




County Attorney

RECOMMENDED FY24 BUDGET

\$7,647,071

FULL TIME EQUIVALENTS

43.60

 JOHN MARKOV, COUNTY ATTORNEY

MISSION STATEMENT

The mission of the Office of the County Attorney (OCA) is to act as the Chief Legal Officer of Montgomery County Government and to conduct all its legal business.

BUDGET OVERVIEW




The total recommended FY24 Operating Budget for the Office of the County Attorney is \$7,647,071, an increase of \$885,220 or 13.09 percent from the FY23 Approved Budget of \$6,761,851. Personnel Costs comprise 89.05 percent of the budget for 78 full-time position(s) and one part-time position(s), and a total of 43.60 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 10.95 percent of the FY24 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

INNOVATIONS AND PRODUCTIVITY IMPROVEMENTS

-  OCA is updating its contracting resources for departments by providing standardized contracting forms as well as developing specialized terms and conditions for certain contract types. Such forms will include contract templates and standardized language for use in both contracts and amendments. OCA is also standardizing bond forms for non-construction contracts in which bonding may be required. This will enable departments to process their contracts and amendments more efficiently and ensure compliance with relevant County law.
-  OCA successfully secured copyrights for comic scripts, jingles, and animated characters developed for the County's "Salud y Bienestar" (For Our Health and Wellbeing) media campaign, spearheaded by HHS' Latino Health Initiative to bring COVID and general health awareness and information to the County's Latino communities.
-  OCA developed and implemented a new online portal application to manage workflow and tracking progress of Memoranda of Understanding (MOU) legal reviews requested by the client. Previously, OCA handled MOUs through an ad-hoc system of emails and spreadsheets with no central management system. The new system allows OCA to be more efficient and streamlined in providing this service and provides the client with up-to-date information on progress and outcomes.

- ☀️ OCA has led the County's effort to retain and manage a consultant to perform the required disparity study for the County's Minority, Female and Disabled-Owned Businesses (MFD) program. This effort includes working with the Office of Procurement and other departments in County government to obtain relevant data for all County contracts and to liaise with local businesses to ensure opportunities to obtain County contracts are made available to all County businesses.
- ☀️ In August 2022, OCA, in collaboration with TEBS and DGS, launched the electronic archiving application. OCA played a key part in the design, development, and testing processes. The new application improves the archiving process and eliminates mundane paper process.
- ☀️ OCA launched the subpoena review application in August 2022, an online application designed to centralize all routing and responses to subpoenas issued to HHS for summons of records and witness testimony. This application enables OCA to manage, sort, and track all pending subpoenas for appropriate responses.

PROGRAM CONTACTS

Contact Carolyn Kilgariff of the Office of the County Attorney at 240.777.6766 or Eva Acevedo of the Office of Management and Budget at 240.777.2763 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 FY23 estimates reflect funding based on the FY23 Approved Budget. The FY24 and FY25 figures are performance targets based on the FY24 Recommended Budget and funding for comparable service levels in FY25.

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. This program also provides administrative, research, and technical guidance and support to divisions within the Department, allowing for an equitable distribution of work assignments, cross-training of staff, and fair evaluations of staff performance. The program provides administrative support to the Risk Management Fund, Revenue Authority, and Solid Waste Fund.

Program Performance Measures	Actual FY21	Actual FY22	Estimated FY23	Target FY24	Target FY25
Average quality of service rating from department customers responding to Internal Customer Satisfaction Survey (1-4 scale) ¹	3.55	3.55	3.55	3.55	3.55

¹ OCA has the highest ratings of all internal service departments both for quality of service and COVID-19 response.

FY24 Recommended Changes	Expenditures	FTEs
FY23 Approved	2,074,093	12.00
Decrease Cost: Elimination of Long-Term Vacancy	(108,864)	(1.00)
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.	317,841	1.00
FY24 Recommended	2,283,070	12.00

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 transactions 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 FY21	Actual FY22	Estimated FY23	Target FY24	Target FY25
Number of new adoption petitions filed	22	20	18	18	18
Number of new termination of parental rights (TPR) petitions filed	45	38	35	35	35
Number of new children in need of assistance (CINA) petitions filed ¹	116	99	124	124	124
Number of children in need of assistance (CINA) or guardianship hearings	2,373	2,210	2,240	2,240	2,240
Number of adoptions granted	22	20	19	19	19
Number of termination of parental rights (TPR) granted	38	33	31	31	31
Ratio of total number of Termination of Parental Rights (TPR) filed and Adoption petitions filed and total granted	89.6%	91.4%	96.0%	96.0%	96.0%
Number of children in need of assistance (CINA) cases closed ²	171	100	135	135	135
Percent of appeals in the Appellate Court won	25%	80%	60%	60%	60%

¹ Following the enactment of the Federal Families First Prevention Services Act of 2018, Child Welfare Services (CWS) is mandated to provide further enhanced efforts to maintain children and families in the home and avoid removal and placement in foster care. As a result and due to other external factors, CWS removed fewer children from the home in FY22, resulting in 14.7% fewer Child In Need of Assistance (CINA) petitions being filed.

² The number of CINA cases closed is outside the exclusive control of OCA or CWS. Once a CINA petition is filed with the Juvenile Court, the Court reviews the administrative actions of CWS in the context of active contested litigation and only closes a CINA case when permanency for the child (reunification, adoption, custody & guardianship, Another Planned Permanent Living Arrangement) is achieved.

FY24 Recommended Changes	Expenditures	FTEs
FY23 Approved	4,687,758	30.80
Re-align: Shift Capital Fund Chargeback to General Fund	354,192	1.80
Re-align: Reconfigure Staffing to Address Service Needs	6,266	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.	315,785	(1.00)
FY24 Recommended	5,364,001	31.60

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. The Litigation program 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 FY21	Actual FY22	Estimated FY23	Target FY24	Target FY25
Number of workers' compensation hearings	1,717	1,956	1,795	1,795	1,795
Code citations processed ¹	3,374	4,927	5,125	5,125	5,125
Total prayer amount demanded by plaintiff (Self-Insurance Fund only) (\$000) ²	\$188,912	\$128,419	\$250,000	\$250,000	\$250,000
Total number of settlements (Self-Insurance Fund only)	18	22	23	23	23
Total judgment amount paid to plaintiff by the County (Self-Insurance Fund only) (\$000)	\$41.91	\$47.46	\$37.45	\$37.45	\$37.45

Program Performance Measures	Actual FY21	Actual FY22	Estimated FY23	Target FY24	Target FY25
Percent of wins in Self-Insurance Fund litigation ³	100%	100%	100%	100%	100%
Number of judgments in the County's favor (Self-Insurance Fund only)	34	29	35	35	35
Number of judgments against the County (Self-Insurance Fund only) ⁴	1	4	2	2	2
Ratio of debt collected to amount referred to the department for collection ⁵	51.0%	71.6%	80.0%	80.0%	80.0%
Ratio of cost of debt collection to revenue	10%	5%	7%	7%	7%
Code enforcement collected (\$000) ⁶	\$392	\$491	\$440	\$440	\$440
Ratio of wins to total code enforcement cases	97.6%	99.8%	99.0%	99.0%	99.0%
Debt collection (\$000)	\$5,346	\$11,076	\$7,945	\$7,945	\$7,945
Forfeitures collected (\$000) ⁷	\$552.5	\$34.7	\$297.0	\$297.0	\$297.0
Total net gain to the County in worker's compensation cases (\$000) ⁸	\$5,656	\$5,737	\$5,007	\$5,007	\$5,007

¹ Due to pandemic, the District Court still has a lot of backlogs.

² Amount prayed is the amount sought by the plaintiff at the start of the lawsuit.

³ "Win" includes verdicts in favor of the plaintiff where the County pays a judgment below last demands.

⁴ All four judgments paid in FY22 were below last demand, which is still in the County's favor.

⁵ Due to the COVID-19 pandemic, mailing of debt collection letters was paused and the court was temporarily closed.

⁶ Due to pandemic, the District Court stopped processing code enforcement cases until October 2020 and the Court experienced resulting backlogs.

⁷ The lower number in FY22 is due to the court closure and backlog from COVID-19: both the delay in filing them due to the court closure for the corresponding criminal cases and the delay in getting them set in for hearings.

⁸ The Maryland Workers' Compensation Commission issues awards on the nature and extent of an employee's job related injuries. Independent medical evaluations are performed by the injured worker's physician and the employer/insurer's physician. The Commission's award is typically a number between the employee's and employer/insurer's evaluation. If the amount the Commission determines that the County must pay is below the average of the two evaluations, that is considered a net gain to the County.

FY24 Recommended Changes	Expenditures	FTEs
FY23 Approved	0	0.00
FY24 Recommended	0	0.00

BUDGET SUMMARY

	Actual FY22	Budget FY23	Estimate FY23	Recommended FY24	%Chg Bud/Rec
COUNTY GENERAL FUND					
EXPENDITURES					
Salaries and Wages	4,640,389	4,783,377	5,165,695	5,462,585	14.2 %
Employee Benefits	1,213,246	1,143,635	1,247,517	1,346,831	17.8 %
County General Fund Personnel Costs	5,853,635	5,927,012	6,413,212	6,809,416	14.9 %
Operating Expenses	1,334,914	834,839	455,233	837,655	0.3 %
County General Fund Expenditures	7,188,549	6,761,851	6,868,445	7,647,071	13.1 %
PERSONNEL					
Full-Time	77	79	79	78	-1.3 %
Part-Time	1	1	1	1	—
FTEs	41.70	42.80	42.80	43.60	1.9 %
REVENUES					
Other Charges/Fees	57	0	0	0	—

BUDGET SUMMARY

	Actual FY22	Budget FY23	Estimate FY23	Recommended FY24	%Chg Bud/Rec
Federal Financial Participation Reimbursements	251,339	250,000	250,000	250,000	—
Other Intergovernmental	45,630	45,630	45,630	45,630	—
Miscellaneous Revenues	215,000	0	0	0	—
County General Fund Revenues	512,026	295,630	295,630	295,630	—

FY24 RECOMMENDED CHANGES

	Expenditures	FTEs
COUNTY GENERAL FUND		
FY23 ORIGINAL APPROPRIATION	6,761,851	42.80
<u>Other Adjustments (with no service impacts)</u>		
Re-align: Shift Capital Fund Chargeback to General Fund [General Counsel]	354,192	1.80
Increase Cost: FY24 Compensation Adjustment	273,139	0.00
Increase Cost: Annualization of FY23 Compensation Increases	252,194	0.00
Increase Cost: Annualization of FY23 Personnel Costs	71,302	0.00
Increase Cost: Annualization of FY23 Lapsed Positions	30,640	0.00
Re-align: Reconfigure Staffing to Address Service Needs [General Counsel]	6,266	0.00
Increase Cost: Retirement Adjustment	3,535	0.00
Increase Cost: Printing and Mail	2,816	0.00
Decrease Cost: Elimination of Long-Term Vacancy [Administration]	(108,864)	(1.00)
FY24 RECOMMENDED	7,647,071	43.60

PROGRAM SUMMARY

Program Name	FY23 APPR Expenditures	FY23 APPR FTEs	FY24 REC Expenditures	FY24 REC FTEs
Administration	2,074,093	12.00	2,283,070	12.00
General Counsel	4,687,758	30.80	5,364,001	31.60
Litigation	0	0.00	0	0.00
Total	6,761,851	42.80	7,647,071	43.60

CHARGES TO OTHER DEPARTMENTS

Charged Department	Charged Fund	FY23 Total\$	FY23 FTEs	FY24 Total\$	FY24 FTEs
COUNTY GENERAL FUND					
Board of Appeals	General Fund	86,016	0.50	95,439	0.50
Finance	General Fund	192,478	1.05	162,058	1.05

CHARGES TO OTHER DEPARTMENTS

Charged Department	Charged Fund	FY23 Total\$	FY23 FTEs	FY24 Total\$	FY24 FTEs
Finance	Risk Management (Self Insurance - ISF)	3,180,654	21.00	3,393,487	21.00
Human Resources	Employee Health Self Insurance	12,773	0.10	16,228	0.10
Correction and Rehabilitation	General Fund	172,679	1.00	192,439	1.00
Police	General Fund	191,130	1.00	201,405	1.00
Parking District Services	Bethesda Parking	41,456	0.30	51,783	0.30
Parking District Services	Silver Spring Parking	32,914	0.20	35,653	0.20
Health and Human Services	General Fund	150,325	1.50	157,122	1.50
Health and Human Services	Grant Fund	194,294	2.40	194,294	2.40
Permitting Services	Permitting Services	182,985	1.00	153,944	1.00
Housing and Community Affairs	General Fund	96,010	0.50	104,059	0.50
Housing and Community Affairs	Montgomery Housing Initiative	192,021	1.00	208,118	1.00
Recycling and Resource Management	Solid Waste Disposal	144,192	0.75	155,354	0.75
Recycling and Resource Management	Solid Waste Collection	48,064	0.25	51,785	0.25
CIP	Capital Fund	508,698	2.80	185,214	1.00
NDA - Montgomery County Employee Retirement Plans	General Fund	18,945	0.10	16,228	0.10
NDA - Montgomery County Employee Retirement Plans	Employees Retirement Savings Plan (RSP)	12,773	0.10	16,228	0.10
NDA - Montgomery County Employee Retirement Plans	Retirement Fund (ERS)	53,648	0.42	68,159	0.42
NDA - Retiree Health Benefits Trust	Retiree Health Benefits Trust Fund	32,207	0.17	27,588	0.17
NDA - Retiree Health Benefits Trust	RSP-Disability Benefits (LTD2)	11,367	0.06	9,737	0.06
Cable Television Communications Plan	Cable TV	98,602	0.50	104,970	0.50
Total		5,654,231	36.70	5,601,292	34.90

FUNDING PARAMETER ITEMS

CE RECOMMENDED (\$000S)

Title	FY24	FY25	FY26	FY27	FY28	FY29
COUNTY GENERAL FUND						
EXPENDITURES						
FY24 Recommended	7,647	7,647	7,647	7,647	7,647	7,647
No inflation or compensation change is included in outyear projections.						
Labor Contracts	0	206	206	206	206	206
These figures represent the estimated annualized cost of general wage adjustments, service increments, and other negotiated items.						
Subtotal Expenditures	7,647	7,853	7,853	7,853	7,853	7,853