

# County Counselor

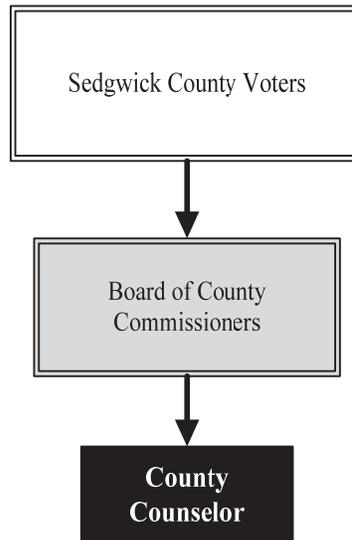
**Mission:** Provide high quality, non-partisan legal services to the County Commissioners, elected and appointed officials, divisions, and advisory boards.

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## Overview

The County Counselor provides legal advice and representation to the Board of County Commissioners (BOCC), County elected and appointed officials, County management, and advisory boards on civil matters affecting the County and Fire District 1. 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 Board of Tax Appeals.

In Sedgwick County Court, the County Counselor prosecutes violations of County codes committed within the unincorporated area of Sedgwick County.

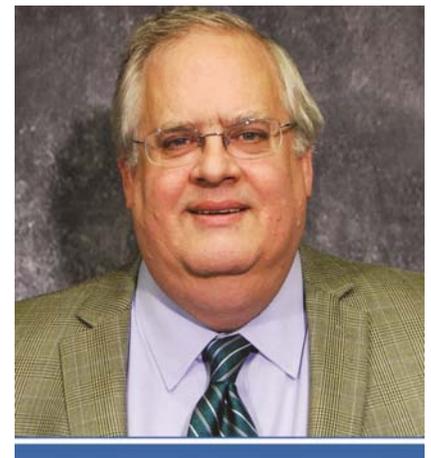


## Strategic Goals:

- Assist County divisions and leadership by prevention and avoidance of legal claims
- Render sound legal advice in a prompt and responsive manner
- Provide training to the County's elected officials, managers, and employees

## Highlights

- Karen Powell serves on the Hoarding Coalition and the Criminal Justice Coordinating Council
- Patricia Parker holds an Assessment Administration Specialist designation from the International Association of Assessing Officers
- Justin Waggoner serves on the Board of Directors for Court Appointed Special Advocates (CASA) of Sedgwick County
- Attorneys obtained 150 hours of Continuing Legal Education (CLE) credits in 2016 and several attorneys taught at CLE seminars



# Accomplishments and Priorities

## Accomplishments

In 2016, the County Counselor’s Office represented the County’s interests in 474 cases and claims (not including bankruptcy and County Court cases). These were comprised of: 31 lawsuits; eight employment related complaints involving the Kansas Human Rights Commission (KHRC), Equal Employment Opportunity Commission (EEOC), Department of Labor (DOL), or Department of Justice (DOJ); 21 eminent domain claims; 68 adult entertainment code prosecution cases; 71 jail claims; 249 economic units before the Board of Tax Appeals; and 27 claims for damages, 25 of which were K.S.A. 12-105b claims. The County Counselor’s Office handled several matters on behalf of Risk Management.

Through the prudent use of settlement negotiations, mediations, administrative hearings, and trials, the County Counselor’s Office was able to successfully dispose of 19 lawsuits, two employment matters, nine eminent domain matters, 54 adult entertainment code prosecution cases, 25 jail claims, 105 economic units before the Board of Tax Appeals, and 15 claims for damages, 14 of which were K.S.A. 12-105b claims. Outside counsel assisted with the disposition of four lawsuits, one claim for damages, and 36 adult entertainment code prosecution cases.

## Priorities

The County Counselor’s Office prioritizes services in accordance with Charter Resolution No. 46, Kansas Administrative Regulation (K.A.R.) 94-2-10, and Kansas Statute Annotated (K.S.A.) 19-4701 as implemented by County Resolution No. 260-1990. Charter Resolution 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 requires the County Counselor to appear before the Kansas Board of Tax Appeals to defend the County’s interests in certain cases. As permitted by K.S.A. 19-4701, County Resolution No. 260-1990 established a County Court for the criminal prosecution of violations of Sedgwick County resolutions. The County Counselor prosecutes such violations.



## Significant Budget Adjustments

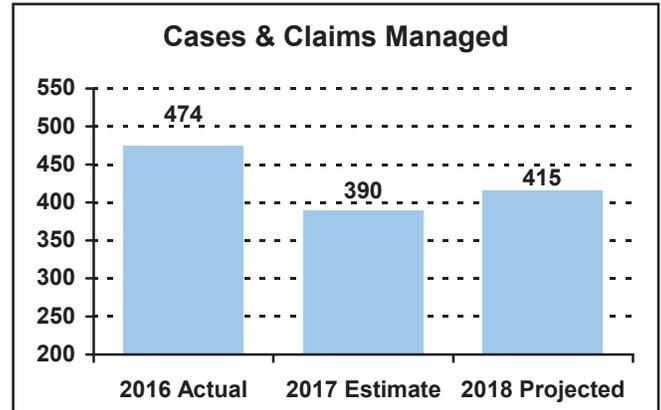
There are no significant adjustments to the County Counselor’s 2018 budget.

**PERFORMANCE MEASURE HIGHLIGHTS**

The following chart illustrates the Key Performance Indicator (KPI) of the County Counselor’s Office.

**Cases and Claims Managed -**

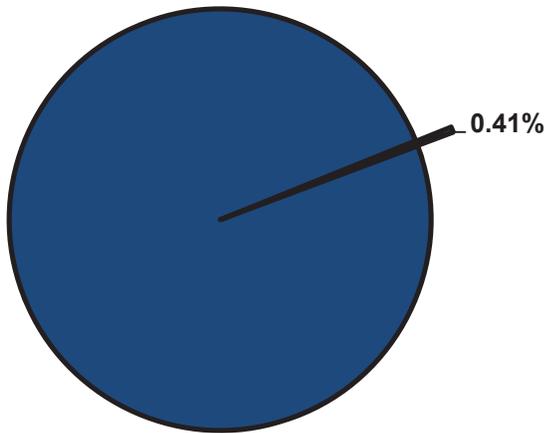
- Provide high quality, non-partisan legal services to the County Commissioners, elected and appointed officials, Divisions, and advisory boards and assist County Divisions and leadership by prevention and avoidance of legal claims.



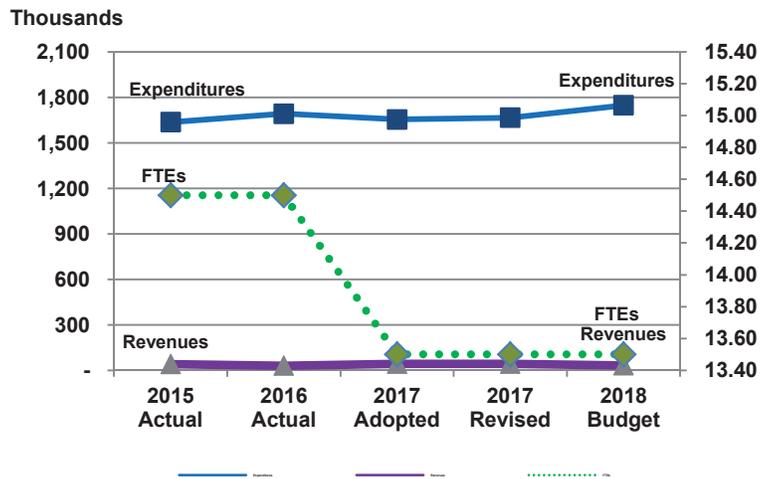
Division Performance Measures	2016 Actual	2017 Est.	2018 Proj.
<b>Goal: Aggressively represent clients</b>			
Cases and claims managed (not including bankruptcy and County Court cases)	474	390	415
Disputed valuations (appraised) in Board of Tax Appeals commercial cases	\$425,475,040	\$430,000,000	\$430,000,000
Disputed valuations (appraised) upheld in BOTA commercial cases	\$383,720,595	\$390,000,000	\$390,000,000
Percent of disputed valuations upheld in BOTA commercial cases	91%	91%	91%
Taxes collected in bankruptcy cases	\$1,045,757	\$1,150,000	\$1,150,000
<b>Goal: Provide cost effective legal services</b>			
Number of County employees per attorney	371	387	380
Total budget/attorney hours worked (hourly rate)	148.98	140.00	140.00
Operation within established budget (without supplemental requests)	Yes	Yes	Yes
<b>Goal: Provide consistent and accurate legal advice based on current legal authorities</b>			
Client satisfaction rate	98%	98%	98%
Regularly track legislation and advise clients of relevant pending legislation in a timely manner	Yes	Yes	Yes
CLE hours obtained	162	150	150
<b>Goal: Enforce County codes through the County Court System</b>			
Cases handled	428	400	400
Average length of disposition of cases (days)	35	35	35

**Divisional Graphical Summary**

**County Counselor**  
Percent of Total County Operating Budget



**Expenditures, Program Revenue & FTEs**  
All Operating Funds



**Budget Summary by Category**

	2015 Actual	2016 Actual	2017 Adopted	2017 Revised	2018 Budget	Amount Chg '17 Rev.-'18	% Chg '17 Rev.-'18
<b>Expenditures</b>							
Personnel	1,280,082	1,373,867	1,277,855	1,289,449	1,371,256	81,806	6.34%
Contractual Services	319,738	278,676	347,549	347,549	322,449	(25,100)	-7.22%
Debt Service	-	-	-	-	-	-	-
Commodities	37,503	39,814	29,155	29,155	54,255	25,100	86.09%
Capital Improvements	-	-	-	-	-	-	-
Capital Equipment	-	-	-	-	-	-	-
Interfund Transfers	-	-	-	-	-	-	-
<b>Total Expenditures</b>	<b>1,637,323</b>	<b>1,692,357</b>	<b>1,654,559</b>	<b>1,666,153</b>	<b>1,747,960</b>	<b>81,806</b>	<b>4.91%</b>
<b>Revenues</b>							
Tax Revenues	-	-	-	-	-	-	-
Licenses and Permits	-	-	-	-	-	-	-
Intergovernmental	-	-	-	-	-	-	-
Charges for Services	-	-	-	-	-	-	-
All Other Revenue	40,269	30,652	42,331	42,331	32,380	(9,951)	-23.51%
<b>Total Revenues</b>	<b>40,269</b>	<b>30,652</b>	<b>42,331</b>	<b>42,331</b>	<b>32,380</b>	<b>(9,951)</b>	<b>-23.51%</b>
<b>Full-Time Equivalents (FTEs)</b>							
Property Tax Funded	14.50	14.50	13.50	13.50	13.50	-	0.00%
Non-Property Tax Funded	-	-	-	-	-	-	-
<b>Total FTEs</b>	<b>14.50</b>	<b>14.50</b>	<b>13.50</b>	<b>13.50</b>	<b>13.50</b>	<b>-</b>	<b>0.00%</b>

**Budget Summary by Fund**

Fund	2015 Actual	2016 Actual	2017 Adopted	2017 Revised	2018 Budget	Amount Chg '17 Rev.-'18	% Chg '17 Rev.-'18
General Fund	1,637,323	1,692,357	1,654,559	1,666,153	1,747,960	81,806	4.91%
<b>Total Expenditures</b>	<b>1,637,323</b>	<b>1,692,357</b>	<b>1,654,559</b>	<b>1,666,153</b>	<b>1,747,960</b>	<b>81,806</b>	<b>4.91%</b>

**Significant Budget Adjustments from Prior Year Revised Budget**

Expenditures      Revenues      FTEs

Total      -      -      -

**Budget Summary by Program**

Program	Fund	2015 Actual	2016 Actual	2017 Adopted	2017 Revised	2018 Budget	% Chg '17 Rev.-'18	2018 FTEs
Counselor's Office	110	131,941	163,454	148,789	224,264	262,264	16.94%	2.70
General Legal Services	110	1,120,884	1,176,072	1,097,667	1,002,214	1,087,297	8.49%	7.95
Sedgwick County Court	110	145,476	140,049	145,952	180,524	186,247	3.17%	2.85
Ext.Counsel & Legal Exp.	110	239,021	212,782	262,152	259,152	212,152	-18.14%	-
<b>Total</b>		<b>1,637,323</b>	<b>1,692,357</b>	<b>1,654,559</b>	<b>1,666,153</b>	<b>1,747,960</b>	<b>4.91%</b>	<b>13.50</b>

**Personnel Summary By Fund**

Position Titles	Fund	Grade	Budgeted Compensation Comparison			FTE Comparison		
			2017 Adopted	2017 Revised	2018 Budget	2017 Adopted	2017 Revised	2018 Budget
County Counselor	110	GRADE144	134,310	137,668	137,668	1.00	1.00	1.00
Deputy County Counselor	110	GRADE141	115,252	124,245	124,245	1.00	1.00	1.00
Assistant County Counselor	110	GRADE139	463,248	504,631	504,631	5.00	5.00	5.00
Administrative Officer	110	GRADE124	38,014	36,414	36,414	1.00	1.00	1.00
Administrative Assistant	110	GRADE120	157,400	166,991	166,991	4.00	4.00	4.00
Office Specialist	110	GRADE117	27,098	28,829	28,829	1.00	1.00	1.00
Judge Pro Tem	110	EXFLAT	14,400	14,400	14,400	0.50	0.50	0.50
<b>Subtotal</b>					<b>1,013,178</b>			
Add:								
Budgeted Personnel Savings					-			
Compensation Adjustments					34,244			
Overtime/On Call/Holiday Pay					-			
Benefits					323,834			
<b>Total Personnel Budget</b>					<b>1,371,256</b>	<b>13.50</b>	<b>13.50</b>	<b>13.50</b>

**• 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, and purchasing for the division.

**Fund(s): County General Fund 110**

Expenditures	2015 Actual	2016 Actual	2017 Adopted	2017 Revised	2018 Budget	Amnt. Chg. '17 - '18	% Chg. '17 - '18
Personnel	131,152	162,139	144,407	219,882	257,882	38,000	17.3%
Contractual Services	789	1,290	4,357	4,357	4,357	-	0.0%
Debt Service	-	-	-	-	-	-	0.0%
Commodities	-	24	25	25	25	-	0.0%
Capital Improvements	-	-	-	-	-	-	0.0%
Capital Equipment	-	-	-	-	-	-	0.0%
Interfund Transfers	-	-	-	-	-	-	0.0%
<b>Total Expenditures</b>	<b>131,941</b>	<b>163,454</b>	<b>148,789</b>	<b>224,264</b>	<b>262,264</b>	<b>38,000</b>	<b>16.9%</b>
<b>Revenues</b>							
Taxes	-	-	-	-	-	-	0.0%
Intergovernmental	-	-	-	-	-	-	0.0%
Charges For Service	-	-	-	-	-	-	0.0%
All Other Revenue	-	143	-	-	143	143	0.0%
<b>Total Revenues</b>	<b>-</b>	<b>143</b>	<b>-</b>	<b>-</b>	<b>143</b>	<b>143</b>	<b>0.0%</b>
<b>Full-Time Equivalents (FTEs)</b>	<b>1.40</b>	<b>1.40</b>	<b>1.40</b>	<b>2.70</b>	<b>2.70</b>	<b>-</b>	<b>0.0%</b>

**• General Legal Services**

The County Counselor provides in-house legal services to the Board of County Commissioners (BOCC), elected and appointed officials, divisions, 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 funding for case settlement.

**Fund(s): County General Fund 110**

Expenditures	2015 Actual	2016 Actual	2017 Adopted	2017 Revised	2018 Budget	Amnt. Chg. '17 - '18	% Chg. '17 - '18
Personnel	1,007,547	1,074,837	992,127	893,674	931,757	38,083	4.3%
Contractual Services	76,968	62,572	76,780	79,780	101,680	21,900	27.5%
Debt Service	-	-	-	-	-	-	0.0%
Commodities	36,369	38,663	28,760	28,760	53,860	25,100	87.3%
Capital Improvements	-	-	-	-	-	-	0.0%
Capital Equipment	-	-	-	-	-	-	0.0%
Interfund Transfers	-	-	-	-	-	-	0.0%
<b>Total Expenditures</b>	<b>1,120,884</b>	<b>1,176,072</b>	<b>1,097,667</b>	<b>1,002,214</b>	<b>1,087,297</b>	<b>85,083</b>	<b>8.5%</b>
<b>Revenues</b>							
Taxes	-	-	-	-	-	-	0.0%
Intergovernmental	-	-	-	-	-	-	0.0%
Charges For Service	-	-	-	-	-	-	0.0%
All Other Revenue	254	-	-	-	-	-	0.0%
<b>Total Revenues</b>	<b>254</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>0.0%</b>
<b>Full-Time Equivalents (FTEs)</b>	<b>10.50</b>	<b>10.50</b>	<b>9.45</b>	<b>7.95</b>	<b>7.95</b>	<b>-</b>	<b>0.0%</b>

**• Sedgwick County Court**

County Court is authorized by K.S.A. 19-101d 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” divisions 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	2015 Actual	2016 Actual	2017 Adopted	2017 Revised	2018 Budget	Amnt. Chg. '17 - '18	% Chg. '17 - '18
Personnel	141,383	136,891	141,322	175,894	181,617	5,723	3.3%
Contractual Services	2,960	2,032	4,260	4,260	4,260	-	0.0%
Debt Service	-	-	-	-	-	-	0.0%
Commodities	1,133	1,126	370	370	370	-	0.0%
Capital Improvements	-	-	-	-	-	-	0.0%
Capital Equipment	-	-	-	-	-	-	0.0%
Interfund Transfers	-	-	-	-	-	-	0.0%
<b>Total Expenditures</b>	<b>145,476</b>	<b>140,049</b>	<b>145,952</b>	<b>180,524</b>	<b>186,247</b>	<b>5,723</b>	<b>3.2%</b>
<b>Revenues</b>							
Taxes	-	-	-	-	-	-	0.0%
Intergovernmental	-	-	-	-	-	-	0.0%
Charges For Service	-	-	-	-	-	-	0.0%
All Other Revenue	37,033	30,509	39,288	39,288	32,237	(7,051)	-17.9%
<b>Total Revenues</b>	<b>37,033</b>	<b>30,509</b>	<b>39,288</b>	<b>39,288</b>	<b>32,237</b>	<b>(7,051)</b>	<b>-17.9%</b>
<b>Full-Time Equivalents (FTEs)</b>	<b>2.60</b>	<b>2.60</b>	<b>2.65</b>	<b>2.85</b>	<b>2.85</b>	<b>-</b>	<b>0.0%</b>

**• External Counsel & Legal Expense**

The External Counsel and Legal Expense fund center provides budget authority for legal professional services. This fund is used exclusively for payment of fees and authorized expenses incurred by attorneys who have been engaged to represent the County in lawsuits and situations requiring special expertise.

**Fund(s): County General Fund 110**

Expenditures	2015 Actual	2016 Actual	2017 Adopted	2017 Revised	2018 Budget	Amnt. Chg. '17 - '18	% Chg. '17 - '18
Personnel	-	-	-	-	-	-	0.0%
Contractual Services	239,021	212,782	262,152	259,152	212,152	(47,000)	-18.1%
Debt Service	-	-	-	-	-	-	0.0%
Commodities	-	-	-	-	-	-	0.0%
Capital Improvements	-	-	-	-	-	-	0.0%
Capital Equipment	-	-	-	-	-	-	0.0%
Interfund Transfers	-	-	-	-	-	-	0.0%
<b>Total Expenditures</b>	<b>239,021</b>	<b>212,782</b>	<b>262,152</b>	<b>259,152</b>	<b>212,152</b>	<b>(47,000)</b>	<b>-18.1%</b>
<b>Revenues</b>							
Taxes	-	-	-	-	-	-	0.0%
Intergovernmental	-	-	-	-	-	-	0.0%
Charges For Service	-	-	-	-	-	-	0.0%
All Other Revenue	2,983	-	3,043	3,043	-	(3,043)	-100.0%
<b>Total Revenues</b>	<b>2,983</b>	<b>-</b>	<b>3,043</b>	<b>3,043</b>	<b>-</b>	<b>(3,043)</b>	<b>-100.0%</b>
<b>Full-Time Equivalents (FTEs)</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>0.0%</b>