



County Attorney

RECOMMENDED FY26 BUDGET

\$10,665,669

FULL TIME EQUIVALENTS

51.75

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 FY26 Operating Budget for the Office of the County Attorney is \$10,665,669, an increase of \$175,983 or 1.68 percent from the FY25 Approved Budget of \$10,489,686. Personnel Costs comprise 91.14 percent of the budget for 81 full-time position(s) and one part-time position(s), and a total of 51.75 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 8.86 percent of the FY26 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

- Implement Legal Files, a new case management cloud-based application with a technological advanced platform that offers a highly integrable case management to enhance OCA's ability to meet the daily demanding and challenging workload of Montgomery County Government.
- Provide dedicated legal counsel to the Office of Grants Management entailing all aspects of finance, procurement, and budgeting for all grants made and received by Montgomery County Government.
- Enhance legal counsel support to the Self-Insurance Fund, Workers-Compensation Division, to accomplish the substantially growth in workload experienced after the Maryland's Worker's Compensation Commission converted all notifications to electronic form.

INNOVATIONS AND PRODUCTIVITY IMPROVEMENTS

- Collaborate with the Office of Human Resources and the Office of Labor Relations to accomplish the drafting, approval, and

publishing of updated Montgomery County Personnel Regulations.

- ✦ Continue providing training to Montgomery County's Management Leadership Services (MLS) workforce on significant topics such as the supervision and management of represented and unrepresented employees.

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 FY25 estimates reflect funding based on the FY25 Approved Budget. The FY26 and FY27 figures are performance targets based on the FY26 Recommended Budget and funding for comparable service levels in FY27.

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 FY23	Actual FY24	Estimated FY25	Target FY26	Target FY27
Average quality of service rating from department customers responding to Internal Customer Satisfaction Survey (1-4 scale)	3.33	3.38	3.42	3.42	3.42

FY26 Recommended Changes	Expenditures	FTEs
FY25 Approved	2,969,595	12.00
Increase Cost: Lapse Adjustment	121,877	0.00
Enhance: Legal Files - Case Management Software to Support OCA's Workload	36,000	0.00
Increase Cost: Miscellaneous Expenditures - Self Insurance Fund/Workers' Compensation	6,800	0.00
Technical Adj: Reverse one time lapse increase	(121,877)	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.	(750,661)	(2.00)
FY26 Recommended	2,261,734	10.00

✦ General Counsel

This program provides general counsel services to the County, its agencies, and instrumentalities. These general counsel services include providing legal advice to the Executive and Legislative Branches of County government on a wide variety of government

operations; drafting and reviewing legislation, contracts, and real estate transactions for legal sufficiency; collecting debts owed to the County; and representing the County before administrative, trial, and appellate tribunals in matters involving child welfare and adult protective services, tax and procurement, labor and personnel, zoning, land use and economic development, and civil enforcement of the County Code.

Program Performance Measures	Actual FY23	Actual FY24	Estimated FY25	Target FY26	Target FY27
Number of new adoption petitions filed	38	28	31	31	31
Number of new termination of parental rights (TPR) petitions filed	34	33	35	35	35
Number of new children in need of assistance (CINA) petitions filed ¹	101	108	103	103	103
Number of children in need of assistance (CINA) or guardianship hearings	2,228	2,023	2,153	2,153	2,153
Number of adoptions granted	29	33	27	27	27
Number of termination of parental rights (TPR) granted	9	38	35	35	35
Ratio of total number of termination of parental rights (TPR) filed and adoption petitions filed and total granted	100.0%	100.0%	100.0%	100.0%	100.0%
Number of children in need of assistance (CINA) cases closed ²	90	102	98	98	98
Percent of appeals in the Appellate Court won	85%	100%	80%	80%	80%
Code citations processed	3,580	5,801	4,769	4,769	4,769
Ratio of debt collected to amount referred to the department for collection	97%	81%	83%	83%	83%
Ratio of cost of debt collection to revenue	4%	5%	5%	5%	5%
Code enforcement collected (\$000)	\$431	\$461	\$461	\$461	\$461
Ratio of wins to total code enforcement cases	99.8%	99.6%	99.7%	99.7%	99.7%
Debt collection (\$000)	\$14,213	\$10,684	\$10,000	\$10,000	\$10,000
Forfeitures collected (\$000)	\$135	\$49	\$136	\$88	\$88

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 The number of CINA cases closed is outside the 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.

FY26 Recommended Changes	Expenditures	FTEs
FY25 Approved	7,384,606	37.75
Add: Assistant County Attorney III for Grants Management Support	136,032	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.	883,297	3.00
FY26 Recommended	8,403,935	41.75

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. All attorneys and staff in this program are fully charged to the Self-Insurance Fund (SIF).

Program Performance Measures	Actual FY23	Actual FY24	Estimated FY25	Target FY26	Target FY27
Number of workers' compensation hearings	1,653	1,647	1,752	1,752	1,752
Total prayer amount demanded by plaintiff (Self-Insurance Fund only) (\$000) ¹	\$55,204	\$40,811	\$48,000	\$48,000	\$48,000
Total number of settlements (Self-Insurance Fund only)	24	22	22	22	22

Program Performance Measures	Actual FY23	Actual FY24	Estimated FY25	Target FY26	Target FY27
Total judgment amount paid to plaintiff by the County (Self-Insurance Fund only) (\$000)	\$953.64	\$31.22	\$40.00	\$40.00	\$40.00
Percent of wins in Self-Insurance Fund litigation ²	86%	100%	95%	95%	95%
Number of judgments in the County's favor (Self-Insurance Fund only)	30	33	30	30	30
Number of judgments against the County (Self-Insurance Fund only) ³	7	5	5	5	5
Total net gain to the County in worker's compensation cases (\$000) ⁴	\$4,798	\$6,439	\$5,658	\$5,658	\$5,658

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

³ Five judgments paid in FY24 were below last demand, which is still in the County's favor.

⁴ 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.

FY26 Recommended Changes	Expenditures	FTEs
FY25 Approved	135,485	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.	(135,485)	(1.00)
FY26 Recommended	0	0.00

BUDGET SUMMARY

	Actual FY24	Budget FY25	Estimate FY25	Recommended FY26	%Chg Bud/Rec
COUNTY GENERAL FUND					
EXPENDITURES					
Salaries and Wages	5,975,828	7,341,820	7,144,157	7,708,939	5.0 %
Employee Benefits	1,517,648	1,800,649	1,761,062	2,012,135	11.7 %
County General Fund Personnel Costs	7,493,476	9,142,469	8,905,219	9,721,074	6.3 %
Operating Expenses	862,331	1,347,217	1,148,500	944,595	-29.9 %
County General Fund Expenditures	8,355,807	10,489,686	10,053,719	10,665,669	1.7 %
PERSONNEL					
Full-Time	78	78	78	81	3.9 %
Part-Time	1	1	1	1	—
FTEs	43.60	50.75	50.75	51.75	2.0 %
REVENUES					
Other Charges/Fees	1,996	0	0	0	—
Federal Financial Participation Reimbursements	173,752	250,000	250,000	250,000	—
Other Intergovernmental	45,630	45,630	45,630	45,630	—
County General Fund Revenues	221,378	295,630	295,630	295,630	—

FY26 RECOMMENDED CHANGES

			Expenditures	FTEs
COUNTY GENERAL FUND				
			FY25 ORIGINAL APPROPRIATION	10,489,686 50.75
<u>Changes (with service impacts)</u>				
Add: Assistant County Attorney III for Grants Management Support [General Counsel]			136,032	1.00
Enhance: Legal Files - Case Management Software to Support OCA's Workload [Administration]			36,000	0.00
<u>Other Adjustments (with no service impacts)</u>				
Increase Cost: FY26 Compensation Adjustment			409,586	0.00
Increase Cost: Annualization of FY25 Compensation Increases			185,249	0.00
Increase Cost: Lapse Adjustment [Administration]			121,877	0.00
Increase Cost: Retirement Adjustment			21,655	0.00
Increase Cost: Miscellaneous Expenditures - Self Insurance Fund/Workers' Compensation [Administration]			6,800	0.00
Decrease Cost: Printing and Mail Adjustment			(4,022)	0.00
Decrease Cost: Annualization of FY25 Personnel Costs			(111,317)	0.00
Technical Adj: Reverse one time lapse increase [Administration]			(121,877)	0.00
Decrease Cost: Elimination of One-Time Items Approved in FY25			(504,000)	0.00
			FY26 RECOMMENDED	10,665,669 51.75

PROGRAM SUMMARY

Program Name	FY25 APPR Expenditures	FY25 APPR FTEs	FY26 REC Expenditures	FY26 REC FTEs
Administration	2,969,595	12.00	2,261,734	10.00
General Counsel	7,384,606	37.75	8,403,935	41.75
Litigation	135,485	1.00	0	0.00
Total	10,489,686	50.75	10,665,669	51.75

CHARGES TO OTHER DEPARTMENTS

Charged Department	Charged Fund	FY25 Total\$	FY25 FTEs	FY26 Total\$	FY26 FTEs
COUNTY GENERAL FUND					
Finance	Risk Management (Self Insurance - ISF)	3,641,924	20.00	4,111,632	22.00
Human Resources	Employee Health Self Insurance	17,945	0.10	19,580	0.10
Parking District Services	Bethesda Parking	60,447	0.30	65,100	0.30
Parking District Services	Silver Spring Parking	39,565	0.20	40,795	0.20
Health and Human Services	General Fund	60,360	1.00	60,360	1.00
Health and Human Services	Grant Fund	194,294	2.40	194,294	2.40
Permitting Services	Permitting Services	173,979	1.00	189,781	1.00
Housing and Community Affairs	Montgomery Housing Initiative	165,530	1.00	214,394	1.00
Recycling and Resource Management	Solid Waste Disposal	166,909	0.75	180,353	0.75

CHARGES TO OTHER DEPARTMENTS

Charged Department	Charged Fund	FY25 Total\$	FY25 FTEs	FY26 Total\$	FY26 FTEs
Recycling and Resource Management	Solid Waste Collection	55,636	0.25	60,118	0.25
NDA - Montgomery County Employee Retirement Plans	Employees Retirement Savings Plan (RSP)	17,945	0.10	19,580	0.10
NDA - Montgomery County Employee Retirement Plans	Retirement Fund (ERS)	75,368	0.42	82,237	0.42
NDA - Montgomery County Employee Retirement Plans	Retiree Health Benefits Trust Fund	30,506	0.17	33,286	0.17
NDA - Montgomery County Employee Retirement Plans	RSP-Disability Benefits (LTD2)	10,767	0.06	11,748	0.06
Total		4,711,175	27.75	5,283,258	29.75

FUNDING PARAMETER ITEMS

CE RECOMMENDED (\$000S)

Title	FY26	FY27	FY28	FY29	FY30	FY31
COUNTY GENERAL FUND						
EXPENDITURES						
FY26 Recommended	10,666	10,666	10,666	10,666	10,666	10,666
No inflation or compensation change is included in outyear projections.						
Annualization of Positions Recommended in FY26	0	44	44	44	44	44
New positions in the FY26 budget are generally assumed to be filled at least three months after the fiscal year begins. Therefore, the above amounts reflect annualization of these positions in the outyears.						
Elimination of One-Time Items Recommended in FY26	0	(227)	(227)	(227)	(227)	(227)
Items recommended for one-time funding in FY26, including (Knowledge Transfer Contract, Legal Files - Case Management Software, and miscellaneous expenditures), will be eliminated from the base in the outyears.						
Restore One-Time Lapse Decrease	0	20	20	20	20	20
Restores in FY27 the one-time lapse decrease made in the FY26 budget.						
Labor Contracts	0	56	56	56	56	56
These figures represent the estimated annualized cost of general wage adjustments, service increments, and other negotiated items.						
Subtotal Expenditures	10,666	10,559	10,559	10,559	10,559	10,559

ANNUALIZATION OF FULL PERSONNEL COSTS

	FY26 Recommended		FY27 Annualized	
	Expenditures	FTEs	Expenditures	FTEs
Assistant County Attorney III for Grants Management Support	131,032	1.00	175,103	1.00
Total	131,032	1.00	175,103	1.00