



County Attorney

RECOMMENDED FY27 BUDGET

\$11,246,872

FULL TIME EQUIVALENTS

52.50

 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 FY27 Operating Budget for the Office of the County Attorney is \$11,246,872, an increase of \$581,203 or 5.45 percent from the FY26 Approved Budget of \$10,665,669. Personnel Costs comprise 91.95 percent of the budget for 81 full-time position(s) and one part-time position(s), and a total of 52.50 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 8.05 percent of the FY27 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

-  Upgrade OCA's online legal research tool with AI capabilities to expedite research while ensuring accuracy.
-  Complete migration of OCA's document bank to an AI-enabled work management system, Microsoft Azure AI, with the ability to track and monitor work assignments as well as to generate reports.

INNOVATIONS AND PRODUCTIVITY IMPROVEMENTS

-  Collaborate with the Department of Transportation's Property Acquisition Section (PAS) to develop an IT tool for the electronic generation of deeds of temporary construction easements to streamline OCA's review of deeds while assisting PAS in expediting their review process.

PROGRAM CONTACTS

Contact Carolyn Kilgariff of the Office of the County Attorney at 240-777-6766 or Payne Tarkenton of the Office of Management and Budget at 240-777-2758 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 FY26 estimates reflect funding based on the FY26 Approved Budget. The FY27 and FY28 figures are performance targets based on the FY27 Recommended Budget and funding for comparable service levels in FY28.

PROGRAM DESCRIPTIONS

Administration

Under this program, administrative support, financial and operational management, and oversight are 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 FY24	Actual FY25	Estimated FY26	Target FY27	Target FY28
Average quality of service rating from department customers responding to Internal Customer Satisfaction Survey (1-4 scale)	3.38	3.38	3.36	3.36	3.36
FY27 Recommended Changes			Expenditures	FTEs	
FY26 Approved			2,261,734	10.00	
Add: Microsoft Azure AI Document Review Tool			23,172	0.00	
Enhance: Online Research - WestLaw AI-enabled			21,938	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.			(16,955)	(1.00)	
FY27 Recommended			2,289,889	9.00	

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 FY24	Actual FY25	Estimated FY26	Target FY27	Target FY28
Number of new adoption petitions filed	28	27	31	31	31
Number of new termination of parental rights (TPR) petitions filed	33	24	30	30	30
Number of new children in need of assistance (CINA) petitions filed ¹	108	97	102	102	102

Program Performance Measures	Actual FY24	Actual FY25	Estimated FY26	Target FY27	Target FY28
Number of children in need of assistance (CINA) or guardianship hearings	2,023	2,077	2,109	2,109	2,109
Number of adoptions granted	33	28	30	30	30
Number of termination of parental rights (TPR) granted	38	22	23	23	23
Ratio of total number of termination of parental rights (TPR) filed and adoption petitions filed and total granted	100%	98%	99%	99%	99%
Number of children in need of assistance (CINA) cases closed ²	102	93	95	95	95
Percent of appeals in the Appellate Court won	100%	92%	92%	92%	92%
Code citations processed	3,643	3,489	3,570	3,570	3,570
Ratio of debt collected to amount referred to the department for collection	81%	81%	81%	81%	81%
Ratio of cost of debt collection to revenue	5%	6%	6%	6%	6%
Code enforcement collected (\$000)	\$461	\$475	\$455	\$455	\$455
Ratio of wins to total code enforcement cases	99.6%	99.9%	99.8%	99.8%	99.8%
Debt collection (\$000)	\$10,684	\$10,663	\$10,600	\$10,600	\$10,600
Forfeitures collected (\$000)	\$49	\$59	\$81	\$81	\$81

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 Child Welfare Services (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.

FY27 Recommended Changes	Expenditures	FTEs
FY26 Approved	8,403,935	41.75
Re-align: Board of Investment Trustees Chargeback Personnel Costs to General Fund	157,032	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.	396,016	1.00
FY27 Recommended	8,956,983	43.50

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 FY24	Actual FY25	Estimated FY26	Target FY27	Target FY28
Number of workers' compensation hearings	1,647	1,469	1,590	1,590	1,590
Total prayer amount demanded by plaintiff (Self-Insurance Fund only) (\$000) ¹	\$40,811	\$178,949	\$40,000	\$40,000	\$40,000
Total number of settlements (Self-Insurance Fund only)	22	17	21	21	21
Total judgment amount paid to plaintiff by the County (Self-Insurance Fund only) (\$000)	\$31.22	\$424.33	\$469.00	\$469.00	\$469.00
Percent of wins in Self-Insurance Fund litigation ²	100%	98%	95%	95%	95%
Number of judgments in the County's favor (Self-Insurance Fund only)	33	30	31	31	31
Number of judgments against the County (Self-Insurance Fund only)	5	1	4	4	4
Total net gain to the County in worker's compensation cases (\$000) ³	\$6,439	\$6,626	\$5,954	\$5,954	\$5,954

¹ The exceptionally high prayer amount in FY25 is due to one large claim of \$170,000,000.

² "Win" includes verdicts in favor of the plaintiff where the County pays a judgment below last demands.

³ 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.

FY27 Recommended Changes	Expenditures	FTEs
FY26 Approved	0	0.00
FY27 Recommended	0	0.00

BUDGET SUMMARY

	Actual FY25	Budget FY26	Estimated FY26	Recommended FY27	%Chg Bud/Rec
COUNTY GENERAL FUND					
EXPENDITURES					
Salaries and Wages	7,073,360	7,717,231	8,034,392	8,177,037	6.0 %
Employee Benefits	1,783,143	2,003,843	1,939,444	2,164,988	8.0 %
County General Fund Personnel Costs	8,856,503	9,721,074	9,973,836	10,342,025	6.4 %
Operating Expenses	1,331,059	944,595	2,170,632	904,847	-4.2 %
County General Fund Expenditures	10,187,562	10,665,669	12,144,468	11,246,872	5.4 %
PERSONNEL					
Full-Time	78	81	81	81	—
Part-Time	1	1	1	1	—
FTEs	50.75	51.75	51.75	52.50	1.5 %
REVENUES					
Federal Financial Participation Reimbursements	215,327	250,000	250,000	250,000	—
Other Intergovernmental	45,630	45,630	45,630	45,630	—
County General Fund Revenues	260,957	295,630	295,630	295,630	—

FY27 RECOMMENDED CHANGES

	Expenditures	FTEs
COUNTY GENERAL FUND		
FY26 ORIGINAL APPROPRIATION	10,665,669	51.75
<u>Changes (with service impacts)</u>		
Add: Microsoft Azure AI Document Review Tool [Administration]	23,172	0.00
Enhance: Online Research - WestLaw AI-enabled [Administration]	21,938	0.00
<u>Other Adjustments (with no service impacts)</u>		
Increase Cost: FY27 Compensation Adjustment	352,669	0.00
Re-align: Board of Investment Trustees Chargeback Personnel Costs to General Fund [General Counsel]	157,032	0.75
Increase Cost: Annualization of FY26 Compensation Increases	55,586	0.00
Increase Cost: Annualization of FY26 Lapsed Positions	44,071	0.00
Increase Cost: Printing and Mail	20,542	0.00
Re-align: Restore one-time lapse increase	20,225	0.00
Increase Cost: Annualization of FY26 Personnel Costs	9,108	0.00

FY27 RECOMMENDED CHANGES

	Expenditures	FTEs
Decrease Cost: Retirement Adjustment	(17,740)	0.00
Decrease Cost: Elimination of One-Time Items Approved in FY26	(105,400)	0.00
FY27 RECOMMENDED	11,246,872	52.50

PROGRAM SUMMARY

Program Name	FY26 APPR Expenditures	FY26 APPR FTEs	FY27 REC Expenditures	FY27 REC FTEs
Administration	2,261,734	10.00	2,289,889	9.00
General Counsel	8,403,935	41.75	8,956,983	43.50
Litigation	0	0.00	0	0.00
Total	10,665,669	51.75	11,246,872	52.50

CHARGES TO OTHER DEPARTMENTS

Charged Department	Charged Fund	FY26 Total\$	FY26 FTEs	FY27 Total\$	FY27 FTEs
COUNTY GENERAL FUND					
Finance	Risk Management (Self Insurance - ISF)	4,082,944	22.00	4,339,836	22.00
Human Resources	Employee Health Self Insurance	19,580	0.10	20,938	0.10
Parking District Services	Bethesda Parking	65,100	0.30	69,252	0.30
Parking District Services	Silver Spring Parking	40,795	0.20	43,626	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	184,214	1.00	190,697	1.00
Housing and Community Affairs	Montgomery Housing Initiative	214,394	1.00	228,154	1.00
Recycling and Resource Management	Solid Waste Disposal	175,367	0.75	182,801	0.75
Recycling and Resource Management	Solid Waste Collection	58,456	0.25	60,934	0.25
NDA - Montgomery County Employee Retirement Plans	Employees Retirement Savings Plan (RSP)	19,580	0.10	0	0.00
NDA - Montgomery County Employee Retirement Plans	Retirement Fund (ERS)	82,237	0.42	0	0.00
NDA - Montgomery County Employee Retirement Plans	Retiree Health Benefits Trust Fund	33,286	0.17	0	0.00
NDA - Montgomery County Employee Retirement Plans	RSP-Disability Benefits (LTD2)	11,748	0.06	0	0.00
Total		5,242,355	29.75	5,390,892	29.00

FUNDING PARAMETER ITEMS

CE RECOMMENDED (\$000S)

Title	FY27	FY28	FY29	FY30	FY31	FY32
COUNTY GENERAL FUND						
EXPENDITURES						
FY27 Recommended	11,247	11,247	11,247	11,247	11,247	11,247
No inflation or compensation change is included in outyear projections.						
Labor Contracts	0	67	67	67	67	67
These figures represent the estimated annualized cost of general wage adjustments, service increments, and other negotiated items.						
Subtotal Expenditures	11,247	11,314	11,314	11,314	11,314	11,314