



# County Attorney

## APPROVED FY21 BUDGET

\$6,361,363

## FULL TIME EQUIVALENTS

41.20

MARC HANSEN, 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 FY21 Operating Budget for the Office of the County Attorney is \$6,361,363, an increase of \$19,394 or 0.31 percent from the FY20 Approved Budget of \$6,341,969. Personnel Costs comprise 86.91 percent of the budget for 76 full-time position(s) and one part-time position(s), and a total of 41.20 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 13.09 percent of the FY21 budget.

## COUNTY PRIORITY OUTCOMES

While this program area supports all seven of the County Executive's Priority Outcomes, the following is emphasized:

**Effective, Sustainable Government**


## INITIATIVES

- Successfully defended a legal challenge to County's pesticide law (established under Bill 52-14) in *Complete Lawn Care v. Montgomery County*. The law restricts the application of certain pesticides for cosmetic purposes on County and private property and is codified in Chapter 33B of the County Code.
- Successfully defended a legal challenge to the Amendment to the Westbard Master Plan in *Bennett v. Montgomery County*, where several residents of the Westbard area filed a lawsuit challenging an amendment to the Westbard Sector Plan. The amendment modernized the Master Plan and allowed for the redevelopment of the aging Westwood Shopping Center. The redevelopment includes affordable housing and is projected to yield economic development benefits, including additional tax revenues, for the County as a whole.

## INNOVATIONS AND PRODUCTIVITY IMPROVEMENTS

- Prosecuted over 6,200 code citations in FY19, an increase of 76 percent over the number of citations prosecuted in FY17,

using existing staff resources.

-  In coordination with the Department of Housing and Community Affairs (DHCA), County Attorney implemented an online electronic citations application (eCitation) for code enforcement. This application standardizes and improves the process of issuance of citations. The eCitation program allows inspectors of user departments to easily look up violation codes, search specific citation ticket, and run ad hoc report and export data from the portal. OCA has completed training for the Health and Human Services and Police Animal Services Division inspectors. Additional training will be expanded to other departments and agencies.

## PROGRAM CONTACTS

Contact Carolyn Kilgariff of the Office of the County Attorney at 240.777.6766 or Naeem Mia of the Office of Management and Budget at 240.777.2786 for more information regarding this department's operating budget.

## PROGRAM 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 FY20 estimates reflect funding based on the FY20 Approved Budget. The FY21 and FY22 figures are performance targets based on the FY21 Approved Budget and funding for comparable service levels in FY22.

## PROGRAM DESCRIPTIONS

### Administration

Under this program, administrative support, financial and operational management, and oversight is provided in support of the Litigation Program and the General Counsel Program. Also provides administrative, research, and technical guidance and support to divisions within the Department. Allows for an equitable distribution of work assignments, to cross-train staff, and to evaluate fairly the performance of the staff. Provides administrative support to the Risk Management Fund, Revenue Authority, and Solid Waste Fund.

Program Performance Measures	Actual FY18	Actual FY19	Estimated FY20	Target FY21	Target FY22
Overall average rating from Internal Customer Satisfaction Survey	3.39	3.38	3.39	3.50	3.50
<b>FY21 Approved Changes</b>			<b>Expenditures</b>		<b>FTEs</b>
<b>FY20 Approved</b>			<b>0</b>		<b>0.00</b>
Re-align: Administration and Support Services Programs into New Administration Program			2,397,630		12.95
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.			(140,055)		0.00
<b>FY21 Approved</b>			<b>2,257,575</b>		<b>12.95</b>

### General Counsel

This program provides general counsel services to the agencies and instrumentalities of the County government. These general counsel services include providing legal advice to the Executive and Legislative Branches of County government; review of

legislation and transaction for legal sufficiency; collection of debts owed to the County; representation of the County in child welfare cases; representation of the County in appellate cases; and representation of the County before administrative agencies.

Program Performance Measures	Actual FY18	Actual FY19	Estimated FY20	Target FY21	Target FY22
Appeals lost	2	1	1	1	1
Appeals won	13	24	17	17	17
Forfeitures collected (\$000)	\$286.00	\$384.68	\$296.14	\$296.14	\$296.14
Number of adoptions granted	19	34	22	22	22
Number of children in need of assistance (CINA) or guardianship hearings	2,618	2,465	2,613	2,613	2,613
Number of new CINA petitions filed	193	183	182	182	182
Number of new termination of parental rights (TPR) petitions filed <sup>1</sup>	22	25	31	31	31
Number of termination of parents rights (TPR's) granted <sup>2</sup>	32	19	30	30	30
Debt collection - cost/revenue ratio <sup>3</sup>	2.7%	4.1%	3.3%	3.3%	3.3%
Percent of appeals in the Appellate Court won	87.00%	96.00%	93.00%	100.00%	100.00%
Child welfare litigation - ratio of termination of parental rights (TPR) and child in need of assistance (CINA) adjudicated granted or denied	99.5%	99.5%	99.5%	100%	100%
Debt collection - collected/total referred ratio	191.0%	139.5%	173%	150%	150%

<sup>1</sup> The number of Termination of Parental Rights petitions filed is determined by the number of times the court challenges a child's plan for reunification to adoption. The increased number of adoption cases in FY17 could reflect more serious cases coming into Juvenile Court where reunification with a parent cannot be achieved and/or more cases with sibling groups. The increase in the number of petitions filed reflect the judges' commitment to permanency in Juvenile Court.

<sup>2</sup> The number of Termination of Parental Rights petitions filed is determined by the number of times the court challenges a child's plan for reunification to adoption. The increased number of adoption cases could reflect more serious cases coming into Juvenile Court where reunification with a parent cannot be achieved and/or more cases with sibling groups. The increase in the number of petitions filed reflect the judges' commitment to permanency in Juvenile Court.

<sup>3</sup> This measure indicates the labor cost spent on collection. This is an indicator designed to show that the County is able to keep the collection cost low compared to outside private industry.

FY21 Approved Changes	Expenditures	FTEs
<b>FY20 Approved</b>	<b>0</b>	<b>0.00</b>
Re-align: Merge Finance and Procurement, Government Operations and Appeals, Health and Human Services, Human Resources, and Zoning, Land Use, and Economic Development Programs into New General Counsel Program	3,811,168	29.00
Increase Cost: Outside Counsel Expenses	110,000	0.00
Decrease Cost: Annualization of Mid-Year FY20 Position Actions	(7,116)	(1.50)
Re-align: Charges to Other Departments/Funds	(34,546)	0.75
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.	224,282	0.00
<b>FY21 Approved</b>	<b>4,103,788</b>	<b>28.25</b>

## Litigation

Through this program, OCA represents the County (and other members of the Self-Insurance Fund) before all courts and administrative agencies in which claims for relief are sought in connection with alleged wrong-doing by members of the Self-Insurance Fund and their employees. Under this program, OCA also provides the County with legal representation in state and federal courts in connection with legal actions brought by the County to enforce County law. For FY21, all attorneys and staff in this program are fully charged to the Self-Insurance Fund (SIF).

Program Performance Measures	Actual FY18	Actual FY19	Estimated FY20	Target FY21	Target FY22
Total number of settlements	19	26	24	24	24

Program Performance Measures	Actual FY18	Actual FY19	Estimated FY20	Target FY21	Target FY22
Number of workers' compensation hearings <sup>1</sup>	2,055	1880	1945	1945	1945
Code Citations processed	4,933	6,253	4,912	4,912	4,912
Ratio amount paid by County vs. amount demanded by the plaintiff	0.014	0.000	0.071	0.000	0.000
Total paid to plaintiff by the County (\$000)	\$91.8	\$0	\$61.9	\$0	\$0
Self-insurance fund litigation: Win/loss ratio	86%	100%	94%	94%	94%
Code enforcement collected (\$000)	\$578	\$656	\$595	\$650	\$650
Number of judgments in County's favor	44	30	39	30	30
Number of judgments paid	7	0	3	0	0
Last settlement amount demanded by plaintiff (\$000)	\$658,906	83,184	262,985	262,985	262,985
Worker's compensation cases: Total net gain to the County (\$000)	2,584	2,960	2575	3,130	3,187
Code enforcement - Win/loss ratio	99.2%	99.38%	99.08%	100%	100%

<sup>1</sup> The increase in workers compensation hearings in FY18 correlates to the increase in work-related injuries, which can be attributed to more safety concerns and less resources dedicated to injury prevention.

FY21 Approved Changes	Expenditures	FTEs
<b>FY20 Approved</b>	<b>0</b>	<b>0.00</b>
Re-align: Merge Insurance Defense Litigation Program into New Litigation Program	133,171	1.25
Shift: Chargeback from General Fund to Self-Insurance Fund	(133,171)	(1.25)
<b>FY21 Approved</b>	<b>0</b>	<b>0.00</b>

## REALIGNED PROGRAMS

Funding in the following programs has been realigned to other programs within this department.

### Administration

FY21 Approved Changes	Expenditures	FTEs
<b>FY20 Approved</b>	<b>1,628,792</b>	<b>7.50</b>
Re-align: Existing Administration Program into New Administration Program	(1,628,792)	(7.50)
<b>FY21 Approved</b>	<b>0</b>	<b>0.00</b>

### Finance and Procurement

FY21 Approved Changes	Expenditures	FTEs
<b>FY20 Approved</b>	<b>1,177,493</b>	<b>11.50</b>
Re-align: Finance and Procurement Program Into New General Counsel Program	(1,177,493)	(11.50)
<b>FY21 Approved</b>	<b>0</b>	<b>0.00</b>

### Government Operations and Appeals

Program Performance Measures	Actual FY18	Actual FY19	Estimated FY20	Target FY21	Target FY22
Debt collection (\$000)	\$17,889	\$11,693	\$14,799	\$14,799	\$14,799

FY21 Approved Changes	Expenditures	FTEs
<b>FY20 Approved</b>	<b>468,402</b>	<b>2.75</b>

<b>FY21 Approved Changes</b>	<b>Expenditures</b>	<b>FTEs</b>
Re-align: Government Operations and Appeals Program into New General Counsel Program	(468,402)	(2.75)
<b>FY21 Approved</b>	<b>0</b>	<b>0.00</b>

 Health and Human Services

<b>FY21 Approved Changes</b>	<b>Expenditures</b>	<b>FTEs</b>
<b>FY20 Approved</b>	<b>1,199,584</b>	<b>7.10</b>
Re-align: Health and Human Services Program into New General Counsel Program	(1,199,584)	(7.10)
<b>FY21 Approved</b>	<b>0</b>	<b>0.00</b>

 Human Resources

<b>FY21 Approved Changes</b>	<b>Expenditures</b>	<b>FTEs</b>
<b>FY20 Approved</b>	<b>1,139,986</b>	<b>7.50</b>
Re-align: Human Resources Program into New General Counsel Program	(1,139,986)	(7.50)
<b>FY21 Approved</b>	<b>0</b>	<b>0.00</b>

 Insurance Defense Litigation

<b>FY21 Approved Changes</b>	<b>Expenditures</b>	<b>FTEs</b>
<b>FY20 Approved</b>	<b>133,171</b>	<b>1.25</b>
Re-align: Insurance Defense Litigation Program into New Litigation Program	(133,171)	(1.25)
<b>FY21 Approved</b>	<b>0</b>	<b>0.00</b>

 Public Interest Representation

<b>FY21 Approved Changes</b>	<b>Expenditures</b>	<b>FTEs</b>
<b>FY20 Approved</b>	<b>0</b>	<b>0.00</b>
<b>FY21 Approved</b>	<b>0</b>	<b>0.00</b>

 Support Services

<b>FY21 Approved Changes</b>	<b>Expenditures</b>	<b>FTEs</b>
<b>FY20 Approved</b>	<b>414,243</b>	<b>4.70</b>
Re-align: Merge Support Services Program into New Administration Program	(414,243)	(4.70)
<b>FY21 Approved</b>	<b>0</b>	<b>0.00</b>

 Zoning, Land Use and Economic Development

<b>FY21 Approved Changes</b>	<b>Expenditures</b>	<b>FTEs</b>
<b>FY20 Approved</b>	<b>180,298</b>	<b>0.90</b>

FY21 Approved Changes	Expenditures	FTEs
Re-align: Zoning, Land Use and Economic Development Program into New General Counsel Program	(180,298)	(0.90)
<b>FY21 Approved</b>	<b>0</b>	<b>0.00</b>

## BUDGET SUMMARY

	Actual FY19	Budget FY20	Estimate FY20	Approved FY21	%Chg Bud/App
<b>COUNTY GENERAL FUND</b>					
<b>EXPENDITURES</b>					
Salaries and Wages	4,942,515	4,281,032	4,291,683	4,297,742	0.4 %
Employee Benefits	1,544,093	1,348,655	1,348,417	1,230,736	-8.7 %
<b>County General Fund Personnel Costs</b>	<b>6,486,608</b>	<b>5,629,687</b>	<b>5,640,100</b>	<b>5,528,478</b>	<b>-1.8 %</b>
Operating Expenses	504,498	712,282	749,534	832,885	16.9 %
Capital Outlay	100	0	0	0	—
<b>County General Fund Expenditures</b>	<b>6,991,206</b>	<b>6,341,969</b>	<b>6,389,634</b>	<b>6,361,363</b>	<b>0.3 %</b>
<b>PERSONNEL</b>					
Full-Time	76	76	76	76	—
Part-Time	2	2	2	1	-50.0 %
FTEs	43.50	43.20	43.20	41.20	-4.6 %
<b>REVENUES</b>					
Federal Financial Participation Reimbursements	284,621	250,000	250,000	250,000	—
Miscellaneous Revenues	74	0	0	0	—
Other Charges/Fees	(337)	0	0	0	—
Other Intergovernmental	93,853	45,630	45,630	45,630	—
<b>County General Fund Revenues</b>	<b>378,211</b>	<b>295,630</b>	<b>295,630</b>	<b>295,630</b>	<b>—</b>

## FY21 APPROVED CHANGES

	Expenditures	FTEs
<b>COUNTY GENERAL FUND</b>		
<b>FY20 ORIGINAL APPROPRIATION</b>	<b>6,341,969</b>	<b>43.20</b>
<b><u>Other Adjustments (with no service impacts)</u></b>		
Re-align: Merge Finance and Procurement, Government Operations and Appeals, Health and Human Services, Human Resources, and Zoning, Land Use, and Economic Development Programs into New General Counsel Program [General Counsel]	3,811,168	29.00
Re-align: Administration and Support Services Programs into New Administration Program [Administration]	2,397,630	12.95
Re-align: Merge Insurance Defense Litigation Program into New Litigation Program [Litigation]	133,171	1.25
Increase Cost: FY21 Compensation Adjustment	118,215	0.00
Increase Cost: Outside Counsel Expenses [General Counsel]	110,000	0.00
Increase Cost: Annualization of FY20 Compensation Increases	88,849	0.00
Increase Cost: Annualization of FY20 Personnel Costs	55,611	0.00
Increase Cost: Print and Mail Adjustment	603	0.00

## FY21 APPROVED CHANGES

	Expenditures	FTEs
Decrease Cost: Annualization of Mid-Year FY20 Position Actions [General Counsel]	(7,116)	(1.50)
Re-align: Charges to Other Departments/Funds [General Counsel]	(34,546)	0.75
Decrease Cost: Retirement Adjustment	(56,536)	0.00
Decrease Cost: Council Compensation Adjustment	(122,515)	0.00
Re-align: Insurance Defense Litigation Program into New Litigation Program [Insurance Defense Litigation]	(133,171)	(1.25)
Shift: Chargeback from General Fund to Self-Insurance Fund [Litigation]	(133,171)	(1.25)
Re-align: Zoning, Land Use and Economic Development Program into New General Counsel Program [Zoning, Land Use and Economic Development]	(180,298)	(0.90)
Re-align: Merge Support Services Program into New Administration Program [Support Services]	(414,243)	(4.70)
Re-align: Government Operations and Appeals Program into New General Counsel Program [Government Operations and Appeals]	(468,402)	(2.75)
Re-align: Human Resources Program into New General Counsel Program [Human Resources]	(1,139,986)	(7.50)
Re-align: Finance and Procurement Program Into New General Counsel Program [Finance and Procurement]	(1,177,493)	(11.50)
Re-align: Health and Human Services Program into New General Counsel Program [Health and Human Services]	(1,199,584)	(7.10)
Re-align: Existing Administration Program into New Administration Program [Administration]	(1,628,792)	(7.50)
<b>FY21 APPROVED</b>	<b>6,361,363</b>	<b>41.20</b>

## PROGRAM SUMMARY

Program Name	FY20 APPR Expenditures	FY20 APPR FTEs	FY21 APPR Expenditures	FY21 APPR FTEs
Administration	0	0.00	2,257,575	12.95
Administration	1,628,792	7.50	0	0.00
Finance and Procurement	1,177,493	11.50	0	0.00
General Counsel	0	0.00	4,103,788	28.25
Government Operations and Appeals	468,402	2.75	0	0.00
Health and Human Services	1,199,584	7.10	0	0.00
Human Resources	1,139,986	7.50	0	0.00
Insurance Defense Litigation	133,171	1.25	0	0.00
Litigation	0	0.00	0	0.00
Support Services	414,243	4.70	0	0.00
Zoning, Land Use and Economic Development	180,298	0.90	0	0.00
<b>Total</b>	<b>6,341,969</b>	<b>43.20</b>	<b>6,361,363</b>	<b>41.20</b>

## CHARGES TO OTHER DEPARTMENTS

Charged Department	Charged Fund	FY20 Total\$	FY20 FTEs	FY21 Total\$	FY21 FTEs
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### COUNTY GENERAL FUND

## CHARGES TO OTHER DEPARTMENTS

Charged Department	Charged Fund	FY20 Total\$	FY20 FTEs	FY21 Total\$	FY21 FTEs
Board of Appeals	General Fund	72,871	0.50	76,335	0.50
Intergovernmental Relations	General Fund	28,637	0.30	29,015	0.30
Finance	General Fund	172,276	1.05	180,262	1.05
Finance	Risk Management (Self Insurance - ISF)	3,111,743	20.50	3,102,886	21.00
Human Resources	Employee Health Self Insurance	18,475	0.10	18,931	0.10
Correction and Rehabilitation	General Fund	133,894	1.00	159,607	1.00
Police	General Fund	71,933	0.50	178,216	1.00
Parking District Services	Bethesda Parking	24,084	0.10	22,832	0.10
Parking District Services	Silver Spring Parking	28,812	0.20	30,410	0.20
Health and Human Services	Grant Fund	194,294	2.40	194,294	2.40
Permitting Services	Permitting Services	222,744	1.00	211,260	1.00
Housing and Community Affairs	General Fund	92,093	0.50	93,653	0.50
Housing and Community Affairs	Montgomery Housing Initiative	181,040	1.00	186,430	1.00
Recycling and Resource Management	Solid Waste Disposal	138,565	0.75	141,985	0.75
Recycling and Resource Management	Solid Waste Collection	46,188	0.25	47,328	0.25
CIP	Capital Fund	463,658	2.80	483,202	2.80
NDA - Montgomery County Employee Retirement Plans	General Fund	18,475	0.10	18,931	0.10
NDA - Montgomery County Employee Retirement Plans	Employees Retirement Savings Plan (RSP)	18,475	0.10	18,931	0.10
NDA - Montgomery County Employee Retirement Plans	Retirement Fund (ERS)	77,597	0.42	79,512	0.42
NDA - Retiree Health Benefits Trust	Retiree Health Benefits Trust Fund	31,408	0.17	32,183	0.17
NDA - Retiree Health Benefits Trust	RSP-Disability Benefits (LTD2)	11,085	0.06	11,359	0.06
Cable Television Communications Plan	Cable TV	120,420	0.50	114,160	0.50
<b>Total</b>		<b>5,278,767</b>	<b>34.30</b>	<b>5,431,722</b>	<b>35.30</b>

## FUNDING PARAMETER ITEMS

CC APPROVED (\$000S)

Title	FY21	FY22	FY23	FY24	FY25	FY26
<b>COUNTY GENERAL FUND</b>						
<b>EXPENDITURES</b>						
<b>FY21 Approved</b>	<b>6,361</b>	<b>6,361</b>	<b>6,361</b>	<b>6,361</b>	<b>6,361</b>	<b>6,361</b>
No inflation or compensation change is included in outyear projections.						
<b>Subtotal Expenditures</b>	<b>6,361</b>	<b>6,361</b>	<b>6,361</b>	<b>6,361</b>	<b>6,361</b>	<b>6,361</b>