



County Attorney

RECOMMENDED FY25 BUDGET

\$10,489,686

FULL TIME EQUIVALENTS

50.75

 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 FY25 Operating Budget for the Office of the County Attorney is \$10,489,686, an increase of \$2,866,038 or 37.59 percent from the FY24 Approved Budget of \$7,623,648. Personnel Costs comprise 87.16 percent of the budget for 78 full-time position(s) and one part-time position(s), and a total of 50.75 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 12.84 percent of the FY25 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

-  Shift tax-supported chargebacks of attorney's time from Departments of Finance, Police, Correction and Rehabilitation, Board of Appeals, Housing and Community Affairs, Health and Human Services, Risk Management, and the Compensation and Benefits Non-Departmental Account to simplify and streamline budgeting practices.
-  Implement KnowledgeLake, a searchable online imaging system, which will contain hearings files to make OCA less reliant on paper files and more efficient. This new system will provide greater file security, increase productivity, streamline access, and reduce staff time needed to archive paper files.
-  Coordinate with Technology and Enterprise Business Solution's (TEBS) Geographic Information System (GIS) Unit to enhance the GIS portal to allow the public to see the location of all citations issued in Montgomery County. Users will be able to click on a map to view the geographical location of issued citations.
-  Provide continuity and knowledge preservation for their workforce through several preservation projects that will include memorializing and cataloguing legal resources on OCA's Intranet site for new attorneys on a variety of topics that arise with frequency, such as legislation review, Maryland Public Information Act, Open Meetings Act, and the County's ethics law.

OCA will also create a readily accessible appellate brief bank to save time when preparing appellate briefs.

INNOVATIONS AND PRODUCTIVITY IMPROVEMENTS

-  Provide funds to implement a Health Insurance Portability and Accountability Act (HIPAA) audit to ensure continued compliance with Federal law.
-  Collaborate with the Office of Management and Budget's (OMB) Shared Services Team to implement an agreement intake and approval workflow encompassing all parties to allow departments and attorneys to collaboratively review, track, and approve non-procurement contracts and MOUs throughout their life cycles. This is an adjunct to the Non-Procurement Contract Portal OCA launched in FY22 (in accordance with Administrative Procedure 2-4) and the MOU Review Portal OCA launched last year.
-  Continue providing and expanding ongoing training initiatives for County employees on a wide variety of topics, including the Open Meetings Act, the Maryland Public Information Act, and use of social media on behalf of the County.

PROGRAM CONTACTS

Contact Carolyn Kilgariff of the Office of the County Attorney at 240.777.6766 or Veronica Jaua of the Office of Management and Budget at 240.777.2782 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 FY24 estimates reflect funding based on the FY24 Approved Budget. The FY25 and FY26 figures are performance targets based on the FY25 Recommended Budget and funding for comparable service levels in FY26.

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 FY22 | Actual FY23 | Estimated FY24 | Target FY25 | Target FY26 |
|--|----------------|----------------|-------------------|----------------|----------------|
| Average quality of service rating from department customers responding to Internal Customer Satisfaction Survey (1-4 scale) ¹ | 3.55 | 3.33 | 3.48 | 3.48 | 3.48 |

¹ OCA is the second highest for the quality of service rating in 2023.

| FY25 Recommended Changes | Expenditures | FTEs |
|-------------------------------------|------------------|--------------|
| FY24 Approved | 2,259,647 | 12.00 |
| Decrease Cost: Technical Adjustment | (14,254) | 0.00 |

| FY25 Recommended 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. | 724,202 | 0.00 |
| FY25 Recommended | 2,969,595 | 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 FY22 | Actual FY23 | Estimated FY24 | Target FY25 | Target FY26 |
|---|----------------|----------------|-------------------|----------------|----------------|
| Number of new adoption petitions filed | 20 | 38 | 27 | 27 | 27 |
| Number of new termination of parental rights (TPR) petitions filed | 38 | 34 | 39 | 39 | 39 |
| Number of new children in need of assistance (CINA) petitions filed ¹ | 99 | 101 | 105 | 105 | 105 |
| Number of children in need of assistance (CINA) or guardianship hearings | 2,210 | 2,228 | 2,270 | 2,270 | 2,270 |
| Number of adoptions granted | 20 | 29 | 24 | 24 | 24 |
| Number of termination of parental rights (TPR) granted ² | 33 | 9 | 27 | 27 | 27 |
| Ratio of total number of Termination of Parental Rights (TPR) filed and Adoption petitions filed and total granted ³ | 91.4% | 100.0% | 100.0% | 100.0% | 100.0% |
| Number of children in need of assistance (CINA) cases closed ⁴ | 100 | 90 | 120 | 120 | 120 |
| Percent of appeals in the Appellate Court won | 80% | 85% | 63% | 63% | 63% |

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.

² Total TRP petition filed is 34 and total denied is zero. Total pending is 14. Total granted is 9. Total withdrawn is 11. Even the number of granted is lower due to number of cases withdrawn and pending, but total denied is zero.

³ The percentage granted in FY23 is result of number of cases still pending. Total TPR/Adoption petition filed is 72 and total denied is zero. Total pending is 23. Total granted is 38. Total withdrawn is 11. The % of granted is 100% after deducting withdrawn and pending.

⁴ 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.

| FY25 Recommended Changes | Expenditures | FTEs |
|---|------------------|--------------|
| FY24 Approved | 5,364,001 | 31.60 |
| Shift: Move Tax-Supported and Non-Tax Supported Chargebacks from User Departments to OCA | 1,053,651 | 5.15 |
| Add: HIPAA Compliance Audit | 504,000 | 0.00 |
| Restore: Restore one time lapse increase | 23,423 | 0.00 |
| Shift: Technical Adjustment | 0 | 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. | 439,531 | 0.00 |
| FY25 Recommended | 7,384,606 | 37.75 |

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 FY25, all attorneys and most of the staff in this program are fully charged to the Self-Insurance Fund (SIF).

| Program Performance Measures | Actual FY22 | Actual FY23 | Estimated FY24 | Target FY25 | Target FY26 |
|---|----------------|----------------|-------------------|----------------|----------------|
| Number of workers' compensation hearings | 1,956 | 1,653 | 1,775 | 1,775 | 1,775 |
| Code citations processed | 4,927 | 3,580 | 3,600 | 3,600 | 3,600 |
| Total prayer amount demanded by plaintiff (Self-Insurance Fund only) (\$000) ¹ | \$128,419 | \$55,204 | \$124,178 | \$124,178 | \$124,178 |
| Total number of settlements (Self-Insurance Fund only) | 22 | 24 | 21 | 21 | 21 |
| Total judgment amount paid to plaintiff by the County (Self-Insurance Fund only) (\$000) ² | \$47.46 | \$953.64 | \$348.00 | \$348.00 | \$348.00 |
| Percent of wins in Self-Insurance Fund litigation ³ | 100% | 86% | 95% | 95% | 95% |
| Number of judgments in the County's favor (Self-Insurance Fund only) | 29 | 30 | 31 | 31 | 31 |
| Number of judgments against the County (Self-Insurance Fund only) ⁴ | 4 | 7 | 4 | 4 | 4 |
| Ratio of debt collected to amount referred to the department for collection | 72% | 97% | 73% | 73% | 73% |
| Ratio of cost of debt collection to revenue | 5% | 4% | 6% | 6% | 6% |
| Code enforcement collected (\$000) | \$491 | \$431 | \$438 | \$438 | \$438 |
| Ratio of wins to total code enforcement cases | 99.8% | 99.8% | 99.0% | 99.0% | 99.0% |
| Debt collection (\$000) | \$11,076 | \$14,213 | \$10,212 | \$10,212 | \$10,212 |
| Forfeitures collected (\$000) ⁵ | \$34.7 | \$135 | \$240.7 | \$240.7 | \$240.7 |
| Total net gain to the County in worker's compensation cases (\$000) ⁶ | \$5,737 | \$4,798 | \$5,397 | \$5,397 | \$5,397 |

¹ The amount of money Plaintiffs said they were seeking decreased. The Maryland Rules now provide that when a Plaintiff files suit in Circuit Court to recover damages that are more than \$75,000, their complaint should not specify the entire amount of damages they seek. Instead, their Complaint should simply say that their damages exceed \$75,000 in value. While this Rule has been in effect since 2014, it has taken a while for Plaintiffs' attorneys to limit their prayer amounts to "in excess of \$75,000" but most attorneys in Circuit Court are now doing so.

² The judgment amounts in FY23 increased from those in FY21 and FY22 in response to the court's resumption of full time operations after two years of Covid closures and delays. The judgments were due to some "catch up" trials in FY23. Additionally, there was one large judgment for attorney fees in a case where the jury found the County had discriminated against an employee due to her disability. While the jury awarded the Plaintiff herself zero damages, because of the finding of discrimination against the County, the Court awarded the Plaintiff a portion of her claimed attorney fees in the amount of \$837,925.49.

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

⁴ Six of the seven judgments paid in FY23 were below last demand, which is still in the County's favor.

⁵ 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.

⁶ 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.

| FY25 Recommended Changes | Expenditures | FTEs |
|--|----------------|-------------|
| FY24 Approved | 0 | 0.00 |
| Shift: Move Tax Supported Chargeback from Self Insurance Fund to OCA | 135,485 | 1.00 |
| FY25 Recommended | 135,485 | 1.00 |

BUDGET SUMMARY

| | Actual FY23 | Budget FY24 | Estimate FY24 | Recommended FY25 | %Chg Bud/Rec |
|----------------------------|----------------|----------------|------------------|---------------------|-----------------|
| COUNTY GENERAL FUND | | | | | |
| EXPENDITURES | | | | | |
| Salaries and Wages | 5,302,654 | 5,439,162 | 5,814,572 | 7,341,820 | 35.0 % |

BUDGET SUMMARY

| | Actual FY23 | Budget FY24 | Estimate FY24 | Recommended FY25 | %Chg Bud/Rec |
|--|------------------|------------------|------------------|---------------------|-----------------|
| Employee Benefits | 1,325,069 | 1,346,831 | 1,411,440 | 1,800,649 | 33.7 % |
| County General Fund Personnel Costs | 6,627,723 | 6,785,993 | 7,226,012 | 9,142,469 | 34.7 % |
| Operating Expenses | 736,836 | 837,655 | 605,389 | 1,347,217 | 60.8 % |
| County General Fund Expenditures | 7,364,559 | 7,623,648 | 7,831,401 | 10,489,686 | 37.6 % |
| PERSONNEL | | | | | |
| Full-Time | 79 | 78 | 78 | 78 | — |
| Part-Time | 1 | 1 | 1 | 1 | — |
| FTEs | 42.80 | 43.60 | 43.60 | 50.75 | 16.4 % |
| REVENUES | | | | | |
| Other Charges/Fees | 211 | 0 | 0 | 0 | — |
| Federal Financial Participation Reimbursements | 147,471 | 250,000 | 250,000 | 250,000 | — |
| Other Intergovernmental | 45,630 | 45,630 | 45,630 | 45,630 | — |
| County General Fund Revenues | 193,312 | 295,630 | 295,630 | 295,630 | — |

FY25 RECOMMENDED CHANGES

| | Expenditures | FTEs |
|--|-------------------|--------------|
| COUNTY GENERAL FUND | | |
| FY24 ORIGINAL APPROPRIATION | 7,623,648 | 43.60 |
| Changes (with service impacts) | | |
| Add: HIPAA Compliance Audit [General Counsel] | 504,000 | 0.00 |
| Other Adjustments (with no service impacts) | | |
| Shift: Move Tax-Supported and Non-Tax Supported Chargebacks from User Departments to OCA [General Counsel] | 1,053,651 | 5.15 |
| Increase Cost: FY25 Compensation Adjustment | 356,268 | 0.00 |
| Increase Cost: Annualization of FY24 Compensation Increases | 344,137 | 0.00 |
| Increase Cost: Annualization of FY24 Personnel Costs | 341,383 | 0.00 |
| Shift: Move Tax Supported Chargeback from Self Insurance Fund to OCA [Litigation] | 135,485 | 1.00 |
| Increase Cost: Lapse Adjustment | 121,877 | 0.00 |
| Restore: Restore one time lapse increase [General Counsel] | 23,423 | 0.00 |
| Increase Cost: Printing and Mail | 179 | 0.00 |
| Shift: Technical Adjustment [General Counsel] | 0 | 1.00 |
| Decrease Cost: Retirement Adjustment | (111) | 0.00 |
| Decrease Cost: Technical Adjustment [Administration] | (14,254) | 0.00 |
| FY25 RECOMMENDED | 10,489,686 | 50.75 |

PROGRAM SUMMARY

| Program Name | FY24 APPR Expenditures | FY24 APPR FTEs | FY25 REC Expenditures | FY25 REC FTEs |
|-----------------|------------------------|----------------|-----------------------|---------------|
| Administration | 2,259,647 | 12.00 | 2,969,595 | 12.00 |
| General Counsel | 5,364,001 | 31.60 | 7,384,606 | 37.75 |
| Litigation | 0 | 0.00 | 135,485 | 1.00 |
| Total | 7,623,648 | 43.60 | 10,489,686 | 50.75 |

CHARGES TO OTHER DEPARTMENTS

| Charged Department | Charged Fund | FY24 Total\$ | FY24 FTEs | FY25 Total\$ | FY25 FTEs |
|---|---|------------------|--------------|------------------|--------------|
| COUNTY GENERAL FUND | | | | | |
| Board of Appeals | General Fund | 95,439 | 0.50 | 0 | 0.00 |
| Finance | General Fund | 162,058 | 1.05 | 0 | 0.00 |
| Finance | Risk Management (Self Insurance - ISF) | 3,393,487 | 21.00 | 3,641,924 | 20.00 |
| Human Resources | Employee Health Self Insurance | 16,228 | 0.10 | 17,945 | 0.10 |
| Correction and Rehabilitation | General Fund | 192,439 | 1.00 | 0 | 0.00 |
| Police | General Fund | 201,405 | 1.00 | 0 | 0.00 |
| Parking District Services | Bethesda Parking | 51,783 | 0.30 | 60,447 | 0.30 |
| Parking District Services | Silver Spring Parking | 35,653 | 0.20 | 39,565 | 0.20 |
| Health and Human Services | General Fund | 157,122 | 1.50 | 60,360 | 1.00 |
| Health and Human Services | Grant Fund | 194,294 | 2.40 | 194,294 | 2.40 |
| Permitting Services | Permitting Services | 153,944 | 1.00 | 173,979 | 1.00 |
| Housing and Community Affairs | General Fund | 104,059 | 0.50 | 0 | 0.00 |
| Housing and Community Affairs | Montgomery Housing Initiative | 208,118 | 1.00 | 165,530 | 1.00 |
| Recycling and Resource Management | Solid Waste Disposal | 155,354 | 0.75 | 166,909 | 0.75 |
| Recycling and Resource Management | Solid Waste Collection | 51,785 | 0.25 | 55,636 | 0.25 |
| CIP | Capital Fund | 185,214 | 1.00 | 0 | 0.00 |
| NDA - Montgomery County Employee Retirement Plans | General Fund | 16,228 | 0.10 | 0 | 0.00 |
| NDA - Montgomery County Employee Retirement Plans | Employees Retirement Savings Plan (RSP) | 16,228 | 0.10 | 17,945 | 0.10 |
| NDA - Montgomery County Employee Retirement Plans | Retirement Fund (ERS) | 68,159 | 0.42 | 75,368 | 0.42 |
| NDA - Retiree Health Benefits Trust | Retiree Health Benefits Trust Fund | 27,588 | 0.17 | 30,506 | 0.17 |
| NDA - Retiree Health Benefits Trust | RSP-Disability Benefits (LTD2) | 9,737 | 0.06 | 10,767 | 0.06 |
| Cable Television Communications Plan | Cable TV | 104,970 | 0.50 | 0 | 0.00 |
| Total | | 5,601,292 | 34.90 | 4,711,175 | 27.75 |

FUNDING PARAMETER ITEMS

CE RECOMMENDED (\$000S)

| Title | FY25 | FY26 | FY27 | FY28 | FY29 | FY30 |
|-------|------|------|------|------|------|------|
|-------|------|------|------|------|------|------|

FUNDING PARAMETER ITEMS

CE RECOMMENDED (\$000S)

| Title | FY25 | FY26 | FY27 | FY28 | FY29 | FY30 |
|--|---------------|---------------|---------------|---------------|---------------|---------------|
| COUNTY GENERAL FUND | | | | | | |
| EXPENDITURES | | | | | | |
| FY25 Recommended | 10,490 | 10,490 | 10,490 | 10,490 | 10,490 | 10,490 |
| No inflation or compensation change is included in outyear projections. | | | | | | |
| Elimination of One-Time Items Recommended in FY25 | 0 | (626) | (626) | (626) | (626) | (626) |
| Items recommended for one-time funding in FY25, including a HIPAA compliance audit and a decrease in lapse. | | | | | | |
| Labor Contracts | 0 | 182 | 182 | 182 | 182 | 182 |
| These figures represent the estimated annualized cost of general wage adjustments, service increments, and other negotiated items. | | | | | | |
| Subtotal Expenditures | 10,490 | 10,046 | 10,046 | 10,046 | 10,046 | 10,046 |

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