



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 FY17 Operating Budget for the Office of the County Attorney is \$5,951,890, an increase of \$291,631 or 5.15 percent from the FY16 Approved Budget of \$5,660,259. Personnel Costs comprise 90.79 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 9.21 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 approved 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 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 FY14 | Actual FY15 | Estimated FY16 | Target FY17 | Target FY18 |
|---|-------------|-------------|----------------|-------------|-------------|
| Number of workers' compensation hearings | 1,911 | 1,707 | 1,800 | 1,800 | 1,800 |
| Worker's compensation cases: Total net gain to the County (\$000) | \$2,310 | \$1,902 | \$2,086 | \$2,086 | \$2,086 |
| Last settlement amount demanded by plaintiff (\$000) | \$296,042 | \$475,674 | \$300,000 | \$300,000 | \$300,000 |
| Subrogation collected (\$000) | \$0.00 | \$93.33 | \$93.33 | \$93.33 | \$93.33 |
| Total paid to plaintiff by the county (\$000) | \$83 | \$37 | \$136 | \$136 | \$136 |
| Ratio amount paid by County vs. amount demanded by the plaintiff | 0.28 | 0.01 | 0.20 | 0.20 | 0.20 |
| Total number of settlements | 35 | 36 | 33 | 33 | 33 |
| Number of judgments paid | 6 | 6 | 6 | 6 | 6 |
| Number of judgments in County's favor | 57 | 68 | 60 | 60 | 60 |
| Self-insurance fund litigation: Win/loss ratio | 90 | 92 | 90 | 90 | 90 |

| FY17 Approved Changes | Expenditures | FTEs |
|-----------------------|--------------|------|
| FY16 Approved | 0 | 0.00 |
| FY17 Approved | 0 | 0.00 |

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 Approved Changes | Expenditures | FTEs |
|-----------------------|--------------|------|
|-----------------------|--------------|------|

| FY17 Approved Changes | Expenditures | FTEs |
|---|------------------|-------------|
| FY16 Approved | 1,135,524 | 7.40 |
| 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 |
| FY17 Approved | 1,156,270 | 7.40 |

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 Approved Changes | Expenditures | FTEs |
|---|------------------|--------------|
| FY16 Approved | 1,189,278 | 12.00 |
| 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) |
| FY17 Approved | 1,072,867 | 11.00 |

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 Approved Changes | Expenditures | FTEs |
|---|----------------|-------------|
| FY16 Approved | 297,552 | 5.90 |
| 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 |
| FY17 Approved | 422,637 | 5.90 |

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.

| 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 |

| Program Performance Measures | Actual FY14 | Actual FY15 | Estimated FY16 | Target FY17 | Target FY18 |
|------------------------------|-------------|-------------|----------------|-------------|-------------|
| Appeals lost | 7 | 3 | 5 | 5 | 5 |
| Appeals won | 17 | 16 | 14 | 14 | 14 |

| FY17 Approved Changes | Expenditures | FTEs |
|---|------------------|-------------|
| FY16 Approved | 604,104 | 4.50 |
| 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 |
| FY17 Approved | 1,026,117 | 6.50 |

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 Approved Changes | Expenditures | FTEs |
|---|----------------|-------------|
| FY16 Approved | 150,091 | 2.70 |
| 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 |
| FY17 Approved | 213,230 | 2.70 |

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 Approved Changes | Expenditures | FTEs |
|---|------------------|-------------|
| FY16 Approved | 1,535,492 | 6.00 |
| Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs. | (17,871) | 0.00 |
| FY17 Approved | 1,517,621 | 6.00 |

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 Approved Changes | Expenditures | FTEs |
|-----------------------|----------------|-------------|
| FY16 Approved | 748,218 | 5.00 |

| FY17 Approved Changes | Expenditures | FTEs |
|---|----------------|-------------|
| 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) |
| FY17 Approved | 543,148 | 4.00 |

Budget Summary

| | Actual FY15 | Budget FY16 | Estimate FY16 | Approved FY17 | %Chg Bud/App |
|--|------------------|------------------|------------------|------------------|-----------------|
| COUNTY GENERAL FUND | | | | | |
| EXPENDITURES | | | | | |
| Salaries and Wages | 3,836,536 | 3,689,896 | 3,839,095 | 4,040,503 | 9.5 % |
| Employee Benefits | 1,467,348 | 1,403,364 | 1,405,285 | 1,363,136 | -2.9 % |
| County General Fund Personnel Costs | 5,303,884 | 5,093,260 | 5,244,380 | 5,403,639 | 6.1 % |
| Operating Expenses | 747,060 | 566,999 | 564,715 | 548,251 | -3.3 % |
| County General Fund Expenditures | 6,050,944 | 5,660,259 | 5,809,095 | 5,951,890 | 5.2 % |
| PERSONNEL | | | | | |
| 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 | --- |
| REVENUES | | | | | |
| 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 | --- |
| County General Fund Revenues | 310,905 | 351,795 | 351,795 | 351,795 | --- |

FY17 Approved Changes

| | Expenditures | FTEs |
|--|------------------|--------------|
| COUNTY GENERAL FUND | | |
| FY16 ORIGINAL APPROPRIATION | 5,660,259 | 43.50 |
| <u>Other Adjustments (with no service impacts)</u> | | |
| Increase Cost: Decrease Lapse | 250,000 | 0.00 |
| Increase Cost: FY17 Compensation Adjustment | 104,138 | 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 |
| FY17 APPROVED | 5,951,890 | 43.50 |

Program Summary

| Program Name | FY16 APPR | | FY17 APPR | |
|---|------------------|--------------|------------------|--------------|
| | Expenditures | FTEs | Expenditures | FTEs |
| Insurance Defense Litigation | 0 | 0.00 | 0 | 0.00 |
| 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 | 1,517,621 | 6.00 |
| Government Operations | 748,218 | 5.00 | 543,148 | 4.00 |
| Total | 5,660,259 | 43.50 | 5,951,890 | 43.50 |

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 | CC APPROVED (\$000s) | | | | | |
|--|----------------------|--------------|--------------|--------------|--------------|--------------|
| COUNTY GENERAL FUND | | | | | | |
| EXPENDITURES | | | | | | |
| FY17 Approved | 5,952 | 5,952 | 5,952 | 5,952 | 5,952 | 5,952 |
| No inflation or compensation change is included in outyear projections. | | | | | | |
| Labor Contracts | 0 | 40 | 40 | 40 | 40 | 40 |
| These figures represent the estimated annualized cost of general wage adjustments, service increments, and other negotiated items. | | | | | | |
| Subtotal Expenditures | 5,952 | 5,992 | 5,992 | 5,992 | 5,992 | 5,992 |

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