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# 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 FY11 Operating Budget for the Office of the County Attorney is \$4,552,550, a decrease of \$672,430 or 12.9 percent from the FY10 Approved Budget of \$5,224,980. Personnel Costs comprise 90.9 percent of the budget for 71 full-time positions and three part-time positions for 35.8 workyears. Operating Expenses account for the remaining 9.1 percent of the FY11 budget.

## LINKAGE TO COUNTY RESULT AREAS

While this program area supports all eight of the County Result Areas, the following are emphasized:

- ❖ ***A Responsive, Accountable County Government***

## DEPARTMENT PERFORMANCE MEASURES

Performance measures for this department are included below, with multi-program measures displayed at the front of this section and program-specific measures shown with the relevant program. The FY10 estimates incorporate the effect of the FY10 savings plan. FY11 and FY12 targets assume the approved FY11 budget and FY12 funding for comparable service levels.

## ACCOMPLISHMENTS AND INITIATIVES

- ❖ ***Accomplishment: Debt Collection Unit Revenue Increases – Through January 2010, the Debt Collection Unit registered \$7.2 million in net deposits from debts owed to the county.***
- ❖ ***Accomplishment: The new on-line contract resource center is now available on the County's Intranet Site for contract administrators. The resource center provide contract templates and language for writing contracts.***
- ❖ ***Initiative: The Office of the County Attorney is working with the Enterprise Resource Planning (ERP) and Finance Department to re-engineer the accounting procedure for posting debt collection into the new ERP Oracle Accounts Receivable system.***
- ❖ ***Productivity Improvements***
  - ***Electronic Imaging System - The Office of the County Attorney (OCA) continues to expand the current electronic imaging system. Forfeitures and subrogation files have been scanned and interfaced with the CountyLaw system. The Health and Human Services (HHS) Division has successfully implemented redaction services using Zyfind. The Imaging Project increases productivity by eliminating the need for duplicating paper files for staff that need to work on the files. Imaging of files also saves time compared to searching for paper files - staff can access the files at any time, via a shared drive, simultaneously.***
  - ***Reduced Publication Costs - The Office of the County Attorney has placed the "County Attorney Monthly Report" on-line at the department web site which, as a result, has reduced the amount of hard copies that need to be printed; thus printing costs have been reduced.***

## PROGRAM CONTACTS

Contact Dennis Via of the Office of the County Attorney at 240.777.6715 or Helen P. Vallone of the Office of Management and Budget at 240.777.2755 for more information regarding this department's operating budget.

## PROGRAM DESCRIPTIONS

### Insurance Defense Litigation

Provides legal defense for cases involving Montgomery County and fourteen local government Self-Insurance Fund participants (including such entities as the Montgomery County Board of Education, City of Rockville, Maryland-National Capital Park and Planning Commission, Montgomery College and the Housing Opportunities Commission) and all of their employees. The attorneys appear regularly before State and Federal courts in Maryland and the District of Columbia for trials and oral arguments and before the Workers' Compensation Commission. These cases involve litigation in the following areas: common law torts; Police civil rights claims; Other Federal and State civil rights - constitutional torts; Americans with Disabilities Act; Individuals with Disabilities Education Act; Workers' Compensation; and employment discrimination.

<b>Program Performance Measures</b>	<b>Actual FY08</b>	<b>Actual FY09</b>	<b>Estimated FY10</b>	<b>Target FY11</b>	<b>Target FY12</b>
Cases closed	815	1,162	1,460	1,200	1,200
Cases received	667	1,150	1,036	1,036	1,036
Countywide Worker's Comp cost per \$100 of payroll	2.29	2.38	TBD	TBD	TBD
Countywide Worker's Compensation cost (\$)	13,963,000	7,993,000	TBD	TBD	TBD
Last settlement amount offered by County	1,272,850	653,872	TBD	TBD	TBD
Last settlement amount offered by plaintiff	526,357,993	4,204,487	TBD	TBD	TBD
Total judgements paid (\$)	56,896	47,017	54,632	54,000	54,600
Total judgements plus settlements (\$)	1,636,309	814,139	TBD	TBD	TBD
Total number of judgements	8	6	TBD	TBD	TBD
Total number of settlements	39	35	TBD	TBD	TBD
Total settlements paid <sup>1</sup>	1,577,413	767,122	TBD	TBD	TBD
Worker's Compensation hearings	2,217	2,492	2,397	2,400	2,400

<sup>1</sup> This unusually high FY07 settlement amount corresponds to a single civil rights case (in which Local Government Tort Liability limits do not apply) where the settlement was for several million dollars

<b>FY11 Approved Changes</b>	<b>Expenditures</b>	<b>WYs</b>
<b>FY10 Approved</b>	<b>75,440</b>	<b>0.0</b>
Shift: Associate County Attorney III charges from General Fund (Collection Unit) to the Self Insurance Fund (SIF)	-155,240	-1.0
Miscellaneous adjustments, including furloughs, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting more than one program	123,450	1.0
<b>FY11 Approved</b>	<b>43,650</b>	<b>0.0</b>

Notes: The changes in dollars in Programs from FY10 to FY11 is related to changing allocations of personnel costs, operating costs, and lapse.

### Health and Human Services

The attorneys in this division act as counsel and give legal advice to the Department of Health and Human Services, including the Office of the Director and Management Services, Adult Mental Health, Aging and Disability Services, Children, Youth and Family Services, Child Welfare Services, Crisis, Income and Victim Services, Emergency Services and Public Health Services. The attorneys also represent Child Welfare Services in the Juvenile Court, in cases involving child abuse and child neglect, and Aging and Disability Services in the Circuit Court, in adult guardianship cases.

<b>Program Performance Measures</b>	<b>Actual FY08</b>	<b>Actual FY09</b>	<b>Estimated FY10</b>	<b>Target FY11</b>	<b>Target FY12</b>
Number of Children in Need of Assistance (CINA) or Guardianship Hearings	2,284	2,619	2,000	2,000	2,000
Number of Adoptions granted	22	57	57	57	57
Number of CINA cases closed	234	278	250	250	250
Number of New Adoption petitions filed	16	57	100	100	100
Number of new CINA petitions filed	255	305	200	200	200
Number of new Termination of Parental Rights (TPR) petitions filed	59	44	44	44	44
Number of Termination of Parents Rights (TPR's) granted	71	30	30	30	30

<b>FY11 Approved Changes</b>	<b>Expenditures</b>	<b>WYs</b>
<b>FY10 Approved</b>	<b>1,036,310</b>	<b>7.6</b>
Miscellaneous adjustments, including furloughs, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting more than one program	-52,010	0.0
<b>FY11 Approved</b>	<b>984,300</b>	<b>7.6</b>

## Finance and Procurement

Acts as counsel and gives legal advice to the County Executive, County Council, and to several County departments, agencies, boards, and commissions. The Division represents the County Government in tax and procurement matters before State, Federal, and local administrative agencies and courts; drafts and reviews agreements, legislation, regulations, and other legal documents; conducts negotiations; and prepares and issues legal opinions.

<b>FY11 Approved Changes</b>	<b>Expenditures</b>	<b>WYs</b>
<b>FY10 Approved</b>	<b>590,120</b>	<b>5.0</b>
Shift: From DTS to County Attorney's Office - ACAIII	122,540	1.0
Reduce: Lapse - ACAII - Finance & Procurement Division	-96,740	-1.0
Miscellaneous adjustments, including furloughs, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting more than one program	119,140	0.0
<b>FY11 Approved</b>	<b>735,060</b>	<b>5.0</b>

Notes: The changes in dollars in Programs from FY10 to FY11 is related to changing allocations of personnel costs, operating costs, and lapse.

## Human Resources and Appeals

Attorneys act as counsel and give legal advice to the following agencies: Montgomery County Fire and Rescue Service, Ethics Commission, Board of Investment Trustees, Office of Human Resources, Department of Correction and Rehabilitation, Office of Public Information, Department of Transportation (Transit Services Division, Taxicab Unit), Human Rights Commission, Board of Appeals, and the Police Department (Internal Affairs Division). Attorneys also defend or prosecute contested cases involving the County, Self-Insurance Fund agencies, and their employees, while pending before State and Federal appellate courts. The mission of the Ethics Commission is to enforce the Montgomery County Code of Ethics that ensures the ethical conduct of individuals who serve in County government.

<b>Program Performance Measures</b>	<b>Actual FY08</b>	<b>Actual FY09</b>	<b>Estimated FY10</b>	<b>Target FY11</b>	<b>Target FY12</b>
Appeals lost	2	4	4	4	4
Appeals won	17	7	14	14	14

<b>FY11 Approved Changes</b>	<b>Expenditures</b>	<b>WYs</b>
<b>FY10 Approved</b>	<b>817,760</b>	<b>4.0</b>
Reduce: Lapse - ACAIII - Human Resources & Appeals Division	-147,930	-1.0
Miscellaneous adjustments, including furloughs, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting more than one program	-95,190	1.0
<b>FY11 Approved</b>	<b>574,640</b>	<b>4.0</b>

Notes: The changes in dollars in Programs from FY10 to FY11 is related to changing allocations of personnel costs, operating costs, and lapse.

## Zoning, Land Use and Economic Development

Represents and advises the County Executive, the County Council, and various County departments, including the Department of General Services, the Department of Transportation, the Department of Housing and Community Affairs, the Department of Economic Development, and the Department of Public Libraries. Represents and advises agencies and commissions, including the Historic Preservation Commission, the Revenue Authority, Community Use of Public Facilities, and the Cable Compliance Commission. Advises the County Executive and County Council regarding telecommunications and cable matters. Represents the County with respect to land acquisitions and real estate transactions. Represents the County before Federal, State, and administrative courts. Drafts legal opinions and amendments to the County code and County regulations.

<b>FY11 Approved Changes</b>	<b>Expenditures</b>	<b>WYs</b>
<b>FY10 Approved</b>	<b>527,820</b>	<b>4.2</b>
Reduce: Lapse - ACAIII - Zoning, Land Use & Econ. Development Division	-154,470	-1.0
Miscellaneous adjustments, including furloughs, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting more than one program	-302,220	-2.0
<b>FY11 Approved</b>	<b>71,130</b>	<b>1.2</b>

Notes: The changes in dollars in Programs from FY10 to FY11 is related to changing allocations of personnel costs, operating costs, and lapse.

## Public Interest Litigation

The Division provides litigation and other legal services to County agencies and departments in support of their mission to promote general welfare and protect vulnerable citizens. The Division acts as counsel and gives legal advice to the Police Department, the Departments of Emergency Management and Homeland Security, Environmental Protection, Permitting Services, Consumer Affairs, and Recreation. It also provides counsel to the Office of Landlord and Tenant Affairs, the Historic Preservation Commission, and the Inspector General's Office. The program represents these entities in contested cases before County Board of Appeals and in both

State and Federal courts. The program also drafts and reviews agreements, legislation, regulations and other legal documents. Attorneys from the program conduct negotiations, issue legal opinions, and testify before public bodies. It is primarily responsible for the processing and prosecution of code enforcement violations from all departments, agencies, boards and commissions which are presented in the District Court of Maryland. The Debt Litigation or Collection Unit collects all monies owed to Montgomery County that have been referred to the County Attorney, including past due real property taxes, personal property taxes, code enforcement judgments, subrogation claims, bounced checks, unpaid fines, and miscellaneous amounts billed by the County.

<b>Program Performance Measures</b>	<b>Actual FY08</b>	<b>Actual FY09</b>	<b>Estimated FY10</b>	<b>Target FY11</b>	<b>Target FY12</b>
Code Enforcement (\$)	399,451	708,523	63,1672	630,000	630,000
Debt Collection (\$)	23,799,532	43,016,983	12,400,000	12,400,000	12,400,000
Forfeitures (\$)	45,825	94,440	352,262	TBD	TBD
Subrogation (\$)	88,165	104,198	53,120	53,000	53,000

<b>FY11 Approved Changes</b>	<b>Expenditures</b>	<b>WYs</b>
<b>FY10 Approved</b>	<b>1,098,560</b>	<b>11.0</b>
Reduce: Lapse - ACAIII - Public Interest Litigation	-49,930	-0.5
Miscellaneous adjustments, including furloughs, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting more than one program	54,820	1.0
<b>FY11 Approved</b>	<b>1,103,450</b>	<b>11.5</b>

### Support Services

Provide administrative, research, and technical guidance and support to the other programs within the Department. The program is designed to allow for an equitable distribution of work assignments, to cross-train staff, and to evaluate fairly the performance of the program staff. The program provides administrative support to the Risk Management Fund, and revenue support to the Risk Management Fund, Revenue Authority, and Solid Waste Fund.

<b>FY11 Approved Changes</b>	<b>Expenditures</b>	<b>WYs</b>
<b>FY10 Approved</b>	<b>98,130</b>	<b>2.5</b>
Miscellaneous adjustments, including furloughs, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting more than one program	-54,160	-1.5
<b>FY11 Approved</b>	<b>43,970</b>	<b>1.0</b>

Notes: The changes in dollars in Programs from FY10 to FY11 is related to changing allocations of personnel costs, operating costs, and lapse.

### Administration

Provides internal personnel, financial, and operational management for the Office of the County Attorney.

<b>Program Performance Measures</b>	<b>Actual FY08</b>	<b>Actual FY09</b>	<b>Estimated FY10</b>	<b>Target FY11</b>	<b>Target FY12</b>
Average Internal Customer Satisfaction Rating - General and Timeliness <sup>1</sup>	3.1	3.1	3.1	3.1	3.1

<sup>1</sup> Internal Customer Satisfaction Survey Results (Scale of 1 to 4: 3 = Satisfied; 4 = Very Satisfied)

<b>FY11 Approved Changes</b>	<b>Expenditures</b>	<b>WYs</b>
<b>FY10 Approved</b>	<b>980,840</b>	<b>5.0</b>
Miscellaneous adjustments, including furloughs, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting more than one program	15,510	0.5
<b>FY11 Approved</b>	<b>996,350</b>	<b>5.5</b>

Notes: The changes in dollars in Programs from FY10 to FY11 is related to changing allocations of personnel costs, operating costs, and lapse.

## BUDGET SUMMARY

	Actual FY09	Budget FY10	Estimated FY10	Approved FY11	% Chg Bud/App
<b>COUNTY GENERAL FUND</b>					
<b>EXPENDITURES</b>					
Salaries and Wages	4,010,184	3,697,060	3,419,000	3,198,430	-13.5%
Employee Benefits	1,096,919	1,000,590	926,550	937,870	-6.3%
<b>County General Fund Personnel Costs</b>	<b>5,107,103</b>	<b>4,697,650</b>	<b>4,345,550</b>	<b>4,136,300</b>	<b>-11.9%</b>
Operating Expenses	712,238	527,330	601,710	416,250	-21.1%
Capital Outlay	0	0	0	0	—
<b>County General Fund Expenditures</b>	<b>5,819,341</b>	<b>5,224,980</b>	<b>4,947,260</b>	<b>4,552,550</b>	<b>-12.9%</b>
<b>PERSONNEL</b>					
Full-Time	71	72	72	71	-1.4%
Part-Time	5	3	3	3	—
Workyears	42.8	39.3	39.3	35.8	-8.9%
<b>REVENUES</b>					
Child Welfare FFP Federal Reimbursement	0	338,960	278,110	179,310	-47.1%
Revenue Authority Reimb. for Legal Services	0	45,630	45,630	45,630	—
County Attorney Collection Fee	0	18,990	0	0	—
County Code Subscription Fee	56,406	75,000	75,000	75,000	—
<b>County General Fund Revenues</b>	<b>56,406</b>	<b>478,580</b>	<b>398,740</b>	<b>299,940</b>	<b>-37.3%</b>

## FY11 APPROVED CHANGES

	Expenditures	WYs
<b>COUNTY GENERAL FUND</b>		
<b>FY10 ORIGINAL APPROPRIATION</b>	<b>5,224,980</b>	<b>39.3</b>
<b><u>Changes (with service impacts)</u></b>		
Reduce: Lapse - ACAIII - Public Interest Litigation [Public Interest Litigation]	-49,930	-0.5
Reduce: Lapse - ACAII - Finance & Procurement Division [Finance and Procurement]	-96,740	-1.0
Reduce: Lapse - ACAIII - Human Resources & Appeals Division [Human Resources and Appeals]	-147,930	-1.0
Reduce: Lapse - ACAIII - Zoning, Land Use & Econ. Development Division [Zoning, Land Use and Economic Development]	-154,470	-1.0
<b><u>Other Adjustments (with no service impacts)</u></b>		
Shift: From DTS to County Attorney's Office - ACAIII [Finance and Procurement]	122,540	1.0
Increase Cost: Retirement Adjustment	25,350	0.0
Decrease Cost: Lapse - Restore Regular Lapse in CAT to Previous Year Levels	16,120	1.5
Increase Cost: Group Insurance Adjustment	15,070	0.0
Increase Cost: Annualization of FY10 Operating Expenses	430	0.0
Decrease Cost: Printing and Mail Adjustment	-7,910	0.0
Decrease Cost: Expedited Bill 16-10 - Imputed Compensation Limit	-19,350	0.0
Decrease Cost: Annualization of FY10 Personnel Costs	-34,520	0.0
Decrease Cost: Furlough Days	-82,250	-1.5
Decrease Cost: Operating Expenses	-103,600	0.0
Shift: Associate County Attorney III charges from General Fund (Collection Unit) to the Self Insurance Fund (SIF) [Insurance Defense Litigation]	-155,240	-1.0
<b>FY11 APPROVED:</b>	<b>4,552,550</b>	<b>35.8</b>

## PROGRAM SUMMARY

Program Name	FY10 Approved		FY11 Approved	
	Expenditures	WYs	Expenditures	WYs
Insurance Defense Litigation	75,440	0.0	43,650	0.0
Health and Human Services	1,036,310	7.6	984,300	7.6
Finance and Procurement	590,120	5.0	735,060	5.0
Human Resources and Appeals	817,760	4.0	574,640	4.0
Zoning, Land Use and Economic Development	527,820	4.2	71,130	1.2
Public Interest Litigation	1,098,560	11.0	1,103,450	11.5
Support Services	98,130	2.5	43,970	1.0
Administration	980,840	5.0	996,350	5.5
<b>Total</b>	<b>5,224,980</b>	<b>39.3</b>	<b>4,552,550</b>	<b>35.8</b>

## CHARGES TO OTHER DEPARTMENTS

Charged Department	Charged Fund	FY10		FY11	
		Total\$	WYs	Total\$	WYs
<b>COUNTY GENERAL FUND</b>					
Board of Appeals	County General Fund	86,970	0.5	87,730	0.5
Board of Investment Trustees	BIT 457 Deferred Comp. Plan	68,140	0.5	80,650	0.5
Cable Television	Cable Television	95,470	0.5	97,810	0.5
CIP	CIP	197,310	2.0	363,160	3.0
Finance	County General Fund	164,450	1.0	179,690	1.0
Finance	Self Insurance Internal Service Fund	2,398,660	19.0	2,513,070	19.0
Health and Human Services	County General Fund	170,590	2.2	170,590	2.2
Housing and Community Affairs	County General Fund	44,030	0.5	48,240	0.5
Housing and Community Affairs	Montgomery Housing Initiative	177,610	1.0	179,030	1.0
Human Resources	Employee Health Benefit Self Insurance Fund	7,070	0.1	7,990	0.1
Human Resources	Employee Retirement System	74,420	0.5	78,310	0.5
Intergovernmental Relations	County General Fund	27,810	0.3	28,190	0.3
Parking District Services	Bethesda Parking District	12,510	0.1	20,060	0.1
Parking District Services	Silver Spring Parking District	37,550	0.2	40,000	0.2
Permitting Services	Permitting Services	168,710	1.0	172,250	1.0
Solid Waste Services	Solid Waste Collection	37,790	0.3	47,840	0.3
Solid Waste Services	Solid Waste Disposal	113,360	0.7	111,620	0.7
Technology Services	County General Fund	121,050	1.0	0	0.0
<b>Total</b>		<b>4,003,500</b>	<b>31.4</b>	<b>4,226,230</b>	<b>31.4</b>