

County Counselor

Mission: Provide high quality, non-partisan legal services to the County Commissioners, elected and appointed officials, departments and advisory boards.

Rich Euson
Sedgwick County Counselor

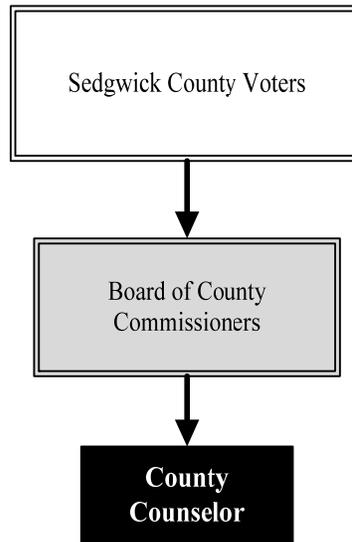
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Overview

The County Counselor provides legal advice and representation to the Board of County Commissioners, County elected and appointed officials, County management and advisory boards on civil matters affecting the County and Fire District One. These services include drafting and reviewing resolutions, contracts and other legal documents, giving advice and rendering opinions as requested, and prosecuting and defending the County’s interests before State and Federal courts and administrative agencies, including the Court of Tax Appeals.

The County Counselor also prosecutes in County Court violations of all County resolutions committed within the unincorporated area of Sedgwick County.



Strategic Goals:

- Assist County departments and leadership by prevention and avoidance of legal claims
- Render sound legal advice in a prompt and responsive manner
- Provide training to County officers and managers

Highlights

- Jennifer Magaña, Vice President of County Counselors Association of Kansas (CCAK) and Board of Directors for Wichita Festivals, Inc. (2012-2014)
- Justin Waggoner, Board of Directors for CASA of Sedgwick County
- United Way of the Plains Silver Award
- Robert Parnacott, presented on public health law issues at the Governor’s Public Health Conference in Wichita



Accomplishments and Priorities

Accomplishments

In 2013, through the prudent use of settlement negotiations, mediations, administrative hearings, and bench and jury trials, the County Counselor’s Office was able to dispose of 17 lawsuits, 10 Kansas Human Rights Commission/Equal Employment Opportunity Commission matters, and eight 12-105b claims, as well as assisting with the disposition of three cases handled by outside counsel and several matters handled on behalf of Risk Management. In addition, one habeas corpus case was dismissed and 138 economic units were concluded before the Court of Tax Appeals. The County Counselor’s Office is intricately involved in ensuring that services and assistance are provided in a fair and equitable manner, specifically by routinely training County supervisors on County policies and local and federal laws that support practices and processes intended to provide access to all citizens.

The County Counselor’s Office legal staff celebrated numerous professional accomplishments. Karen Powell gave multiple presentations regarding Criminal and Civil Liability for training recruits. Patricia Parker serves as a Presenter and Moderator for Legal Seminars and Prep and Trial Seminars put on by the International Association of Assessing Officers (IAAO) and served on the IAAO Legal Committee from 2011-2013. Jennifer Magaña gave multiple presentations for Supervisory training for in-house clientele across all county departments. Michael Pepon presented on ADA issues at the City of Derby’s Access Advisory Board.

Priorities

The County Counselor’s Office prioritizes services in accordance with Charter Resolution No. 46, Kansas Administrative Regulation No. 94-2-10 and Kansas Statute Annotated 19-4701 as implemented by County Resolution No. 260-1990. Charter 46 defines the general areas of civil law required to be handled by the County Counselor, and it also defines specific requirements such as attending County Commission meetings, rendering opinions, drafting contracts, prosecuting and defending civil actions and assisting elected and appointed County officials in performing their duties. K.A.R. 94-2-10, together with Court Rules, requires the County Counselor to appear before the Kansas Court of Tax Appeals to defend the County’s interests in certain cases. K.S.A. 19-4701 and County Resolution No. 260-1990 establish a County Court for the criminal prosecution of violations of Sedgwick County resolutions and require the County Counselor to prosecute such violations.

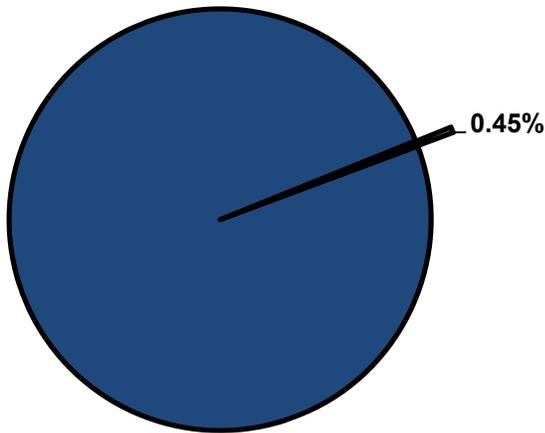


Significant Budget Adjustments

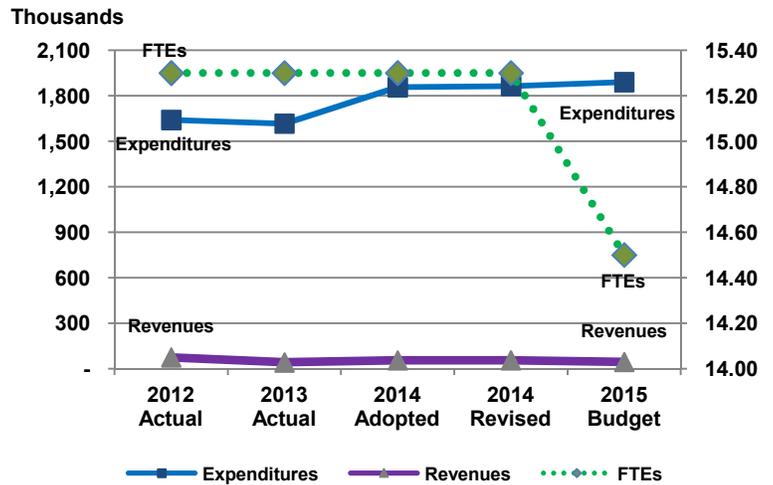
Changes to the County Counselor’s 2015 budget include the elimination of a vacant 0.8 FTE Office Specialist position for a reduction of \$27,565 in personnel expenditures.

Departmental Graphical Summary

County Counselor
Percent of Total County Operating Budget



Expenditures, Program Revenue & FTEs
All Operating Funds



Budget Summary by Category

| | 2012 Actual | 2013 Actual | 2014 Adopted | 2014 Revised | 2015 Budget | Amount Chg '14 Rev.-'15 | % Chg '14 Rev.-'15 |
|-------------------------------------|------------------|------------------|------------------|------------------|------------------|-------------------------|--------------------|
| Expenditures | | | | | | | |
| Personnel | 1,276,400 | 1,265,499 | 1,363,910 | 1,369,680 | 1,396,987 | 27,307 | 1.99% |
| Contractual Services | 338,181 | 322,470 | 467,386 | 467,386 | 465,261 | (2,125) | -0.45% |
| Debt Service | - | - | - | - | - | - | - |
| Commodities | 26,328 | 28,233 | 25,851 | 26,750 | 27,976 | 1,226 | 4.58% |
| Capital Improvements | - | - | - | - | - | - | - |
| Capital Equipment | - | - | - | - | - | - | - |
| Interfund Transfers | - | - | - | - | - | - | - |
| Total Expenditures | 1,640,909 | 1,616,202 | 1,857,147 | 1,863,816 | 1,890,224 | 26,408 | 1.42% |
| Revenues | | | | | | | |
| Tax Revenues | - | - | - | - | - | - | - |
| Licenses and Permits | - | - | - | - | - | - | - |
| Intergovernmental | - | - | - | - | - | - | - |
| Charges for Services | - | - | - | - | - | - | - |
| All Other Revenue | 74,590 | 41,525 | 55,000 | 55,000 | 44,038 | (10,962) | -19.93% |
| Total Revenues | 74,590 | 41,525 | 55,000 | 55,000 | 44,038 | (10,962) | -19.93% |
| Full-Time Equivalents (FTEs) | | | | | | | |
| Property Tax Funded | 15.30 | 15.30 | 15.30 | 15.30 | 14.50 | (0.80) | -5.23% |
| Non-Property Tax Funded | - | - | - | - | - | - | - |
| Total FTEs | 15.30 | 15.30 | 15.30 | 15.30 | 14.50 | (0.80) | -5.23% |

Budget Summary by Fund

| Fund | 2012 Actual | 2013 Actual | 2014 Adopted | 2014 Revised | 2015 Budget | Amount Chg '14 Rev.-'15 | % Chg '14 Rev.-'15 |
|---------------------------|------------------|------------------|------------------|------------------|------------------|-------------------------|--------------------|
| General Fund | 1,640,909 | 1,616,202 | 1,857,147 | 1,863,816 | 1,890,224 | 26,408 | 1.42% |
| Total Expenditures | 1,640,909 | 1,616,202 | 1,857,147 | 1,863,816 | 1,890,224 | 26,408 | 1.42% |

Significant Budget Adjustments from Prior Year Revised Budget

| | Expenditures | Revenues | FTEs |
|--|--------------|----------|--------|
| Elimination of vacant 0.8 FTE Office Specialist position | (27,565) | | (0.80) |

Total (27,565) - (0.80)

Budget Summary by Program

| Program | Fund | 2012 Actual | 2013 Actual | 2014 Adopted | 2014 Revised | 2015 Budget | % Chg '14 Rev.-'15 | 2015 FTEs |
|--------------------------|------|------------------|------------------|------------------|------------------|------------------|--------------------|--------------|
| Counselor's Office | 110 | 123,395 | 114,298 | 128,367 | 127,968 | 102,844 | -19.63% | 1.10 |
| General Legal Services | 110 | 1,384,849 | 1,369,460 | 1,289,461 | 1,295,936 | 1,335,942 | 3.09% | 10.60 |
| Sedgwick County Court | 110 | 132,666 | 132,445 | 145,520 | 146,113 | 157,639 | 7.89% | 2.80 |
| Ext.Counsel & Legal Exp. | 110 | - | - | 293,799 | 293,799 | 293,799 | 0.00% | - |
| Total | | 1,640,909 | 1,616,202 | 1,857,147 | 1,863,816 | 1,890,224 | 1.42% | 14.50 |

Personnel Summary By Fund

| Position Titles | Fund | Grade | Budgeted Compensation Comparison | | | FTE Comparison | | |
|-------------------------------|------|----------|----------------------------------|--------------|------------------|----------------|--------------|--------------|
| | | | 2014 Adopted | 2014 Revised | 2015 Budget | 2014 Adopted | 2014 Revised | 2015 Budget |
| County Counselor | 110 | GRADE144 | 128,257 | 136,394 | 136,394 | 1.00 | 1.00 | 1.00 |
| Deputy County Counselor | 110 | GRADE141 | 104,598 | 110,137 | 110,137 | 1.00 | 1.00 | 1.00 |
| Assistant County Counselor | 110 | GRADE139 | 109,206 | 112,919 | 112,919 | 1.00 | 1.00 | 1.00 |
| Chief Attorney I | 110 | GRADE136 | 420,762 | 442,594 | 442,594 | 5.00 | 5.00 | 5.00 |
| Administrative Officer | 110 | GRADE124 | 40,579 | 35,526 | 35,526 | 1.00 | 1.00 | 1.00 |
| Administrative Assistant | 110 | GRADE120 | 138,951 | 146,289 | 146,289 | 4.00 | 4.00 | 4.00 |
| Office Specialist | 110 | GRADE117 | 24,494 | 25,795 | 25,795 | 1.00 | 1.00 | 1.00 |
| Judge Pro Tem | 110 | EXCEPT | 14,400 | 14,400 | 14,400 | 0.50 | 0.50 | 0.50 |
| Office Specialist | 110 | EXCEPT | 20,983 | 8,800 | - | 0.80 | 0.80 | - |
| Subtotal | | | | | 1,024,054 | | | |
| Add: | | | | | | | | |
| Budgeted Personnel Savings | | | | | - | | | |
| Compensation Adjustments | | | | | 29,402 | | | |
| Overtime/On Call/Holiday Pay | | | | | - | | | |
| Benefits | | | | | 343,531 | | | |
| Total Personnel Budget | | | | | 1,396,987 | 15.30 | 15.30 | 14.50 |

• Counselor's Office

Administration in the County Counselor's Office is responsible for all aspects of Counselor's operations shared in common, such as management, budgeting, purchasing and reception for the department.

Fund(s): County General Fund 110

| Expenditures | 2012 Actual | 2013 Actual | 2014 Adopted | 2014 Revised | 2015 Budget | Amnt. Chg. '14 - '15 | % Chg. '14 - '15 |
|-------------------------------------|----------------|----------------|-----------------|-----------------|----------------|-------------------------|---------------------|
| Personnel | 120,609 | 111,954 | 124,767 | 124,368 | 98,524 | (25,844) | -20.8% |
| Contractual Services | 2,678 | 2,343 | 3,550 | 3,550 | 4,270 | 720 | 20.3% |
| Debt Service | - | - | - | - | - | - | 0.0% |
| Commodities | 107 | - | 50 | 50 | 50 | - | 0.0% |
| Capital Improvements | - | - | - | - | - | - | 0.0% |
| Capital Equipment | - | - | - | - | - | - | 0.0% |
| Interfund Transfers | - | - | - | - | - | - | 0.0% |
| Total Expenditures | 123,395 | 114,298 | 128,367 | 127,968 | 102,844 | (25,124) | -19.6% |
| Revenues | | | | | | | |
| Taxes | - | - | - | - | - | - | 0.0% |
| Intergovernmental | - | - | - | - | - | - | 0.0% |
| Charges For Service | - | - | - | - | - | - | 0.0% |
| All Other Revenue | - | 30 | - | - | 30 | 30 | 0.0% |
| Total Revenues | - | 30 | - | - | 30 | 30 | 0.0% |
| Full-Time Equivalents (FTEs) | 1.90 | 1.90 | 1.90 | 1.90 | 1.10 | (0.80) | -42.1% |

• General Legal Services

The County Counselor provides in-house legal services to the Board of County Commissioners, elected and appointed officials, and advisory boards. Services include advising with oral and written legal opinions, representation in legal proceedings and the review and preparation of contracts, resolutions, policies and procedures and mitigation of all cases of liability against the County, including claims originating from the County jail. Primarily supported by County revenues, the budget authority includes partial funding for legal professional services (funding set aside for payment to attorneys hired to handle special situations) and case settlement.

Fund(s): County General Fund 110

| Expenditures | 2012 Actual | 2013 Actual | 2014 Adopted | 2014 Revised | 2015 Budget | Amnt. Chg. '14 - '15 | % Chg. '14 - '15 |
|-------------------------------------|------------------|------------------|------------------|------------------|------------------|-------------------------|---------------------|
| Personnel | 1,027,112 | 1,025,432 | 1,099,583 | 1,105,159 | 1,146,794 | 41,635 | 3.8% |
| Contractual Services | 332,403 | 316,403 | 165,402 | 165,402 | 162,522 | (2,880) | -1.7% |
| Debt Service | - | - | - | - | - | - | 0.0% |
| Commodities | 25,334 | 27,625 | 24,476 | 25,375 | 26,626 | 1,251 | 4.9% |
| Capital Improvements | - | - | - | - | - | - | 0.0% |
| Capital Equipment | - | - | - | - | - | - | 0.0% |
| Interfund Transfers | - | - | - | - | - | - | 0.0% |
| Total Expenditures | 1,384,849 | 1,369,460 | 1,289,461 | 1,295,936 | 1,335,942 | 40,006 | 3.1% |
| Revenues | | | | | | | |
| Taxes | - | - | - | - | - | - | 0.0% |
| Intergovernmental | - | - | - | - | - | - | 0.0% |
| Charges For Service | - | - | - | - | - | - | 0.0% |
| All Other Revenue | - | 368 | - | - | 375 | 375 | 0.0% |
| Total Revenues | - | 368 | - | - | 375 | 375 | 0.0% |
| Full-Time Equivalents (FTEs) | 10.60 | 10.60 | 10.60 | 10.60 | 10.60 | - | 0.0% |

• Sedgwick County Court

County Court is authorized by K.S.A. 19-101(d) and was created to enforce County Codes and resolutions through the criminal prosecution of violators. It was created by BoCC resolution in 1990, when it handled only Animal Control cases. Since its creation, more “enforcing” departments have become aware of its functional authority and have begun to seek prosecution for violations of the County Code. The County Counselor is responsible for prosecution of all cases filed in County Court.

Fund(s): County General Fund 110

| Expenditures | 2012 Actual | 2013 Actual | 2014 Adopted | 2014 Revised | 2015 Budget | Amnt. Chg. '14 - '15 | % Chg. '14 - '15 |
|-------------------------------------|----------------|----------------|----------------|----------------|----------------|----------------------|------------------|
| Personnel | 128,679 | 128,112 | 139,560 | 140,153 | 151,669 | 11,516 | 8.2% |
| Contractual Services | 3,100 | 3,724 | 4,635 | 4,635 | 4,670 | 35 | 0.8% |
| Debt Service | - | - | - | - | - | - | 0.0% |
| Commodities | 887 | 608 | 1,325 | 1,325 | 1,300 | (25) | -1.9% |
| Capital Improvements | - | - | - | - | - | - | 0.0% |
| Capital Equipment | - | - | - | - | - | - | 0.0% |
| Interfund Transfers | - | - | - | - | - | - | 0.0% |
| Total Expenditures | 132,666 | 132,445 | 145,520 | 146,113 | 157,639 | 11,526 | 7.9% |
| Revenues | | | | | | | |
| Taxes | - | - | - | - | - | - | 0.0% |
| Intergovernmental | - | - | - | - | - | - | 0.0% |
| Charges For Service | - | - | - | - | - | - | 0.0% |
| All Other Revenue | 74,590 | 41,128 | 55,000 | 55,000 | 43,632 | (11,368) | -20.7% |
| Total Revenues | 74,590 | 41,128 | 55,000 | 55,000 | 43,632 | (11,368) | -20.7% |
| Full-Time Equivalents (FTEs) | 2.80 | 2.80 | 2.80 | 2.80 | 2.80 | - | 0.0% |

• External Counsel & Legal Expense

The External Counsel Fees and Legal Expenses fund center provides budget authority for legal professional services, primarily for payment to attorneys engaged to represent the County in lawsuits and situations requiring special expertise, including any associated legal expenses for both in-house and outside counsel. In 2014, this fund center changed from a contingency to an operational fund center and external legal costs incurred by the department are accounted for in this fund center.

Fund(s): County General Fund 110

| Expenditures | 2012 Actual | 2013 Actual | 2014 Adopted | 2014 Revised | 2015 Budget | Amnt. Chg. '14 - '15 | % Chg. '14 - '15 |
|-------------------------------------|-------------|-------------|----------------|----------------|----------------|----------------------|------------------|
| Personnel | - | - | - | - | - | - | 0.0% |
| Contractual Services | - | - | 293,799 | 293,799 | 293,799 | - | 0.0% |
| Debt Service | - | - | - | - | - | - | 0.0% |
| Commodities | - | - | - | - | - | - | 0.0% |
| Capital Improvements | - | - | - | - | - | - | 0.0% |
| Capital Equipment | - | - | - | - | - | - | 0.0% |
| Interfund Transfers | - | - | - | - | - | - | 0.0% |
| Total Expenditures | - | - | 293,799 | 293,799 | 293,799 | - | 0.0% |
| Revenues | | | | | | | |
| Taxes | - | - | - | - | - | - | 0.0% |
| Intergovernmental | - | - | - | - | - | - | 0.0% |
| Charges For Service | - | - | - | - | - | - | 0.0% |
| All Other Revenue | - | - | - | - | - | - | 0.0% |
| Total Revenues | - | - | - | - | - | - | 0.0% |
| Full-Time Equivalents (FTEs) | - | - | - | - | - | - | 0.0% |