




# County Attorney

## APPROVED FY22 BUDGET

\$6,429,488

## FULL TIME EQUIVALENTS

41.70

 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 FY22 Operating Budget for the Office of the County Attorney is \$6,429,488, an increase of \$68,125 or 1.07 percent from the FY21 Approved Budget of \$6,361,363. Personnel Costs comprise 87.05 percent of the budget for 77 full-time position(s) and one part-time position(s), and a total of 41.70 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 12.95 percent of the FY22 budget.



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

-  OCA successfully pivoted to teleworking during the COVID 19 pandemic by instituting policies and procedures to provide legal services remotely and to limit the number of personnel in the office to meet COVID 19 requirements.
-  Successfully defended a legal challenge in Federal Court brought under the Religious Land Use and Institutionalized Persons Act (RLUIPA) seeking the reversal of the County Council's decision not to extend water and sewer to several parcels of property in Burtonsville to protect the Patuxent River watershed.

- ★ Provided OCA oversight of an enforcement workgroup to coordinate all citations/closures with SAO related to COVID 19.

## INNOVATIONS AND PRODUCTIVITY IMPROVEMENTS

- ★ Expanded the electronic citation application for use by more departments. Enhanced the application to allow inspectors to save a preview version of the citation ticket before final issuance. Code enforcement supervisors can now review and approve a citation after inspectors update information. Continued to train inspectors in Permitting Services, Health and Human Services, Environmental Protection, Office of Consumer Protection, and Animal Services and Adoption Center on this application.
- ★ Implemented an online payment portal for debt collection payments including dishonored checks, False Alarm and other miscellaneous payments. Debtors can pay by credit card or personal check via the payment portal and daily payment reports can be viewed online.
- ★ Migrated all existing non-procurement contracts in Zymaging to SharePoint to create a Non-Procurement Contracts Resource Center to better implement AP2-4. Created a one-stop shop for contract administrators; provided online agreement checklist to create and update contract/MOU/grants information and allow contract administrators to upload support documentation. Created a workflow process for department contract approval, OCA review, and Finance verification.
- ★ Converted all paper workflows with Child Welfare Service to electronic forms and all court-related forms to electronic format. Established new ad-hoc e-filing procedures to match the changes made by the courts. Enabled all attorneys to appear in 100% remote court appearances. Provided trainings session for HHS on remote court participation.

## PROGRAM CONTACTS

Contact Carolyn Kilgariff of the Office of the County Attorney at 240.777.6766 or Rafael Pumarejo Murphy of the Office of Management and Budget at 240.777.2775 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 FY21 estimates reflect funding based on the FY21 Approved Budget. The FY22 and FY23 figures are performance targets based on the FY22 Approved Budget and funding for comparable service levels in FY23.

## 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<br>FY19 | Actual<br>FY20 | Estimated<br>FY21 | Target<br>FY22 | Target<br>FY23 |
|------------------------------|----------------|----------------|-------------------|----------------|----------------|
|------------------------------|----------------|----------------|-------------------|----------------|----------------|

| Program Performance Measures  | Actual<br>FY19 | Actual<br>FY20 | Estimated<br>FY21   | Target<br>FY22   | Target<br>FY23 |
|---|----------------|----------------|---------------------|------------------|----------------|
| Overall average rating from Internal Customer Satisfaction Survey (1-4 scale)   | 3.38           | 3.38           | 3.38                | 3.38             | 3.38           |
| <b>FY22 Approved Changes</b>  |                |                | <b>Expenditures</b> | <b>FTEs</b>      |                |
| <b>FY21 Approved</b>  |                |                |                     | <b>2,257,575</b> | <b>12.95</b>   |
| Shift: Deputy Privacy Official Position Transfer from HHS to OCA  |                |                |                     | 52,325           | 0.50           |
| Increase Cost: Personnel Cost Increase for Deputy Privacy Official Position Shift   |                |                |                     | 30,871           | 0.00           |
| Decrease Cost: Lapse Administrative Aide Position   |                |                |                     | (48,640)         | 0.00           |
| Decrease Cost: Lapse Administrative Specialist II Position  |                |                |                     | (89,691)         | 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. |                |                |                     | (14,804)         | (0.75)         |
| <b>FY22 Approved</b>  |                |                |                     | <b>2,187,636</b> | <b>12.70</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.

| FY22 Approved Changes   | Expenditures     | FTEs         |
|---|------------------|--------------|
| <b>FY21 Approved</b>  | <b>4,103,788</b> | <b>28.25</b> |
| Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs. | 138,064          | 0.75         |
| <b>FY22 Approved</b>  | <b>4,241,852</b> | <b>29.00</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 FY22, all attorneys and staff in this program are fully charged to the Self-Insurance Fund (SIF).

| Program Performance Measures                                      | Actual<br>FY19 | Actual<br>FY20 | Estimated<br>FY21 | Target<br>FY22 | Target<br>FY23 |
|---|----------------|----------------|-------------------|----------------|----------------|
| Debt collection (\$000)   | \$11,693       | \$7,412        | \$7,500           | \$8,500        | \$9,500        |
| Forfeitures collected (\$000) <sup>1</sup>                        | \$384.68       | \$301.16       | \$323.95          | \$323.95       | \$323.95       |
| Debt collection - cost/revenue ratio <sup>2</sup>                 | 4.1%           | 6.5%           | 5.0%              | 5.0%           | 5.0%           |
| Code Citations processed <sup>3</sup>                             | 6,253          | 7,074          | 6,086             | 6,086          | 6,086          |
| Debt collection - collected/total referred ratio                  | 139.5%         | 120.0%         | 110.0%            | 110.0%         | 110.0%         |
| Code enforcement collected (\$000)                                | \$656          | \$437          | \$557             | \$557          | \$557          |
| Code enforcement - Win/loss ratio                                 | 99.38%         | 99.68%         | 99.42%            | 99.42%         | 99.42%         |
| Worker's compensation cases: Total net gain to the County (\$000) | 2,960          | 3,629          | 3,058             | 3,058          | 3,058          |

<sup>1</sup> Court closed between March - June 2020 due to impact of coronavirus. There is no forfeiture actions since March 2020.

<sup>2</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.

<sup>3</sup> Despite the impact of corona virus and the District Court closed since March 2020, the Code Enforcement Unit continued to process increasing case loads of citations issued by various agencies.

| FY22 Approved Changes | Expenditures | FTEs        |
|-----------------------|--------------|-------------|
| <b>FY21 Approved</b>  | <b>0</b>     | <b>0.00</b> |
| <b>FY22 Approved</b>  | <b>0</b>     | <b>0.00</b> |

## BUDGET SUMMARY

|  | Actual<br>FY20   | Budget<br>FY21   | Estimate<br>FY21 | Approved<br>FY22 | %Chg<br>Bud/App |
|--|------------------|------------------|------------------|------------------|-----------------|
| <b>COUNTY GENERAL FUND</b>                     |                  |                  |                  |                  |                 |
| <b>EXPENDITURES</b>                            |                  |                  |                  |                  |                 |
| Salaries and Wages                             | 4,278,015        | 4,297,742        | 4,362,069        | 4,441,986        | 3.4 %           |
| Employee Benefits                              | 1,349,511        | 1,230,736        | 1,233,854        | 1,154,669        | -6.2 %          |
| <b>County General Fund Personnel Costs</b>     | <b>5,627,526</b> | <b>5,528,478</b> | <b>5,595,923</b> | <b>5,596,655</b> | <b>1.2 %</b>    |
| Operating Expenses                             | 764,206          | 832,885          | 758,231          | 832,833          | —               |
| <b>County General Fund Expenditures</b>        | <b>6,391,732</b> | <b>6,361,363</b> | <b>6,354,154</b> | <b>6,429,488</b> | <b>1.1 %</b>    |
| <b>PERSONNEL</b>                               |                  |                  |                  |                  |                 |
| Full-Time                                      | 76               | 76               | 76               | 77               | 1.3 %           |
| Part-Time                                      | 2                | 1                | 1                | 1                | —               |
| FTEs   | 43.20            | 41.20            | 41.20            | 41.70            | 1.2 %           |
| <b>REVENUES</b>                                |                  |                  |                  |                  |                 |
| Federal Financial Participation Reimbursements | 244,730          | 250,000          | 250,000          | 250,000          | —               |
| Other Intergovernmental                        | (45,876)         | 45,630           | 45,630           | 45,630           | —               |
| <b>County General Fund Revenues</b>            | <b>198,854</b>   | <b>295,630</b>   | <b>295,630</b>   | <b>295,630</b>   | <b>—</b>        |
| <b>GRANT FUND - MCG</b>                        |                  |                  |                  |                  |                 |
| <b>EXPENDITURES</b>                            |                  |                  |                  |                  |                 |
| Salaries and Wages                             | 0                | 0                | 0                | 0                | —               |
| Employee Benefits                              | 0                | 0                | 0                | 0                | —               |
| <b>Grant Fund - MCG Personnel Costs</b>        | <b>0</b>         | <b>0</b>         | <b>0</b>         | <b>0</b>         | <b>—</b>        |
| Operating Expenses                             | 17,592           | 0                | 0                | 0                | —               |
| <b>Grant Fund - MCG Expenditures</b>           | <b>17,592</b>    | <b>0</b>         | <b>0</b>         | <b>0</b>         | <b>—</b>        |
| <b>PERSONNEL</b>                               |                  |                  |                  |                  |                 |
| Full-Time                                      | 0                | 0                | 0                | 0                | —               |
| Part-Time                                      | 0                | 0                | 0                | 0                | —               |
| FTEs   | 0.00             | 0.00             | 0.00             | 0.00             | —               |
| <b>Grant Fund - MCG Revenues</b>               | <b>0</b>         | <b>0</b>         | <b>0</b>         | <b>0</b>         | <b>—</b>        |
| <b>DEPARTMENT TOTALS</b>                       |                  |                  |                  |                  |                 |
| <b>Total Expenditures</b>                      | <b>6,409,324</b> | <b>6,361,363</b> | <b>6,354,154</b> | <b>6,429,488</b> | <b>1.1 %</b>    |
| <b>Total Full-Time Positions</b>               | <b>76</b>        | <b>76</b>        | <b>76</b>        | <b>77</b>        | <b>1.3 %</b>    |
| <b>Total Part-Time Positions</b>               | <b>2</b>         | <b>1</b>         | <b>1</b>         | <b>1</b>         | <b>—</b>        |

## BUDGET SUMMARY

|                       | Actual<br>FY20 | Budget<br>FY21 | Estimate<br>FY21 | Approved<br>FY22 | %Chg<br>Bud/App |
|-----------------------|----------------|----------------|------------------|------------------|-----------------|
| <b>Total FTEs</b>     | <b>43.20</b>   | <b>41.20</b>   | <b>41.20</b>     | <b>41.70</b>     | <b>1.2 %</b>    |
| <b>Total Revenues</b> | <b>198,854</b> | <b>295,630</b> | <b>295,630</b>   | <b>295,630</b>   | <b>—</b>        |

## FY22 APPROVED CHANGES

|  | Expenditures     | FTEs         |
|--|------------------|--------------|
| <b>COUNTY GENERAL FUND</b>   |                  |              |
| <b>FY21 ORIGINAL APPROPRIATION</b>   | <b>6,361,363</b> | <b>41.20</b> |
| <b><u>Other Adjustments (with no service impacts)</u></b>  |                  |              |
| Increase Cost: FY21 Compensation Adjustment  | 156,862          | 0.00         |
| Increase Cost: FY22 Compensation Adjustment  | 63,082           | 0.00         |
| Shift: Deputy Privacy Official Position Transfer from HHS to OCA [Administration]                  | 52,325           | 0.50         |
| Increase Cost: Personnel Cost Increase for Deputy Privacy Official Position Shift [Administration] | 30,871           | 0.00         |
| Decrease Cost: Print and Mail Adjustment   | (52)             | 0.00         |
| Decrease Cost: Retirement Adjustment   | (14,247)         | 0.00         |
| Decrease Cost: Lapse Administrative Aide Position [Administration]                                 | (48,640)         | 0.00         |
| Decrease Cost: Annualization of FY21 Personnel Costs   | (82,385)         | 0.00         |
| Decrease Cost: Lapse Administrative Specialist II Position [Administration]                        | (89,691)         | 0.00         |
| <b>FY22 APPROVED</b>   | <b>6,429,488</b> | <b>41.70</b> |

## PROGRAM SUMMARY

| Program Name    | FY21 APPR<br>Expenditures | FY21 APPR<br>FTEs | FY22 APPR<br>Expenditures | FY22 APPR<br>FTEs |
|-----------------|---------------------------|-------------------|---------------------------|-------------------|
| Administration  | 2,257,575                 | 12.95             | 2,187,636                 | 12.70             |
| General Counsel | 4,103,788                 | 28.25             | 4,241,852                 | 29.00             |
| Litigation      | 0                         | 0.00              | 0                         | 0.00              |
| <b>Total</b>    | <b>6,361,363</b>          | <b>41.20</b>      | <b>6,429,488</b>          | <b>41.70</b>      |

## CHARGES TO OTHER DEPARTMENTS

| Charged Department          | Charged Fund                           | FY21<br>Total\$ | FY21<br>FTEs | FY22<br>Total\$ | FY22<br>FTEs |
|-----------------------------|--|-----------------|--------------|-----------------|--------------|
| <b>COUNTY GENERAL FUND</b>  |  |                 |              |                 |              |
| Board of Appeals            | General Fund                           | 76,335          | 0.50         | 77,302          | 0.50         |
| Intergovernmental Relations | General Fund                           | 29,015          | 0.30         | 29,397          | 0.30         |
| Finance                     | General Fund                           | 180,262         | 1.05         | 182,531         | 1.05         |
| Finance                     | Risk Management (Self Insurance - ISF) | 3,102,886       | 21.00        | 2,906,534       | 21.00        |

## CHARGES TO OTHER DEPARTMENTS

| Charged Department                                | Charged Fund                            | FY21<br>Total\$  | FY21<br>FTEs | FY22<br>Total\$  | FY22<br>FTEs |
|---|---|------------------|--------------|------------------|--------------|
| Human Resources                                   | Employee Health Self Insurance          | 18,931           | 0.10         | 18,945           | 0.10         |
| Correction and Rehabilitation                     | General Fund                            | 159,607          | 1.00         | 159,561          | 1.00         |
| Police  | General Fund                            | 178,216          | 1.00         | 178,384          | 1.00         |
| Parking District Services                         | Bethesda Parking                        | 22,832           | 0.10         | 22,228           | 0.10         |
| Parking District Services                         | Silver Spring Parking                   | 30,410           | 0.20         | 30,405           | 0.20         |
| Health and Human Services                         | General Fund                            | 0                | 0.00         | 83,477           | 0.50         |
| Health and Human Services                         | Grant Fund                              | 194,294          | 2.40         | 194,294          | 2.40         |
| Permitting Services                               | Permitting Services                     | 211,260          | 1.00         | 205,768          | 1.00         |
| Housing and Community Affairs                     | General Fund                            | 93,653           | 0.50         | 94,958           | 0.50         |
| Housing and Community Affairs                     | Montgomery Housing Initiative           | 186,430          | 1.00         | 186,626          | 1.00         |
| Recycling and Resource Management                 | Solid Waste Disposal                    | 141,985          | 0.75         | 142,091          | 0.75         |
| Recycling and Resource Management                 | Solid Waste Collection                  | 47,328           | 0.25         | 47,364           | 0.25         |
| CIP   | Capital Fund                            | 483,202          | 2.80         | 483,235          | 2.80         |
| NDA - Montgomery County Employee Retirement Plans | General Fund                            | 18,931           | 0.10         | 18,945           | 0.10         |
| NDA - Montgomery County Employee Retirement Plans | Employees Retirement Savings Plan (RSP) | 18,931           | 0.10         | 18,945           | 0.10         |
| NDA - Montgomery County Employee Retirement Plans | Retirement Fund (ERS)                   | 79,512           | 0.42         | 79,571           | 0.42         |
| NDA - Retiree Health Benefits Trust               | Retiree Health Benefits Trust Fund      | 32,183           | 0.17         | 32,207           | 0.17         |
| NDA - Retiree Health Benefits Trust               | RSP-Disability Benefits (LTD2)          | 11,359           | 0.06         | 11,367           | 0.06         |
| Cable Television Communications Plan              | Cable TV                                | 114,160          | 0.50         | 111,140          | 0.50         |
| <b>Total</b>                                      |   | <b>5,431,722</b> | <b>35.30</b> | <b>5,315,275</b> | <b>35.80</b> |

## FUNDING PARAMETER ITEMS

CC APPROVED (\$000S)

| Title  | FY22         | FY23         | FY24         | FY25         | FY26         | FY27         |
|--|--------------|--------------|--------------|--------------|--------------|--------------|
| <b>COUNTY GENERAL FUND</b>   |              |              |              |              |              |              |
| <b>EXPENDITURES</b>  |              |              |              |              |              |              |
| <b>FY22 Approved</b>   | <b>6,429</b> | <b>6,429</b> | <b>6,429</b> | <b>6,429</b> | <b>6,429</b> | <b>6,429</b> |
| No inflation or compensation change is included in outyear projections.  |              |              |              |              |              |              |
| <b>Labor Contracts</b>   | <b>0</b>     | <b>113</b>   | <b>113</b>   | <b>113</b>   | <b>113</b>   | <b>113</b>   |
| These figures represent the estimated annualized cost of general wage adjustments, service increments, and other negotiated items. |              |              |              |              |              |              |
| <b>Subtotal Expenditures</b>   | <b>6,429</b> | <b>6,542</b> | <b>6,542</b> | <b>6,542</b> | <b>6,542</b> | <b>6,542</b> |