



**Committee:** GO  
**Committee Review:** Completed  
**Staff:** Naeem M. Mia, Legislative Analyst  
**Purpose:** To make preliminary decisions – straw vote expected  
**Keywords:** #OCA #County Attorney

AGENDA ITEM #19  
 May 11, 2023  
**Worksession**

**SUBJECT**

Office of the County Attorney (OCA) - FY24 Operating Budget

**EXPECTED ATTENDEES**

None.

**FY24 COUNTY EXECUTIVE RECOMMENDATION**

General Fund	FY23 Approved	FY24 Recommended	Change from FY23 Approved
<b>County Attorney</b>	<b>\$6,761,851</b>	<b>\$7,647,071</b>	<b>13.1%</b>
Personnel Costs	\$5,927,012 42.80 FTEs	\$6,809,416 43.60 FTEs	14.9%
Operating Costs	\$834,839	\$837,655	0.3%
<b>Total Expenditures</b>	<b>\$6,761,851</b> 42.80 FTEs	<b>\$7,647,071</b> 43.60 FTEs	<b>5.8%</b> 1.9%

**COMMITTEE RECOMMENDATIONS**

- The GO Committee recommends (3-0) approval of the Office of the County Attorney’s FY24 operating budget, at a funding level of **\$7,647,071**. No items were added to the Reconciliation List.

**SUMMARY OF KEY ISSUES**

- None.

**This report contains:**

GO May 1, 2023 Staff Report

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## MEMORANDUM

April 26, 2023

TO: Government Operations and Fiscal Policy (GO) Committee

FROM: Naeem M. Mia, Legislative Analyst

SUBJECT: **FY24 Recommended Operating Budget – Office of the County Attorney (OCA)**

PURPOSE: Vote on recommendations for the Council’s consideration

### Expected Attendees:

- John Markovs, County Attorney, OCA
- Carolyn Kilgariff, Budget and Finance Manager, OCA
- Eva Acevedo, Fiscal and Policy Analyst, Office of Management and Budget (OMB)

### A. Staff Recommendations

As outlined in Council President’s budget guidance memorandum, **all** tax-supported additions to the budget over the FY23 Approved level **must** be placed on the reconciliation list *except* compensation adjustments in County Government (which are being considered separately) and changes to internal service funds (such as motor pool and print and mail), which will be looked at across all budgets.

Therefore, Council staff recommends approval of the FY24 recommended budget for OCA, with the below programmatic items to be placed on the reconciliation list as either “high priority” or “priority.”

<b>#</b>	<b>Cost Item</b>	<b>Amount</b>	<b>Staff Recommendation</b>
1	Re-align: Shift Capital Fund Chargeback to General Fund	\$354,192 (1.80 FTEs)	Approve
2	Increase Cost: FY24 Compensation Adjustment	\$273,139	High Priority – Action at GO / Full Council
3	Increase Cost: Annualization of FY23 Compensation Increases	\$252,194	Approve

4	Increase Cost: Annualization of FY23 Personnel Costs	\$71,302	Approve
5	Increase Cost: Annualization of FY23 Lapsed Positions	\$30,460	Approve
6	Re-align: Reconfigure Staffing to Address Service Needs	\$6,266	Approve
7	Increase Cost: Retirement Adjustment	\$3,535	Approve
8	Increase Cost: Printing and Mail	\$2,816	Action at GO / Full Council
9	Decrease Cost: Elimination of Long-Term Vacancy	(\$108,864) (- 1.0 FTE)	Approve
<b>A</b>	<b>Total Change with Approvals:</b>	<b>\$611,901</b>	
<b>B</b>	<b>Items added to the Reconciliation List:</b>	<b>\$273,139</b>	
<b>C</b>	<b>Total Change (Approvals + Reconciliation List Items):</b>	<b>\$885,040</b>	

## B. Fiscal Summary

General Fund	FY23 Approved	FY24 Recommended	Change from FY23 Approved
<b>County Attorney</b>	<b>\$6,761,851</b>	<b>\$7,647,071</b>	<b>13.1%</b>
Personnel Costs	\$5,927,012 42.80 FTEs	\$6,809,416 43.60 FTEs	14.9%
Operating Costs	\$834,839	\$837,655	0.3%
<b>Total Expenditures</b>	<b>\$6,761,851</b> 42.80 FTEs	<b>\$7,647,071</b> 43.60 FTEs	<b>5.8%</b> 1.9%

## C. Vacancy/Staffing Trend Analysis

As of March 3, 2023, OMB reports only two (2) long-term (more than 1 year) vacancies in OCA; additional vacancies are also shown below:

#	Division	Position	Year Vacant	Total FY24 PC
1	Finance and Procurement	Paralegal Specialist	4.79	\$110,271
2	County Attorney's Office	Administrative Aide	3.36	\$77,007
3	Insurance Defense Litigation	Assistant County Attorney III	0.73	\$153,944
4	County Attorney's Office	Administrative Specialist II	0.64	\$102,596
5	County Attorney's Office	Assistant County Attorney III	0.61	\$123,155
6	Human Resources and Appeals	Assistant County Attorney III	0.53	\$153,944
7	Administration	Manager I	0.30	\$257,977
			<b>Totals:</b>	<b>\$978,893</b>

Of the two (2) long-term vacancies, the Paralegal Specialist position (vacant since April 18, 2018) is already in the recommended budget as being permanently eliminated, resulting in a full-year cost savings of \$108,864. The Administrative Aide position is currently backfilled by a temporary contractor to provide support for document archiving and imaging activities.

All remaining positions are planned for recruitment or reclassification to higher-needs positions; the department has experienced several retirements since the pandemic and is expecting several more over the next few years.

## **D. Operating Budget Equity Tool Rating and Justification**

1. ORESJ Rating: 0 - 0-The Department-level budget does not yet demonstrate a commitment to advancing racial equity and social justice in Montgomery County.
2. ORESJ Justification: With the exception of Procurement's MFD program, the County Attorney's Office has not indicated activities within or beyond the GARE framework that demonstrate alignment with the County's RESJ Act. Considering this department's influence and its ability to exacerbate systemic inequities for BIPOC residents in the County, it is concerning that this department has not taken steps to explore, identify, and align its work with best practices from jurisdictions across the country that are actively and affirmatively engaged in redressing and preventing racial disparities and inequities created and or exacerbated by government.

## **E. Discussion of Major FY24 Cost Changes**

### **1. Re-align: Shift Capital Fund Chargeback to General Fund (+ \$354,180, 1.8 FTEs)**

This cost increase reflects the “return” of personnel costs to County Attorney’s General Fund, namely two positions (totaling 1.8 FTEs) that had been charging staff time to the Capital Improvements Plan (CIP) for ongoing work. The projects to which those costs were charged have closed for FY24.

Altogether, OCA continues to charge 36.70 FTEs (in addition to the 43.60 FTEs in its own General Fund) to other departments and/or funds for ongoing or anticipated legal work.

*Council Staff Recommendation: Approve.*

### **2. Use of Outside Counsel (No Change for FY24)**

While the department is not requesting any changes to its budget related to the use of outside counsel, OCA has reported significant reliance on outside counsel in order to address post-pandemic backlogs in court cases and backfill essential functions as staff retires/departs from service, especially in FY22.

The most recent outside counsel report (as of February 2023) detailing billings since July 1, 2022, is attached on circle 9-10. So far, FY23 charges are on track to be significantly less than FY22, indicating a return to pre-pandemic costs.

*Council Staff Recommendation: Continue monitoring use of outside counsel.*

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This packet contains:

	<u>Circle Page #</u>
1. Page from FY24 Recommended Operating Budget Book – OCA	1-6
2. OBET Scoring for OCA	7-8
3. Outside Counsel Report (FY22 to February 2023)	9-10



# 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) <sup>1</sup>	3.55	3.55	3.55	3.55	3.55

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

FY24 Recommended Changes	Expenditures	FTEs
<b>FY23 Approved</b>	<b>2,074,093</b>	<b>12.00</b>
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
<b>FY24 Recommended</b>	<b>2,283,070</b>	<b>12.00</b>

### ✦ 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 <sup>1</sup>	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

Program Performance Measures	Actual FY21	Actual FY22	Estimated FY23	Target FY24	Target FY25
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 <sup>2</sup>	171	100	135	135	135
Percent of appeals in the Appellate Court won	25%	80%	60%	60%	60%

<sup>1</sup> 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.

<sup>2</sup> 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
<b>FY23 Approved</b>	<b>4,687,758</b>	<b>30.80</b>
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)
<b>FY24 Recommended</b>	<b>5,364,001</b>	<b>31.60</b>

## ☼ 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 <sup>1</sup>	3,374	4,927	5,125	5,125	5,125
Total prayer amount demanded by plaintiff (Self-Insurance Fund only) (\$000) <sup>2</sup>	\$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
Percent of wins in Self-Insurance Fund litigation <sup>3</sup>	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) <sup>4</sup>	1	4	2	2	2
Ratio of debt collected to amount referred to the department for collection <sup>5</sup>	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) <sup>6</sup>	\$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) <sup>7</sup>	\$552.5	\$34.7	\$297.0	\$297.0	\$297.0
Total net gain to the County in worker's compensation cases (\$000) <sup>8</sup>	\$5,656	\$5,737	\$5,007	\$5,007	\$5,007

<sup>1</sup> Due to pandemic, the District Court still has a lot of backlogs.

<sup>2</sup> Amount prayed is the amount sought by the plaintiff at the start of the lawsuit.

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

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

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

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



<sup>7</sup> 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.

<sup>8</sup> 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
<b>COUNTY GENERAL FUND</b>					
<b>EXPENDITURES</b>					
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 %
<b>County General Fund Personnel Costs</b>	<b>5,853,635</b>	<b>5,927,012</b>	<b>6,413,212</b>	<b>6,809,416</b>	<b>14.9 %</b>
Operating Expenses	1,334,914	834,839	455,233	837,655	0.3 %
<b>County General Fund Expenditures</b>	<b>7,188,549</b>	<b>6,761,851</b>	<b>6,868,445</b>	<b>7,647,071</b>	<b>13.1 %</b>
<b>PERSONNEL</b>					
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 %
<b>REVENUES</b>					
Other Charges/Fees	57	0	0	0	---
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	---
<b>County General Fund Revenues</b>	<b>512,026</b>	<b>295,630</b>	<b>295,630</b>	<b>295,630</b>	<b>---</b>

## FY24 RECOMMENDED CHANGES

	Expenditures	FTEs
<b>COUNTY GENERAL FUND</b>		
<b>FY23 ORIGINAL APPROPRIATION</b>	<b>6,761,851</b>	<b>42.80</b>
<b>Other Adjustments (with no service impacts)</b>		
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)
<b>FY24 RECOMMENDED</b>	<b>7,647,071</b>	<b>43.60</b>

## 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
<b>Total</b>	<b>6,761,851</b>	<b>42.80</b>	<b>7,647,071</b>	<b>43.60</b>

**CHARGES TO OTHER DEPARTMENTS**

<b>Charged Department</b>	<b>Charged Fund</b>	<b>FY23 Total\$</b>	<b>FY23 FTEs</b>	<b>FY24 Total\$</b>	<b>FY24 FTEs</b>
<b>COUNTY GENERAL FUND</b>					
Board of Appeals	General Fund	86,016	0.50	95,439	0.50
Finance	General Fund	192,478	1.05	162,058	1.05
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
<b>Total</b>		<b>5,654,231</b>	<b>36.70</b>	<b>5,601,292</b>	<b>34.90</b>

**FUNDING PARAMETER ITEMS**

CE RECOMMENDED (\$000S)

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

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detail or supporting evidence for activities outlined in the organizing and operationalizing categories. It's unclear whether ORESJ's two core trainings will be mandatory in FY24 and whether selected staff will be encouraged to attend GARE's annual conference. Similarly, there is no detail about the program offerings or how they help to reduce racial disparities and inequities. The RESJ trainings are mandatory for everyone and appear so in OHR's training listings.

## County Attorney



1. How will your overall budget support the department's commitment to advancing racial equity and social justice? To aid you in the formulation of your response, we've offered a list of activities, using the GARE framework, that demonstrate department-level commitments to racial equity and social justice. More information about the GARE framework is below and here.

**Normalize** - Establish racial equity as a key value by developing a shared understanding of key concepts across the department and create a sense of urgency to make changes

★ We're doing something else and will use the text box to describe.

"The Office of the County Attorney (OCA) will continue to provide the necessary legal support to the County Executive and County Council for racial equity and social justice priorities. In addition, OCA continues to support the County's Minority Female Disabled (MFD) program. Race conscious classifications are legally suspect, and courts require local governments to develop a "strong basis in evidence" establishing a pattern of discrimination as a predicate to implementing or extending an MFD-type program. Since the County's MFD program is a race-conscious program, it must be temporary, and the County must periodically conduct a disparity study to determine if sufficient evidence exists to justify the continuation of the program. OCA is working the Office of Procurement and the consultant hired to analyze the MFD program."

**Organize** - Build staff and organizational capacity, skills, and competencies through training while also building infrastructure to support the work, like internal organizational change teams and external partnerships with other institutions and community.

★ We've not made commitments in this area and will use the text box to explain.

No Data

**Operationalize** - Put theory into action by implementing new tools for decision-making, measurement, and accountability like a Racial Equity Tool and developing a Racial Equity Action Plan.

★ We've not made commitments in this area and will use the text box to explain.



No Data

2. How does your department's budget allocate funds towards ensuring that public documents (including websites and related apps), policies, plans, meetings, and hearings are readily accessible to the public? Please use the checkboxes below to indicate which activities your department budget will enable. Then, in the text box that follows, please describe how your budget targets resources towards these activities.

We're doing something else and will use the text box to describe.

Providing information through the Public Information Act request.

3. What persistent gaps or limitations could inhibit your department's ability to advance racial equity and social justice?

No Data

### ORESJ Rating

0-The Department-level budget does not yet demonstrate a commitment to advancing racial equity and social justice in Montgomery County

### ORESJ Justification

With the exception of Procurement's MFD program, the County Attorney's Office has not indicated activities within or beyond the GARE framework that demonstrate alignment with the County's RESJ Act. Considering this department's influence and its ability to exacerbate systemic inequities for BIPOC residents in the County, it is concerning that this department has not taken steps to explore, identify, and align its work with best practices from jurisdictions across the country that are actively and affirmatively engaged in redressing and preventing racial disparities and inequities created and or exacerbated by government.

## County Council



1. How will your overall budget support the department's commitment to advancing racial equity and social justice? To aid you in the formulation of your response, we've offered a list of activities, using the GARE framework, that demonstrate department-level commitments to racial equity and social justice. More information about the GARE framework is below and here.

**Normalize** - Establish racial equity as a key value by developing a shared understanding of key concepts across the department and create a sense of urgency to make changes






Marc Elrich  
*County Executive*

John P. Markovs  
*County Attorney*

OFFICE OF THE COUNTY ATTORNEY

MEMORANDUM

TO: Kate Stewart, Chair  
Government Operations and Fiscal Policy Committee  
Montgomery County Council

FROM: John P. Markovs   
County Attorney

DATE: April 25, 2023

RE: Outside Counsel cost

I am transmitting a report reflecting the cost of utilization of outside counsel for the period of July 1, 2022 through February 28, 2023.

Please contact me if you have any questions regarding this report.

cc: Richard Madaleno, Chief Administrative Officer  
Christine Wellons, Senior Legislative Attorney

# COST OF OUTSIDE COUNSEL JULY 01, 2022 - FEBRUARY 28, 2023

Paying Agency	Project	FY22	February 2023	FY23 to date
<b>BOARD OF INVESTMENT TRUSTEES</b>				
	Pension, Retire, Plan & 457 Plan	\$106,248.44	\$45,770.78	\$139,448.53
		\$106,248.44	\$45,770.78*	\$139,448.53
<b>COUNTY ATTORNEY'S OFFICE</b>				
	Child Protective Cases	\$265,174.00	\$35,446.50	\$178,870.50
	Equal Employment Opportunity	\$209,706.00	\$35,446.50	\$178,870.50
	Equal Employment Opportunity	\$50,512.00	\$0.00	\$0.00
	Minority, Female, Disabled-Owned Business (MFD) Program	\$4,956.00	\$0.00	\$0.00
<b>OFFICE OF HUMAN RESOURCES</b>				
	Equal Employment Opportunity	\$9,270.00	\$38.00	\$74,970.00
		\$9,270.00	\$38.00	\$74,970.00
<b>DEPARTMENT OF FINANCE</b>				
	SIF-Workers' Compensation	\$952,927.37	\$111,916.93	\$712,650.76
	SIF-Workers' Compensation	\$150,988.42	\$332.50	\$66,278.63
	SIF-General Litigation	\$801,938.95	\$111,584.43	\$646,372.13
<b>DEPARTMENT OF TECHNOLOGY SERVICES</b>				
	Cable/Communications	\$56,762.30	\$0.00	\$4,905.00
		\$56,762.30	\$0.00	\$4,905.00
<b>TOTALS</b>				
		\$1,390,382.11	\$193,172.21	\$1,110,844.79

\*Includes amounts billed for December 2022 through February 2023