



Committee: GO
Committee Review: Completed
Staff: Carlos Camacho, Legislative Analyst
Purpose: To make preliminary decisions – straw vote expected
Keywords: #OCA; #FY22OperatingBudget

AGENDA ITEM #7
 May 12, 2021
Worksession

SUBJECT

Office of the County Attorney FY22 Operating Budget

EXPECTED ATTENDEES

None

FY22 COUNTY EXECUTIVE RECOMMENDATION

Office of the County Attorney	FY21 Approved	FY22 CE Recommended	Change from FY21 Approved
Total Expenditures (General Fund)	\$6,361,363	\$6,429,488	1.1%
Personnel Costs	\$5,528,478 41.2 FTEs	\$5,596,655 41.7 FTEs	1.2% 0.5 FTEs
Operating Costs	\$832,885	\$832,833	(0.0%)

COMMITTEE RECOMMENDATIONS

- The Committee recommends approval of the Office of the County Attorney (OCA) FY22 Operating Budget as submitted by the County Executive.

This report contains:

Staff Report

Pages 1- ©6

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FY22 Operating Budget: Committee Consent Calendar

GO Committee #5P

April 26, 2021

Department/Office: Office of the County Attorney (OCA)

Staff: Carlos Camacho, Legislative Analyst

1. Staff Recommendation

Council staff recommends approval of the FY22 Office of the County Attorney (OCA) Budget as submitted by the County Executive.

2. Summary of FY22 Recommended Budget

The County Executive’s complete FY22 Recommended Operating Budget for OCA is attached at ©1-6.

Office of the County Attorney	FY21 Approved	FY22 CE Recommended	Change from FY21 Approved
General Fund	\$6,361,363	\$6,429,488	68,125
Personnel Costs	\$5,528,478 41.2 FTEs	\$5,596,655 41.7 FTEs	1.2% 1.2%
Operating Costs	\$832,885	\$832,833	(0.0%)
Total Expenditures (All Funds)	\$6,361,363 41.2 FTEs	\$6,429,488 41.7 FTEs	1.1% 1.2%

3. Summary of FY22 Recommended Changes/Adjustments

General Fund - No Service Impact

- Net increase of \$123,312 in personnel compensation and benefits adjustments for FY21 and FY22.
- A total increase to OCA’s budget of \$83,196 for a Deputy Privacy Official position that is shifted from the Department of Health and Human Services (HHS) to OCA. This position was previously split between HHS and the Office of the County Executive but reported to OCA with the incumbent fully assigned to HHS. The County Executive is recommending re-assigning the function to OCA for FY22 given that this role supports departments across County government, which aligns with the mission of OCA.
- A total decrease of \$138,331 for the lapse of an Administrative Aide position and an Administrative Specialist II position. Both of these positions have remained vacant with no impact on service levels. OCA will focus on filling a previously lapsed Paralegal Specialist position in order to provide additional legal support.

4. Racial Equity and Social Justice

Presently, it is difficult to assess OCA's budget program or identify metrics related to racial equity and social justice (RESJ) that would apply to the nature of OCA's work.

OCA's primary role is to provide legal services to other MCG departments. These services generally fall into two areas: defending the County against litigation and taking offensive action to litigate against outside parties. As such, OCA does not have a budget program that provides services or programs to County residents. Instead, OCA's support helps other MCG departments better accomplish their goals, which may include goals related to racial equity and social justice. However, metrics used to track individual program success would be captured by the department implementing a particular program, not OCA who provided legal advice that helped guide that program's operation.

OCA has no discretion in what litigation they need to defend against or what issues are brought by departments to OCA for their review; OCA must provide their services to everything brought before them. OCA has more discretion in its offensive litigation and have initiated, or joined, cases that have a strong RESJ component (i.e. suing predatory lenders who disproportionately targeted minorities). However, these litigation efforts are not tied to a specific program proposal in the budget.

OCA does take on a primary role in implementing the Minority Female and Disabled (MFD) Procurement Feasibility Study program, which analyzes County procurement practices to determine if any disparities exist between the number of MFD businesses in a relevant market and the dollars awarded to MFD firms. However, even in this case, OCA only manages the feasibility study for this program while the Office of Procurement manages the program itself and tracks the appropriate metrics.

Given that the County is still in the process of training staff on applying a racial equity and social justice lens to programming and budget decisions, Council staff will continue to evaluate what information OCA and other departments are utilizing, or could utilize, to apply a racial equity lens to budget decisions. Council staff will also coordinate with the Office of Management and Budget and the Office for Racial Equity and Social Justice to help inform a more robust analysis for FY23 and future budget cycles.

5. Attachments

- OCA FY22 Recommended Budget ©1-6



County Attorney

RECOMMENDED FY22 BUDGET

\$6,429,488

FULL TIME EQUIVALENTS

41.70

✧ MARC HANSEN, 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 recommended FY22 Operating Budget for the Office of the County Attorney is \$6,429,488, an increase of \$68,125 or 1.07 percent from the FY21 Approved Budget of \$6,361,363. Personnel Costs comprise 87.05 percent of the budget for 77 full-time position(s) and one part-time position(s), and a total of 41.70 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 12.95 percent of the FY22 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

- ✧ OCA successfully pivoted to teleworking during the COVID 19 pandemic by instituting policies and procedures to provide legal services remotely and to limit the number of personnel in the office to meet COVID 19 requirements.
- ✧ Successfully defended a legal challenge in Federal Court brought under the Religious Land Use and Institutionalized Persons Act (RLUIPA) seeking the reversal of the County Council's decision not to extend water and sewer to several parcels of property in Burtonsville to protect the Patuxent River watershed.
- ✧ Provided OCA oversight of an enforcement workgroup to coordinate all citations/closures with SAO related to COVID 19.

INNOVATIONS AND PRODUCTIVITY IMPROVEMENTS

- ✧ Expanded the electronic citation application for use by more departments. Enhanced the application to allow inspectors to save a preview version of the citation ticket before final issuance. Code enforcement supervisors can now review and approve a citation after inspectors update information. Continued to train inspectors in Permitting Services, Health and Human Services, Environmental Protection, Office of Consumer Protection, and Animal Services and Adoption Center on this application.
- ✧ Implemented an online payment portal for debt collection payments including dishonored checks, False Alarm and other miscellaneous payments. Debtors can pay by credit card or personal check via the payment portal and daily payment reports can be viewed online.

- ✱ Migrated all existing non-procurement contracts in Zymaging to SharePoint to create a Non-Procurement Contracts Resource Center to better implement AP2-4. Created a one-stop shop for contract administrators; provided online agreement checklist to create and update contract/MOU/grants information and allow contract administrators to upload support documentation. Created a workflow process for department contract approval, OCA review, and Finance verification.
- ✱ Converted all paper workflows with Child Welfare Service to electronic forms and all court-related forms to electronic format. Established new ad-hoc e-filing procedures to match the changes made by the courts. Enabled all attorneys to appear in 100% remote court appearances. Provided trainings session for HHS on remote court participation.

PROGRAM CONTACTS

Contact Carolyn Kilgariff of the Office of the County Attorney at 240.777.6766 or Rafael Pumarejo Murphy of the Office of Management and Budget at 240.777.2775 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 FY21 estimates reflect funding based on the FY21 Approved Budget. The FY22 and FY23 figures are performance targets based on the FY22 Recommended Budget and funding for comparable service levels in FY23.

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. Also provides administrative, research, and technical guidance and support to divisions within the Department. Allows for an equitable distribution of work assignments, to cross-train staff, and to evaluate fairly the performance of the staff. Provides administrative support to the Risk Management Fund, Revenue Authority, and Solid Waste Fund.

Program Performance Measures	Actual FY19	Actual FY20	Estimated FY21	Target FY22	Target FY23
Overall average rating from Internal Customer Satisfaction Survey (1-4 scale)	3.38	3.38	3.38	3.38	3.38

FY22 Recommended Changes	Expenditures	FTEs
FY21 Approved	2,257,575	12.95
Shift: Deputy Privacy Official Position Transfer from HHS to OCA	52,325	0.50
Increase Cost: Personnel Cost Increase for Deputy Privacy Official Position Shift	30,871	0.00
Decrease Cost: Lapse Administrative Aide Position	(48,640)	0.00
Decrease Cost: Lapse Administrative Specialist II Position	(89,691)	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.	(14,804)	(0.75)
FY22 Recommended	2,187,636	12.70

✱ 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 transaction 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.

FY22 Recommended Changes	Expenditures	FTEs
FY21 Approved	4,103,788	28.25
Multi-program adjustments, including negotiated compensation changes, employee benefit changes, changes due to staff turnover, reorganizations, and other budget changes affecting multiple programs.	138,064	0.75

FY22 Recommended Changes	Expenditures	FTEs
FY22 Recommended	4,241,852	29.00

☼ 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. Under this program, OCA 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 FY19	Actual FY20	Estimated FY21	Target FY22	Target FY23
Debt collection (\$000)	\$11,693	\$7,412	\$7,500	\$8,500	\$9,500
Forfeitures collected (\$000) ¹	\$384.68	\$301.16	\$323.95	\$323.95	\$323.95
Debt collection - cost/revenue ratio ²	4.1%	6.5%	5.0%	5.0%	5.0%
Code Citations processed ³	6,253	7,074	6,086	6,086	6,086
Debt collection - collected/total referred ratio	139.5%	120.0%	110.0%	110.0%	110.0%
Code enforcement collected (\$000)	\$656	\$437	\$557	\$557	\$557
Code enforcement - Win/loss ratio	99.38%	99.68%	99.42%	99.42%	99.42%
Worker's compensation cases: Total net gain to the County (\$000)	2,960	3,629	3,058	3,058	3,058

¹ Court closed between March - June 2020 due to impact of coronavirus. There is no forfeiture actions since March 2020.

² This measure indicates the labor cost spent on collection. This is an indicator designed to show that the County is able to keep the collection cost low compared to outside private industry.

³ Despite the impact of corona virus and the District Court closed since March 2020, the Code Enforcement Unit continued to process increasing case loads of citations issued by various agencies.

FY22 Recommended Changes	Expenditures	FTEs
FY21 Approved	0	0.00
FY22 Recommended	0	0.00

BUDGET SUMMARY

	Actual FY20	Budget FY21	Estimate FY21	Recommended FY22	%Chg Bud/Rec
COUNTY GENERAL FUND					
EXPENDITURES					
Salaries and Wages	4,278,015	4,297,742	4,248,130	4,441,986	3.4 %
Employee Benefits	1,349,511	1,230,736	1,210,162	1,154,669	-6.2 %
County General Fund Personnel Costs	5,627,526	5,528,478	5,458,292	5,596,655	1.2 %
Operating Expenses	764,206	832,885	592,303	832,833	---
County General Fund Expenditures	6,391,732	6,361,363	6,050,595	6,429,488	1.1 %
PERSONNEL					
Full-Time	76	76	76	77	1.3 %
Part-Time	2	1	1	1	---
FTEs	43.20	41.20	41.20	41.70	1.2 %
REVENUES					
Federal Financial Participation Reimbursements	244,730	250,000	250,000	250,000	---
Other Intergovernmental	(45,876)	45,630	45,630	45,630	---
County General Fund Revenues	198,854	295,630	295,630	295,630	---
GRANT FUND - MCG					
EXPENDITURES					
Salaries and Wages	0	0	0	0	---
Employee Benefits	0	0	0	0	---
Grant Fund - MCG Personnel Costs	0	0	0	0	---
Operating Expenses	17,592	0	0	0	---

BUDGET SUMMARY

	Actual FY20	Budget FY21	Estimate FY21	Recommended FY22	%Chg Bud/Rec
Grant Fund - MCG Expenditures	17,592	0	0	0	---
PERSONNEL					
Full-Time	0	0	0	0	---
Part-Time	0	0	0	0	---
FTEs	0.00	0.00	0.00	0.00	---
Grant Fund - MCG Revenues	0	0	0	0	---

DEPARTMENT TOTALS

Total Expenditures	6,409,324	6,361,363	6,050,595	6,429,488	1.1 %
Total Full-Time Positions	76	76	76	77	1.3 %
Total Part-Time Positions	2	1	1	1	---
Total FTEs	43.20	41.20	41.20	41.70	1.2 %
Total Revenues	198,854	295,630	295,630	295,630	---

FY22 RECOMMENDED CHANGES

	Expenditures	FTEs
COUNTY GENERAL FUND		
FY21 ORIGINAL APPROPRIATION	6,361,363	41.20
Other Adjustments (with no service impacts)		
Increase Cost: FY21 Compensation Adjustment	156,862	0.00
Increase Cost: FY22 Compensation Adjustment	63,082	0.00
Shift: Deputy Privacy Official Position Transfer from HHS to OCA [Administration]	52,325	0.50
Increase Cost: Personnel Cost Increase for Deputy Privacy Official Position Shift [Administration]	30,871	0.00
Decrease Cost: Print and Mail Adjustment	(52)	0.00
Decrease Cost: Retirement Adjustment	(14,247)	0.00
Decrease Cost: Lapse Administrative Aide Position [Administration]	(48,640)	0.00
Decrease Cost: Annualization of FY21 Personnel Costs	(82,385)	0.00
Decrease Cost: Lapse Administrative Specialist II Position [Administration]	(89,691)	0.00
FY22 RECOMMENDED	6,429,488	41.70

PROGRAM SUMMARY

Program Name	FY21 APPR Expenditures	FY21 APPR FTEs	FY22 REC Expenditures	FY22 REC FTEs
Administration	2,257,575	12.95	2,187,636	12.70
General Counsel	4,103,788	28.25	4,241,852	29.00
Litigation	0	0.00	0	0.00
Total	6,361,363	41.20	6,429,488	41.70

CHARGES TO OTHER DEPARTMENTS

Charged Department	Charged Fund	FY21 Total\$	FY21 FTEs	FY22 Total\$	FY22 FTEs
COUNTY GENERAL FUND					
Board of Appeals	General Fund	76,335	0.50	77,302	0.50
Intergovernmental Relations	General Fund	29,015	0.30	29,397	0.30
Finance	General Fund	180,262	1.05	182,531	1.05
Finance	Risk Management (Self Insurance - ISF)	3,102,886	21.00	2,906,534	21.00
Human Resources	Employee Health Self Insurance	18,931	0.10	18,945	0.10
Correction and Rehabilitation	General Fund	159,607	1.00	159,561	1.00
Police	General Fund	178,216	1.00	178,384	1.00
Parking District Services	Bethesda Parking	22,832	0.10	22,228	0.10
Parking District Services	Silver Spring Parking	30,410	0.20	30,405	0.20
Health and Human Services	General Fund	0	0.00	83,477	0.50

CHARGES TO OTHER DEPARTMENTS

Charged Department	Charged Fund	FY21 Total\$	FY21 FTEs	FY22 Total\$	FY22 FTEs
Health and Human Services	Grant Fund	194,294	2.40	194,294	2.40
Permitting Services	Permitting Services	211,260	1.00	205,768	1.00
Housing and Community Affairs	General Fund	93,653	0.50	94,958	0.50
Housing and Community Affairs	Montgomery Housing Initiative	186,430	1.00	186,626	1.00
Recycling and Resource Management	Solid Waste Disposal	141,985	0.75	142,091	0.75
Recycling and Resource Management	Solid Waste Collection	47,328	0.25	47,364	0.25
CIP	Capital Fund	483,202	2.80	483,235	2.80
NDA - Montgomery County Employee Retirement Plans	General Fund	18,931	0.10	18,945	0.10
NDA - Montgomery County Employee Retirement Plans	Employees Retirement Savings Plan (RSP)	18,931	0.10	18,945	0.10
NDA - Montgomery County Employee Retirement Plans	Retirement Fund (ERS)	79,512	0.42	79,571	0.42
NDA - Retiree Health Benefits Trust	Retiree Health Benefits Trust Fund	32,183	0.17	32,207	0.17
NDA - Retiree Health Benefits Trust	RSP-Disability Benefits (LTD2)	11,359	0.06	11,367	0.06
Cable Television Communications Plan	Cable TV	114,160	0.50	111,140	0.50
Total		5,431,722	35.30	5,315,275	35.80

FUNDING PARAMETER ITEMS

CE RECOMMENDED (\$000S)

Title	FY22	FY23	FY24	FY25	FY26	FY27
COUNTY GENERAL FUND						
EXPENDITURES						
FY22 Recommended	6,429	6,429	6,429	6,429	6,429	6,429
No inflation or compensation change is included in outyear projections.						
Labor Contracts	0	113	113	113	113	113
These figures represent the estimated annualized cost of general wage adjustments, service increments, and other negotiated items.						
Subtotal Expenditures	6,429	6,542	6,542	6,542	6,542	6,542

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