

GO COMMITTEE #3  
April 29, 2016

**Worksession**

**MEMORANDUM**

April 27, 2016

TO: Government Operations and Fiscal Policy Committee

FROM: Jean Arthur, <sup>JCA</sup>Legislative Analyst

SUBJECT: **Worksession – FY17 Operating Budget: Office of the County Attorney**

Those expected to attend this worksession include:

Marc Hansen, County Attorney  
Dennis Via, Office of the County Attorney  
Phil Weeda, OMB

Relevant pages from the FY17 Recommended Operating Budget are attached on ©1-6.

**Budget Summary:**

- The County Executive's FY17 recommendation for the Office of the County Attorney is 5.3 percent above the FY16 approved budget. In addition to projected compensation adjustments that apply to most County employees, the budget includes an increase for reduced lapse.

**Council Staff Recommendation:**

- **Approved as recommended by the County Executive.**

**Overview**

For FY17, the County Executive recommends a total of \$5,960,796 for OCA, an increase of \$300,537 or 5.31 percent from the FY16 approved budget of \$560,259. The recommended budget funds 73 full-time positions and four part-time positions for a total of 43.5 FTEs. Other FTEs are charged to other departments.

	<i>FY15 Actual</i>	<i>FY16 Approved</i>	<i>FY17 Recommended</i>	<i>% Change FY16- FY17</i>
<b>Expenditures by fund</b>				
General Fund	\$6,050,944	\$5,660,259	\$5,960,796	5.3%
<b>Expenditures by type</b>				
Personnel Cost	\$5,303,884	\$5,093,260	\$5,412,545	6.3%
Operating Expenses	\$747,060	\$566,999	\$548,251	-3.3%
<b>Positions</b>				
Full-Time	72	72	73	1.4%
Part-Time	5	5	4	-20%
<b>FTEs</b>	<b>43</b>	<b>43.25</b>	<b>43.5</b>	<b>0</b>

### **FY17 Expenditure Changes**

- **Decrease lapse.** The recommended budget includes \$250,000 to decrease lapse. This increase in the budget more closely reflects the pace of the department's hiring.
- The remaining changes in the FY17 recommended budget are attributable to multi-program changes such as compensation changes and group insurance adjustments.

The Committee should note that OCA also includes 32.25 FTEs and a recommended FY17 budget of \$4,639,831 that is charged to other departments. See ©5.

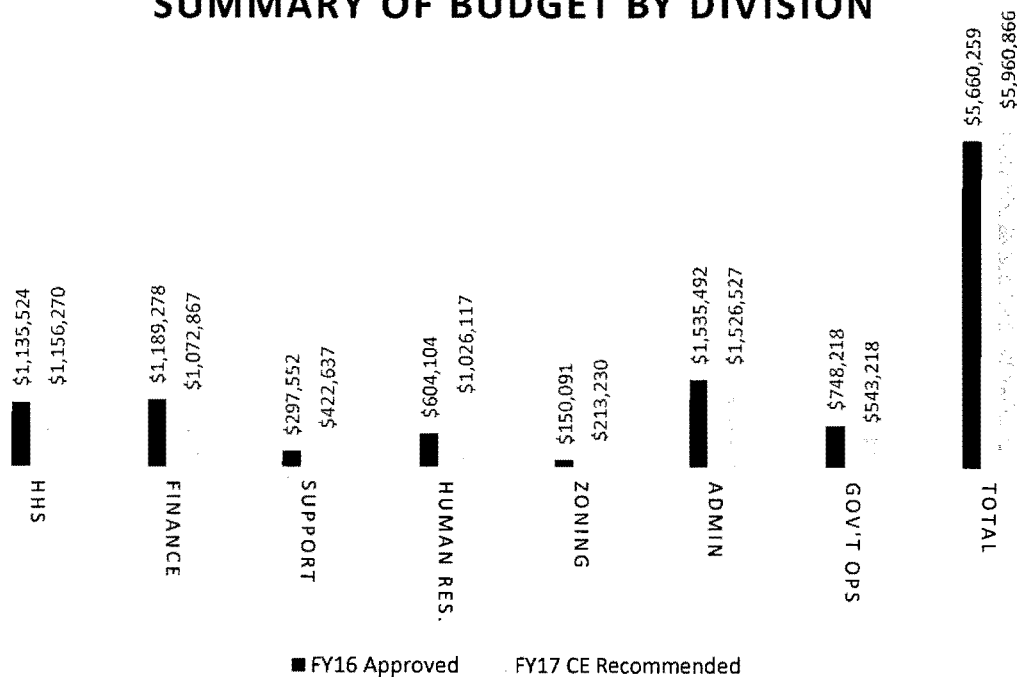
### **FY17 Budget by Division**

OCA's operating budget supports six programs and 43.50 FTEs:

- **Health and Human Services:** This program provides legal counsel and advice to the Department of Health and Human Services. Proposed expenditures for FY17 for this program are \$1,156,270 supporting 7.40 FTEs, an increase of \$20,746 over FY16.
- **Finance and Procurement:** This program provides finance- and procurement-related legal counsel and advice to the County Government, including representation at County, State and Federal level in tax and procurement matters, debt collection, and code enforcement. Proposed expenditures for FY17 for this program are \$1,072,867 supporting 11.00 FTEs, a decrease of \$116,411 and 1.0 FTE below FY16.
- **Support Services:** This program provides administrative, research, and technical guidance and support to other OCA programs. Proposed expenditures for FY17 for this program are \$422,637 supporting 5.90 FTEs, an increase of \$125,085 over FY16.
- **Human Resources:** This program provides human resources-related legal counsel and advice to several County agencies and legal representation in contested cases involving the County, Self-insurance fund agencies, and their employees before State and Federal appellate courts. Proposed expenditures for FY17 for this program are \$1,026,117 supporting 6.50 FTEs, an increase of \$422,013 and 2.00 FTEs over FY16.

- **Zoning, Land Use, and Economic Development:** This program provides zoning, land use, and economic development-related legal counsel and advice to the County government, including advice related to telecommunications and cable matters, and land acquisitions and real estate transactions. Proposed expenditures for FY17 for this program are \$213,230 supporting 2.70 FTEs, an increase of \$63,139 over FY16.
- **Administration:** This program provides internal personnel, financial, and operational management for OCA. Proposed expenditures for FY17 for this program are \$1,526,527 supporting 6.00 FTEs, a decrease of \$8,965 below FY16.
- **Government Operations:** This program provides legislative drafting, representation in legal challenges to County legislative acts, formal legal advice from OCA, guidance on the Maryland Open Meetings Act and Public Information Act, publication of the County Code, and legal assistance to certain County agencies. Proposed expenditures for FY17 for this program are \$543,148 supporting 4.00 FTEs, a decrease of \$205,070 and 1.0 FTE below FY16.

## SUMMARY OF BUDGET BY DIVISION



As noted above, in addition to the 43.50 FTEs supported by the proposed operating budget, OCA includes 32.25 FTEs that are supported by charges to other departments. These charges in the proposed FY17 budget amount to \$4,639,831, an increase of \$47,621 over FY16 (see ©5).

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



# 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 FY17 Operating Budget for the County Attorney is \$5,960,796, an increase of \$300,537 or 5.31 percent from the FY16 Approved Budget of \$5,660,259. Personnel Costs comprise 90.80 percent of the budget for 73 full-time position(s) and four part-time position(s), and a total of 43.50 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 9.20 percent of the FY17 budget.

## Linkage to County Result Areas

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

### ❖ A Responsive, Accountable County Government

## Department Performance Measures

Performance measures for this department are included below (where applicable), with multi-program measures displayed at the front of this section and program-specific measures shown with the relevant program. The FY16 estimates reflect funding based on the FY16 approved budget. The FY17 and FY18 figures are performance targets based on the FY17 recommended budget and funding for comparable service levels in FY18.

## Accomplishments

- ☑ From July 1, 2014 through June 20, 2015, the Debt Collection Unit has registered \$12.7 million in collections from debts owed to the County. The Debt Collection Unit continues to achieve efficiencies by streamlining the collection workflow process and reducing printing costs associated with the enhanced interface of the Enterprise Imaging system.

## Productivity Improvements

- ✱ Implemented mobile version of Prolaw case management system for attorneys to access case matters using smartphones and mobile devices.
- ✱ Switched on-line legal search service from Lexis to Westlaw and reduced legal publications subscription cost by 50% or \$10,000.
- ✱ Continued to reduce operating cost of editing of County Code, Zoning and COMAR by out-sourcing the task of editing and sale of CDs/print copies to American Legal Publishing, saving \$20,000 annually.
- ✱ Replaced Countylaw Case Management System with Prolaw Enterprise Version 14. Migrated all case data from Countylaw to Prolaw database. Prolaw integrates with Office 2010 (Outlook, Word and Excel) and Adobe Reader. Users can save documents into Prolaw from the Office applications and access matters from their desktop-client or web-client. The new system allows attorneys and managers to query status of cases, create and context-query documents, and compile reports using the built-in reporting function.
- ✱ Migrated debt collection database from Access to Prolaw using the Debt Collection module. The Debt Collection Unit can now link debtors with debts, query and merge letters in the new system and import debts from Finance's Munis system.
- ✱ Completed eDiscovery service contract with Guidance Software. Upgraded the Encase forensic module. Equipped to start eDiscovery process with any large lawsuits.

## Program Contacts

Contact Dennis Via 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

### 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 FY14	Actual FY15	Estimated FY16	Target FY17	Target FY18
Number of children in need of assistance (CINA) or guardianship hearings	2,177	2,137	2,197	2,197	2,197
Number of adoptions granted	14	22	22	22	22
Number of CINA cases closed	226	162	204	204	204
Number of new adoption petitions filed	16	18	21	21	21
Number of new CINA petitions filed	188	183	190	190	190
Number of new termination of parental rights (TPR) petitions filed	25	24	25	25	25
Number of termination of parents rights (TPR's) granted	20	24	24	24	24
Child welfare litigation - ratio of termination of parental rights (TPR) and child in need of assistance (CINA) adjudicated granted or denied	97.7	100	97.94	97.94	97.94

FY17 Recommended Changes	Expenditures	FTEs
<b>FY16 Approved</b>	<b>1,135,524</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.	20,746	0.00
<b>FY17 Recommended</b>	<b>1,156,270</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.

Program Performance Measures	Actual FY14	Actual FY15	Estimated FY16	Target FY17	Target FY18
Code enforcement - Win/loss ratio	98.7	98.92	97.85	97.85	97.85
Code enforcement collected (\$000)	\$570	\$583	\$516	\$516	\$516
Debt collection - collected/total referred ratio	184.0	144.5	139	139	139
Debt collection - cost/revenue ratio	2.5	3.7	3.2	3.2	3.2
Debt collection (\$000)	\$19,545	\$13,501	\$15,760	\$15,760	\$15,760
Forfeitures collected (\$000)	\$235.41	\$121.01	\$122.28	\$122.28	\$122.28

FY17 Recommended Changes	Expenditures	FTEs
<b>FY16 Approved</b>	<b>1,189,278</b>	<b>12.00</b>
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.	(116,411)	(1.00)
<b>FY17 Recommended</b>	<b>1,072,867</b>	<b>11.00</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.

FY17 Recommended Changes	Expenditures	FTEs
<b>FY16 Approved</b>	<b>297,552</b>	<b>5.90</b>
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.	125,085	0.00
<b>FY17 Recommended</b>	<b>422,637</b>	<b>5.90</b>

## Human Resources

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 FY14	Actual FY15	Estimated FY16	Target FY17	Target FY18
Percent of appeals in the Appellate Court won	54.5	84.21	72.88	72.88	72.88
Appeals lost	7	3	5	5	5
Appeals won	17	16	14	14	14

FY17 Recommended Changes	Expenditures	FTEs
<b>FY16 Approved</b>	<b>604,104</b>	<b>4.50</b>
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.	422,013	2.00
<b>FY17 Recommended</b>	<b>1,026,117</b>	<b>6.50</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.

FY17 Recommended Changes	Expenditures	FTEs
<b>FY16 Approved</b>	<b>150,091</b>	<b>2.70</b>
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.	63,139	0.00
<b>FY17 Recommended</b>	<b>213,230</b>	<b>2.70</b>

## Administration

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

Program Performance Measures	Actual FY14	Actual FY15	Estimated FY16	Target FY17	Target FY18
Overall average rating from Internal Customer Satisfaction Survey	3.27	3.33	3.33	3.33	3.33

FY17 Recommended Changes	Expenditures	FTEs
<b>FY16 Approved</b>	<b>1,535,492</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.	(8,965)	0.00
<b>FY17 Recommended</b>	<b>1,526,527</b>	<b>6.00</b>

## Government Operations

Drafts and reviews County and State legislation; Represents the County in legal challenges to its legislative acts; Drafts and coordinates formal legal advice given by the Office of the County Attorney; Provides legal assistance to the Office of Management and Budget, Ethics Commission, Office of the Inspector General, and the Charter Review Commission; Provides legal guidance on the Open Meetings Act and the Public Information Act; Oversees the publication of the County Code; and provides legal guidance to the Special Assistant to the Executive for Boards, Committees, and Commissions.

FY17 Recommended Changes	Expenditures	FTEs
<b>FY16 Approved</b>	<b>748,218</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.	(205,070)	(1.00)
<b>FY17 Recommended</b>	<b>543,148</b>	<b>4.00</b>

## Budget Summary

	Actual FY15	Budget FY16	Estimate FY16	REC FY17	%Chg Bud/Rec
<b>COUNTY GENERAL FUND</b>					
<b>EXPENDITURES</b>					
Salaries and Wages	3,836,536	3,689,896	3,869,900	4,049,409	9.7 %
Employee Benefits	1,467,348	1,403,364	1,374,881	1,363,136	-2.9 %
<b>County General Fund Personnel Costs</b>	<b>5,303,884</b>	<b>5,093,260</b>	<b>5,244,781</b>	<b>5,412,545</b>	<b>6.3 %</b>
Operating Expenses	747,060	566,999	444,178	548,251	-3.3 %
<b>County General Fund Expenditures</b>	<b>6,050,944</b>	<b>5,660,259</b>	<b>5,688,959</b>	<b>5,960,796</b>	<b>5.3 %</b>
<b>PERSONNEL</b>					
Full-Time	72	72	72	73	1.4 %
Part-Time	5	5	5	4	-20.0 %
FTEs	43.25	43.50	43.50	43.50	—
<b>REVENUES</b>					
Federal Financial Participation Reimbursements	218,801	231,165	231,165	231,165	—
Other Charges/Fees	830	75,000	75,000	75,000	—
Other Intergovernmental	91,274	45,630	45,630	45,630	—
<b>County General Fund Revenues</b>	<b>310,905</b>	<b>351,795</b>	<b>351,795</b>	<b>351,795</b>	<b>—</b>

## FY17 Recommended Changes

	Expenditures	FTEs
<b>COUNTY GENERAL FUND</b>		
<b>FY16 ORIGINAL APPROPRIATION</b>	<b>5,660,259</b>	<b>43.50</b>
<b><u>Other Adjustments (with no service impacts)</u></b>		

	Expenditures	FTEs
Increase Cost: Decrease Lapse	250,000	0.00
Increase Cost: FY17 Compensation Adjustment	113,044	0.00
Increase Cost: Group Insurance Adjustment	29,000	0.00
Increase Cost: Annualization of FY16 Personnel Costs	19,456	0.00
Increase Cost: Printing and Mail	1,158	0.00
Shift: Telecommunications to the Telecommunications Non-Departmental Account	(19,906)	0.00
Decrease Cost: Retirement Adjustment	(92,215)	0.00
<b>FY17 RECOMMENDED</b>	<b>5,960,796</b>	<b>43.50</b>

## Program Summary

Program Name	FY16 APPR		FY17 REC	
	Expenditures	FTEs	Expenditures	FTEs
Health and Human Services	1,135,524	7.40	1,156,270	7.40
Finance and Procurement	1,189,278	12.00	1,072,867	11.00
Support Services	297,552	5.90	422,637	5.90
Human Resources	604,104	4.50	1,026,117	6.50
Zoning, Land Use and Economic Development	150,091	2.70	213,230	2.70
Administration	1,535,492	6.00	1,526,527	6.00
Government Operations	748,218	5.00	543,148	4.00
<b>Total</b>	<b>5,660,259</b>	<b>43.50</b>	<b>5,960,796</b>	<b>43.50</b>

## Charges to Other Departments

Charged Department	Charged Fund	FY16		FY17	
		Total\$	FTEs	Total\$	FTEs
COUNTY GENERAL FUND					
Board of Appeals	General Fund	95,579	0.50	96,839	0.50
Intergovernmental Relations	General Fund	26,574	0.30	26,333	0.30
Finance	General Fund	178,262	1.05	178,426	1.05
Finance	Risk Management (Self Insurance - ISF)	2,728,803	19.75	2,762,682	19.75
Human Resources	Employee Health Self Insurance	16,958	0.10	17,350	0.10
Parking District Services	Bethesda Parking	21,931	0.10	14,900	0.10
Parking District Services	Silver Spring Parking	43,862	0.20	29,800	0.20
Health and Human Services	Grant Fund	194,294	2.40	194,294	2.40
Permitting Services	Permitting Services	219,309	1.00	212,816	1.00
Housing and Community Affairs	General Fund	84,892	0.50	84,876	0.50
Housing and Community Affairs	Montgomery Housing Initiative	169,783	1.00	169,751	1.00
Solid Waste Services	Solid Waste Disposal	123,777	0.75	128,495	0.75
Solid Waste Services	Solid Waste Collection	41,259	0.25	42,832	0.25
CIP	Capital Fund	384,095	3.00	417,838	3.00
NDA - Montgomery County Employee Retirement Plans	General Fund	16,958	0.10	17,350	0.10
NDA - Montgomery County Employee Retirement Plans	Employees Retirement Savings Plan (RSP)	16,958	0.10	17,350	0.10
NDA - Montgomery County Employee Retirement Plans	Retirement Fund (ERS)	71,224	0.42	72,872	0.42
NDA - Retiree Health Benefits Trust	Retiree Health Benefits Trust Fund	28,829	0.17	29,496	0.17
NDA - Retiree Health Benefits Trust	RSP-Disability Benefits (LTD2)	10,175	0.06	10,410	0.06
Cable Television Communications Plan	Cable TV	118,688	0.50	115,121	0.50
Total		4,592,210	32.25	4,639,831	32.25

## Future Fiscal Impacts

Title	CE RECOMMENDED (\$000s)
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**COUNTY GENERAL FUND****EXPENDITURES**

	FY17	FY18	FY19	FY20	FY21	FY22
<b>FY17 Recommended</b>	<b>5,961</b>	<b>5,961</b>	<b>5,961</b>	<b>5,961</b>	<b>5,961</b>	<b>5,961</b>
No inflation or compensation change is included in outyear projections.						
<b>Labor Contracts</b>	<b>0</b>	<b>88</b>	<b>88</b>	<b>88</b>	<b>88</b>	<b>88</b>
These figures represent the estimated annualized cost of general wage adjustments, service increments, and other negotiated items.						
<b>Subtotal Expenditures</b>	<b>5,961</b>	<b>6,049</b>	<b>6,049</b>	<b>6,049</b>	<b>6,049</b>	<b>6,049</b>