 0.6 percent from the FY14 Approved Budget of \$5,351,793. Personnel Costs comprise 91.2 percent of the budget for 72 full-time positions and five part-time positions, and a total of 43.25 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 8.8 percent of the FY15 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 FY14 estimates reflect funding based on the FY14 approved budget. The FY15 and FY16 figures are performance targets based on the FY15 recommended budget and funding for comparable service levels in FY16.

## ACCOMPLISHMENTS AND INITIATIVES

- ❖ **Automated the fax system to convert incoming faxes as emails and PDF attachments. Users can open fax as email and save them into the case management system, if needed.**
- ❖ **From July 1, 2012 through June 20, 2013, the Debt Collection (DC) Unit has registered \$14.2 million in collections from debts owed to the County. The DC Unit continues to achieve efficiencies by streamlining the collection workflow process and reducing paper and printing costs with enhanced interface with the Enterprise Imaging system.**
- ❖ **Continue implementation of the web-based case management system that is integrated with Outlook and with a robust reporting system. The system allows attorneys and managers to manage status of any cases, assemble and manage legal documents, and provide accurate and easy-to-run ad hoc reports.**
- ❖ **In FY15, include the Debt Collection Unit as a new module in the case management system.**
- ❖ **In FY15, automate the litigation preservation request process by implementing eDiscovery workflow.**
- ❖ **Productivity Improvements**
  - **Installed multi-media LED displays, Liteshow and a sound system in three conference rooms. This improves the facility for depositions and meetings with clients.**
  - **Installed Windows 7 and Office 2010 on all 75 computers to keep up with the new technologies and prepare for the implementation of the new case management system.**
  - **Replaced web pages to be part of the new County portal. The new web pages are in compliance with the County's standard and search features.**
  - **Relocated the Health and Human Service's (HHS) unit from Piccard Drive to the Executive Office Building which allows staff to quickly move from the main office to the courtroom, resulting in less travel time.**

## 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.

Program Performance Measures	Actual FY12	Actual FY13	Estimated FY14	Target FY15	Target FY16
Number of Workers' Compensation hearings	1,889	2144	1900	1900	1900
Worker's Compensation Cases Net Gain to the County	2,411,432	\$2,045,674	\$2,045,674	\$2,045,674	\$2,045,674
Last Settlement Amount Demanded by Plaintiff (\$)	249,259,227	\$91,618,668	\$91,618,668	\$91,618,668	\$91,618,668
Subrogation Collected (\$)	9,199	\$500	0	0	0
Total Paid to Plaintiff by the County (\$)	768,491	\$288,490	\$288,490	\$288,490	\$288,490
Ratio Amount Paid by County Versus Amount Demanded by Plaintiff	.31%	.31%	.31%	.31%	.31%
Total Number of Settlements	41	29	35	35	35
Number of Judgments Paid	12	7	9	9	9
Number of Judgments in County's Favor	53	55	74	74	74
Win/Loss Ratio (Resolution in County's Favor vs. Resolution in Plaintiffs Favor)	84%	89%	89%	89%	89%

FY15 Recommended Changes	Expenditures	FTEs
<b>FY14 Approved</b>	<b>52,618</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.	289	0.00
<b>FY15 CE Recommended</b>	<b>52,907</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.

Program Performance Measures	Actual FY12	Actual FY13	Estimated FY14	Target FY15	Target FY16
Number of Children in Need of Assistance (CINA) or Guardianship Hearings	2,422	2279	2279	2279	2279
Number of Adoptions Granted	23	30	30	30	30
Number of CINA Cases Closed	215	141	200	200	200
Number of New Adoption Petitions Filed	24	30	30	30	30
Number of New CINA Petitions Filed	202	198	200	200	200
Number of New Termination of Parental Rights (TPR) Petitions Filed	25	30	30	30	30
Number of Termination of Parents Rights (TPR's) Granted	22	26	26	26	26
Ratio of TPR/CINA Adjudicated Granted/Denied	96.1%	97.87%	97%	97%	97%

FY15 Recommended Changes	Expenditures	FTEs
<b>FY14 Approved</b>	<b>986,950</b>	<b>7.40</b>
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.	5,430	0.12
<b>FY15 CE Recommended</b>	<b>992,380</b>	<b>7.52</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.

Program Performance Measures	Actual FY12	Actual FY13	Estimated FY14	Target FY15	Target FY16
Code Enforcement - Ratio of Win Versus Loss	97%	97%	97%	97%	97%
Code Enforcement Collected (\$)	471,930	\$393,269	\$393,269	\$393,269	\$393,269
Debt Collection (\$)	15,128,484	\$14,233,604	\$14,233,604	\$14,233,604	\$14,233,604
Forfeitures Collected (\$)	40146	\$10,430	\$10,430	\$10,430	\$10,430

FY15 Recommended Changes	Expenditures	FTEs
<b>FY14 Approved</b>	<b>661,109</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.	3,637	0.00
<b>FY15 CE Recommended</b>	<b>664,746</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.

Program Performance Measures	Actual FY12	Actual FY13	Estimated FY14	Target FY15	Target FY16
Percent of Judicial Appeals Won	87.5%	45%	68%	68%	68%
Appeals Lost	3	11	7	7	7
Appeals Won	21	9	15	15	15

FY15 Recommended Changes	Expenditures	FTEs
<b>FY14 Approved</b>	<b>730,645</b>	<b>5.20</b>
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.	4,020	0.03
<b>FY15 CE Recommended</b>	<b>734,665</b>	<b>5.23</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.

FY15 Recommended Changes	Expenditures	FTEs
<b>FY14 Approved</b>	<b>276,565</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.	1,522	0.00
<b>FY15 CE Recommended</b>	<b>278,087</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.

Program Performance Measures	Actual FY12	Actual FY13	Estimated FY14	Target FY15	Target FY16
Ratio of Costs/Collection	3.2%	3.2%	3.2%	3.3%	3.3%

FY15 Recommended Changes	Expenditures	FTEs
<b>FY14 Approved</b>	<b>1,154,804</b>	<b>11.50</b>
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.	6,353	0.10
<b>FY15 CE Recommended</b>	<b>1,161,157</b>	<b>11.60</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.

FY15 Recommended Changes	Expenditures	FTEs
<b>FY14 Approved</b>	<b>138,320</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.	761	0.00
<b>FY15 CE Recommended</b>	<b>139,081</b>	<b>3.90</b>

## Administration

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

Program Performance Measures	Actual FY12	Actual FY13	Estimated FY14	Target FY15	Target FY16
Average Internal Customer Satisfaction Rating - General and Timeliness <sup>1</sup>	3.18	3.23	3.23	3.23	3.23

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

FY15 Recommended Changes	Expenditures	FTEs
<b>FY14 Approved</b>	<b>1,350,782</b>	<b>4.80</b>
Increase Cost: FY15 Compensation Adjustment	245,941	0.00
Increase Cost: Retirement Adjustment	16,874	0.00
Increase Cost: Office Clerk - Project Search - Collection Unit	16,280	0.50
Increase Cost: Group Insurance Adjustment	8,911	0.00
Increase Cost: Printing and Mail	3,029	0.00
Decrease Cost: Contractor Expenses	-44,000	0.00
Decrease Cost: Elimination of One-Time Items Approved in FY14	-147,000	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.	-92,604	-0.50
<b>FY15 CE Recommended</b>	<b>1,358,213</b>	<b>4.80</b>

## BUDGET SUMMARY

	Actual FY13	Budget FY14	Estimated FY14	Recommended FY15	% Chg Bud/Rec
<b>COUNTY GENERAL FUND</b>					
<b>EXPENDITURES</b>					
Salaries and Wages	3,470,625	3,481,883	3,529,185	3,623,625	4.1%
Employee Benefits	1,261,090	1,237,794	1,247,799	1,283,466	3.7%
<b>County General Fund Personnel Costs</b>	<b>4,731,715</b>	<b>4,719,677</b>	<b>4,776,984</b>	<b>4,907,091</b>	<b>4.0%</b>
Operating Expenses	1,092,190	632,116	433,654	474,145	-25.0%
Capital Outlay	0	0	0	0	—
<b>County General Fund Expenditures</b>	<b>5,823,905</b>	<b>5,351,793</b>	<b>5,210,638</b>	<b>5,381,236</b>	<b>0.6%</b>
<b>PERSONNEL</b>					
Full-Time	71	73	73	72	-1.4%
Part-Time	3	3	3	5	66.7%
FTEs	42.40	43.00	43.00	43.25	0.6%
<b>REVENUES</b>					
Federal Financial Participation Reimbursements	491,748	231,165	231,165	231,165	—
Miscellaneous Revenues	175	0	0	0	—
Other Charges/Fees	43,963	75,000	75,000	75,000	—
Other Fines/Forfeitures	500	0	0	0	—
Other Intergovernmental	0	45,630	45,630	45,630	—
<b>County General Fund Revenues</b>	<b>536,386</b>	<b>351,795</b>	<b>351,795</b>	<b>351,795</b>	<b>—</b>

## FY15 RECOMMENDED CHANGES

	Expenditures	FTEs
<b>COUNTY GENERAL FUND</b>		
<b>FY14 ORIGINAL APPROPRIATION</b>	<b>5,351,793</b>	<b>43.00</b>
<b>Other Adjustments (with no service impacts)</b>		
Increase Cost: FY15 Compensation Adjustment [Administration]	245,941	0.00
Increase Cost: Music Licensing	30,000	0.00
Increase Cost: Retirement Adjustment [Administration]	16,874	0.00
Increase Cost: Office Clerk - Project Search - Collection Unit [Administration]	16,280	0.50
Increase Cost: Group Insurance Adjustment [Administration]	8,911	0.00
Increase Cost: Printing and Mail [Administration]	3,029	0.00
Decrease Cost: Contractor Expenses [Administration]	-44,000	0.00
Decrease Cost: Annualization of FY14 Personnel Costs	-100,592	-0.25
Decrease Cost: Elimination of One-Time Items Approved in FY14 [Administration]	-147,000	0.00
<b>FY15 RECOMMENDED:</b>	<b>5,381,236</b>	<b>43.25</b>

## PROGRAM SUMMARY

Program Name	FY14 Approved		FY15 Recommended	
	Expenditures	FTEs	Expenditures	FTEs
Insurance Defense Litigation	52,618	0.00	52,907	0.00
Health and Human Services	986,950	7.40	992,380	7.52
Finance and Procurement	661,109	6.00	664,746	6.00
Human Resources and Appeals	730,645	5.20	734,665	5.23
Zoning, Land Use and Economic Development	276,565	4.20	278,087	4.20
Public Interest Litigation	1,154,804	11.50	1,161,157	11.60
Support Services	138,320	3.90	139,081	3.90
Administration	1,350,782	4.80	1,358,213	4.80
<b>Total</b>	<b>5,351,793</b>	<b>43.00</b>	<b>5,381,236</b>	<b>43.25</b>

## CHARGES TO OTHER DEPARTMENTS

Charged Department	Charged Fund	FY14		FY15	
		Total\$	FTEs	Total\$	FTEs
COUNTY GENERAL FUND					
Board of Appeals	County General Fund	87,711	0.50	93,141	0.50
Cable Television	Cable Television	102,624	0.50	109,621	0.50



Charged Department	Charged Fund	FY14		FY15	
		Total\$	FTEs	Total\$	FTEs
CIP	CIP	331,697	3.00	362,737	3.00
Finance	County General Fund	168,170	1.05	173,849	1.05
Finance	Self Insurance Internal Service Fund	2,525,979	20.00	2,633,229	20.00
Health and Human Services	County General Fund	194,294	2.40	0	0.00
Health and Human Services	Grant Fund MCG	0	0.00	194,294	2.40
Housing and Community Affairs	County General Fund	57,095	0.50	82,898	0.50
Housing and Community Affairs	Montgomery Housing Initiative	160,587	1.00	165,797	1.00
Human Resources	Employee Health Benefit Self Insurance	0	0.00	16,105	0.10
Intergovernmental Relations	County General Fund	24,607	0.30	25,582	0.30
NDA - Mont. County Employee Retirement Plans	County General Fund	7,583	0.05	16,427	0.10
NDA - Mont. County Employee Retirement Plans	Employee Retirement System	121,329	0.80	67,079	0.42
NDA - Mont. County Employee Retirement Plans	Retirement Savings Plan	15,166	0.10	16,427	0.10
NDA - Retiree Health Benefits Trust	Retiree Health Benefits	0	0.00	27,379	0.17
NDA - Retiree Health Benefits Trust	RSP-Disability Benefits LTD2	0	0.00	9,583	0.06
Parking District Services	Bethesda Parking District	20,164	0.10	20,907	0.10
Parking District Services	Silver Spring Parking District	40,328	0.20	41,814	0.20
Permitting Services	Permitting Services	160,587	1.00	137,352	1.00
Solid Waste Services	Solid Waste Collection	36,776	0.25	39,047	0.25
Solid Waste Services	Solid Waste Disposal	110,329	0.75	117,140	0.75
<b>Total</b>		<b>4,165,026</b>	<b>32.50</b>	<b>4,350,408</b>	<b>32.50</b>

## FUTURE FISCAL IMPACTS

Title	CE REC.		(S000's)			
	FY15	FY16	FY17	FY18	FY19	FY20
This table is intended to present significant future fiscal impacts of the department's programs.						
<b>COUNTY GENERAL FUND</b>						
<b>Expenditures</b>						
<b>FY15 Recommended</b>	<b>5,381</b>	<b>5,381</b>	<b>5,381</b>	<b>5,381</b>	<b>5,381</b>	<b>5,381</b>
No inflation or compensation change is included in outyear projections.						
<b>Labor Contracts</b>	<b>0</b>	<b>64</b>	<b>64</b>	<b>64</b>	<b>64</b>	<b>64</b>
These figures represent the estimated annualized cost of general wage adjustments, service increments, and associated benefits.						
<b>Labor Contracts - Other</b>	<b>0</b>	<b>-12</b>	<b>-12</b>	<b>-12</b>	<b>-12</b>	<b>-12</b>
These figures represent other negotiated items included in the labor agreements.						
<b>Subtotal Expenditures</b>	<b>5,381</b>	<b>5,434</b>	<b>5,434</b>	<b>5,434</b>	<b>5,434</b>	<b>5,434</b>