

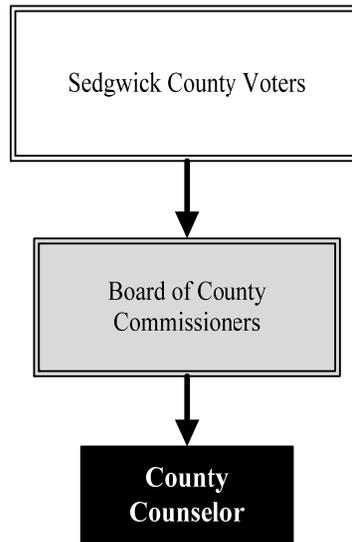
# County Counselor

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

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**Sedgwick County Counselor**  
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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.



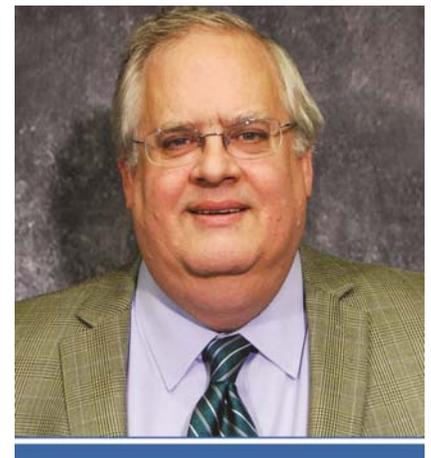
The County Counselor also prosecutes violations of all County resolutions committed within the unincorporated area of Sedgwick County in County Court.

## Highlights

- Karen Powell serves on the Hoarding Coalition and the Criminal Justice Coordinating Council
- Justin Waggoner was appointed to the position of Secretary for the Board of Directors for CASA of Sedgwick County in 2015
- Patricia Parker holds an Assessment Administration Specialist (A.S.S.) designation from the International Association of Assessing Officers
- Attorneys in the Office obtained 118 hours of Continuing Legal Education Credits in 2015

## 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 County officers and managers



# Accomplishments and Priorities

## Accomplishments

In 2015, the County Counselor's Office worked on 414 total cases and claims (excluding bankruptcy and County Court cases). These were comprised of 19 lawsuits, three Kansas Human Rights Commission/Equal Employment Opportunity Commission (KHRC/EEOC) or Department of Justice (DOJ) claims, 13 eminent domain claims, 44 adult entertainment cases, 53 jail claims, 254 Board of Tax Appeals matters, and 28 claims for damages, of which 24 were 12-105b claims. Through the prudent use of settlement negotiations, mediations, administrative hearings, and bench and jury trials, the County Counselor's Office was able to successfully dispose of 6 lawsuits, one KHRC/EEOC matters, four eminent domain matters, and 15 claims for damages, of which 11 were 12-105b claims. Outside counsel assisted with the disposition of five of the closed lawsuits as well as one of the closed claims for damages matters. In addition, 115 economic units before the Board of Tax Appeals, two adult entertainment cases, and 12 jail claims were concluded. Lastly the County Counselor's Office handled several matters on behalf of Risk Management in 2015.

In 2015, Karen Powell provided the following training to the Sheriff's Office: four recruit classes on Avoiding Criminal and Civil Liability; two training sessions for recruits and current employees regarding enforcement of the adult entertainment code; training sessions for newly promoted detention supervisors; and training sessions regarding garnishments.

## Priorities

The County Counselor's Office prioritizes services in accordance with Charter Resolution No. 46, Kansas Administrative Regulation (K.A.R.) No. 94-2-10 and Kansas Statute Annotated (K.S.A.) 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 Board 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

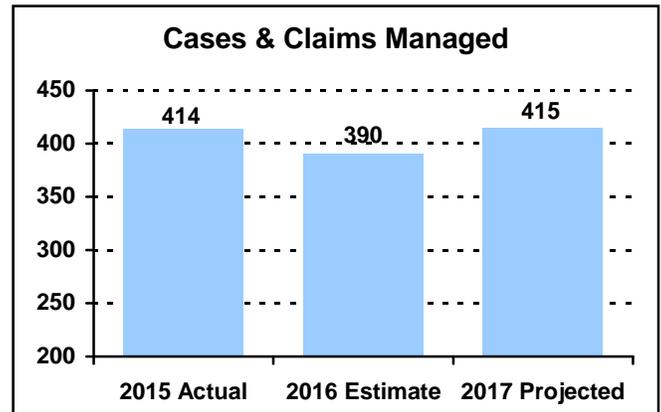
Changes to the County Counselor's 2017 budget include a reduction in the Office's contractual budget (\$100,000).

**PERFORMANCE MEASURE HIGHLIGHTS**

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

**Cases and Claims Managed -**

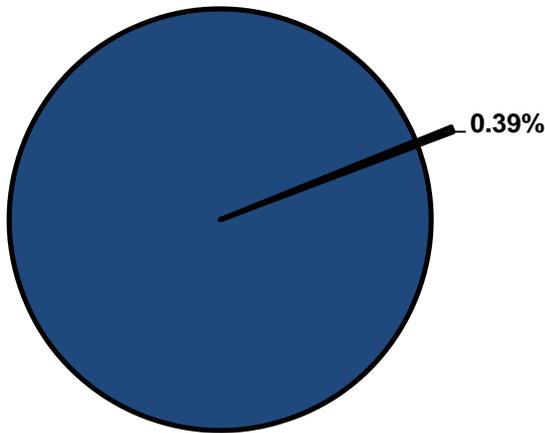
- Provide high quality, non-partisan legal services to the County Commissioners, elected and appointed officials, departments, and advisory boards and assist County departments and leadership by prevention and avoidance of legal claims.



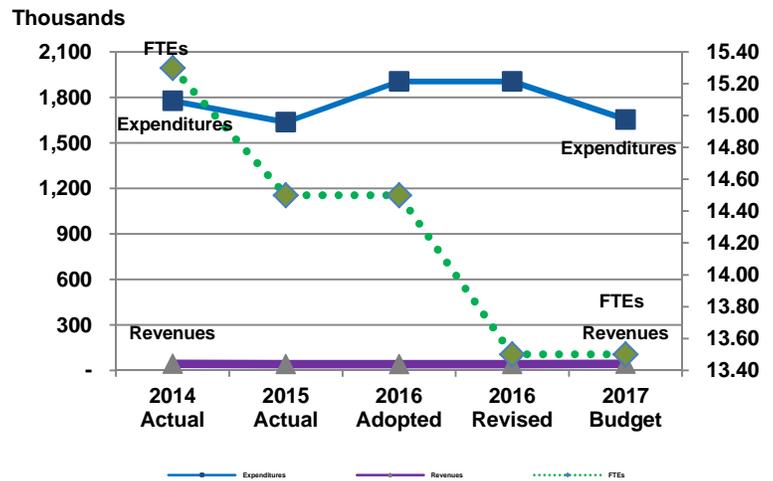
Division Performance Measures	2015 Actual	2016 Est.	2017 Proj.
<b>Goal: Aggressively represent clients</b>			
Cases and claims managed (not including bankruptcy and County Court cases)	414	390	415
Valuations upheld in Board of Tax Appeals Cases	\$368,743,820	\$405,000,000	\$405,000,000
Taxes collected in bankruptcy cases	\$1,054,580	\$1,150,000	\$1,150,000
<b>Goal: Provide consistent and accurate legal advice based on current legal authorities</b>			
Training sessions provided to divisions	12	12	12
<b>Goal: Provide cost effective legal services</b>			
Number of attorneys and County employees per attorney	7 / 371	8 / 325	8 / 325
Number of clients served (includes department and division heads and all elected officials)	63	63	63
Operation within established budget (without supplemental requests)	Yes	Yes	Yes
<b>Goal: Monitor changes in laws and regulations</b>			
Regularly track legislation and advise clients of relevant pending legislation in a timely manner	Yes	Yes	Yes
Continuing legal education hours obtained	118	130	130
<b>Goal: Ensure County staff are responsible for enforcing County codes through the County Court System</b>			
Output – number of cases	678	700	700
Input – full time equivalent	2.2	2.2	2.2
Efficiency – citations per staff	308	318	318
Service quality – average length of disposition of cases (days)	30	35	35

**Divisional Graphical Summary**

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



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



**Budget Summary by Category**

	2014 Actual	2015 Actual	2016 Adopted	2016 Revised	2017 Budget	Amount Chg '16 Rev.-'17	% Chg '16 Rev.-'17
<b>Expenditures</b>							
Personnel	1,312,342	1,280,082	1,412,814	1,412,814	1,277,855	(134,958)	-9.55%
Contractual Services	449,322	319,738	457,122	457,122	347,549	(109,573)	-23.97%
Debt Service	-	-	-	-	-	-	-
Commodities	16,328	37,503	35,600	35,600	29,155	(6,445)	-18.10%
Capital Improvements	-	-	-	-	-	-	-
Capital Equipment	-	-	-	-	-	-	-
Interfund Transfers	-	-	-	-	-	-	-
<b>Total Expenditures</b>	<b>1,777,992</b>	<b>1,637,323</b>	<b>1,905,536</b>	<b>1,905,536</b>	<b>1,654,559</b>	<b>(250,976)</b>	<b>-13.17%</b>
<b>Revenues</b>							
Tax Revenues	-	-	-	-	-	-	-
Licenses and Permits	-	-	-	-	-	-	-
Intergovernmental	-	-	-	-	-	-	-
Charges for Services	-	-	-	-	-	-	-
All Other Revenue	42,765	40,269	40,208	40,208	42,331	2,122	5.28%
<b>Total Revenues</b>	<b>42,765</b>	<b>40,269</b>	<b>40,208</b>	<b>40,208</b>	<b>42,331</b>	<b>2,122</b>	<b>5.28%</b>
<b>Full-Time Equivalents (FTEs)</b>							
Property Tax Funded	15.30	14.50	14.50	13.50	13.50	-	0.00%
Non-Property Tax Funded	-	-	-	-	-	-	-
<b>Total FTEs</b>	<b>15.30</b>	<b>14.50</b>	<b>14.50</b>	<b>13.50</b>	<b>13.50</b>	<b>-</b>	<b>0.00%</b>

**Budget Summary by Fund**

Fund	2014 Actual	2015 Actual	2016 Adopted	2016 Revised	2017 Budget	Amount Chg '16 Rev.-'17	% Chg '16 Rev.-'17
General Fund	1,777,992	1,637,323	1,905,536	1,905,536	1,654,559	(250,976)	-13.17%
<b>Total Expenditures</b>	<b>1,777,992</b>	<b>1,637,323</b>	<b>1,905,536</b>	<b>1,905,536</b>	<b>1,654,559</b>	<b>(250,976)</b>	<b>-13.17%</b>

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

	Expenditures	Revenues	FTEs
Reduction in contractual budget for external counsel	(100,000)		
<b>Total</b>	(100,000)	-	-

**Budget Summary by Program**

Program	Fund	2014 Actual	2015 Actual	2016 Adopted	2016 Revised	2017 Budget	% Chg '16 Rev.-'17	2017 FTEs
Counselor's Office	110	97,160	131,941	104,495	144,495	148,789	2.97%	1.40
General Legal Services	110	1,181,877	1,120,884	1,329,227	1,289,227	1,097,667	-14.86%	9.45
Sedgwick County Court	110	146,403	145,476	159,384	159,384	145,952	-8.43%	2.65
Ext.Counsel & Legal Exp.	110	352,552	239,021	312,429	312,429	262,152	-16.09%	-
<b>Total</b>		<b>1,777,992</b>	<b>1,637,323</b>	<b>1,905,536</b>	<b>1,905,536</b>	<b>1,654,559</b>	<b>-13.17%</b>	<b>13.50</b>

**Personnel Summary By Fund**

Position Titles	Fund	Grade	Budgeted Compensation Comparison			FTE Comparison		
			2016 Adopted	2016 Revised	2017 Budget	2016 Adopted	2016 Revised	2017 Budget
County Counselor	110	GRADE144	139,782	134,310	134,310	1.00	1.00	1.00
Deputy County Counselor	110	GRADE141	114,530	115,252	115,252	1.00	1.00	1.00
Assistant County Counselor	110	GRADE139	-	463,248	463,248	-	5.00	5.00
Chief Attorney I	110	GRADE136	577,678	-	-	6.00	-	-
Administrative Officer	110	GRADE124	36,907	38,014	38,014	1.00	1.00	1.00
Administrative Assistant	110	GRADE120	151,740	157,400	157,400	4.00	4.00	4.00
Office Specialist	110	GRADE117	26,310	27,098	27,098	1.00	1.00	1.00
Judge Pro Tem	110	EXFLAT	14,400	-	14,400	0.50	0.50	0.50
<b>Subtotal</b>					<b>949,722</b>			
Add:								
Budgeted Personnel Savings					-			
Compensation Adjustments					31,150			
Overtime/On Call/Holiday Pay					-			
Benefits					296,983			
<b>Total Personnel Budget</b>					<b>1,277,855</b>	<b>14.50</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	2014 Actual	2015 Actual	2016 Adopted	2016 Revised	2017 Budget	Amnt. Chg. '16 - '17	% Chg. '16 - '17
Personnel	94,607	131,152	100,175	140,175	144,407	4,232	3.0%
Contractual Services	2,553	789	4,295	4,295	4,357	62	1.4%
Debt Service	-	-	-	-	-	-	0.0%
Commodities	-	-	25	25	25	-	0.0%
Capital Improvements	-	-	-	-	-	-	0.0%
Capital Equipment	-	-	-	-	-	-	0.0%
Interfund Transfers	-	-	-	-	-	-	0.0%
<b>Total Expenditures</b>	<b>97,160</b>	<b>131,941</b>	<b>104,495</b>	<b>144,495</b>	<b>148,789</b>	<b>4,294</b>	<b>3.0%</b>
<b>Revenues</b>							
Taxes	-	-	-	-	-	-	0.0%
Intergovernmental	-	-	-	-	-	-	0.0%
Charges For Service	-	-	-	-	-	-	0.0%
All Other Revenue	-	-	-	-	-	-	0.0%
<b>Total Revenues</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>0.0%</b>
<b>Full-Time Equivalents (FTEs)</b>	<b>1.90</b>	<b>1.40</b>	<b>1.10</b>	<b>1.40</b>	<b>1.40</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	2014 Actual	2015 Actual	2016 Adopted	2016 Revised	2017 Budget	Amnt. Chg. '16 - '17	% Chg. '16 - '17
Personnel	1,072,928	1,007,547	1,158,709	1,118,709	992,127	(126,582)	-11.3%
Contractual Services	92,784	76,968	136,268	136,268	76,780	(59,488)	-43.7%
Debt Service	-	-	-	-	-	-	0.0%
Commodities	16,164	36,369	34,250	34,250	28,760	(5,490)	-16.0%
Capital Improvements	-	-	-	-	-	-	0.0%
Capital Equipment	-	-	-	-	-	-	0.0%
Interfund Transfers	-	-	-	-	-	-	0.0%
<b>Total Expenditures</b>	<b>1,181,877</b>	<b>1,120,884</b>	<b>1,329,227</b>	<b>1,289,227</b>	<b>1,097,667</b>	<b>(191,560)</b>	<b>-14.9%</b>
<b>Revenues</b>							
Taxes	-	-	-	-	-	-	0.0%
Intergovernmental	-	-	-	-	-	-	0.0%
Charges For Service	-	-	-	-	-	-	0.0%
All Other Revenue	204	254	208	208	-	(208)	-100.0%
<b>Total Revenues</b>	<b>204</b>	<b>254</b>	<b>208</b>	<b>208</b>	<b>-</b>	<b>(208)</b>	<b>-100.0%</b>
<b>Full-Time Equivalents (FTEs)</b>	<b>10.60</b>	<b>10.50</b>	<b>10.60</b>	<b>9.50</b>	<b>9.45</b>	<b>(0.05)</b>	<b>-0.5%</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	2014 Actual	2015 Actual	2016 Adopted	2016 Revised	2017 Budget	Amnt. Chg. '16 - '17	% Chg. '16 - '17
Personnel	144,806	141,383	153,929	153,929	141,322	(12,608)	-8.2%
Contractual Services	1,433	2,960	4,130	4,130	4,260	130	3.1%
Debt Service	-	-	-	-	-	-	0.0%
Commodities	163	1,133	1,325	1,325	370	(955)	-72.1%
Capital Improvements	-	-	-	-	-	-	0.0%
Capital Equipment	-	-	-	-	-	-	0.0%
Interfund Transfers	-	-	-	-	-	-	0.0%
<b>Total Expenditures</b>	<b>146,403</b>	<b>145,476</b>	<b>159,384</b>	<b>159,384</b>	<b>145,952</b>	<b>(13,433)</b>	<b>-8.4%</b>
<b>Revenues</b>							
Taxes	-	-	-	-	-	-	0.0%
Intergovernmental	-	-	-	-	-	-	0.0%
Charges For Service	-	-	-	-	-	-	0.0%
All Other Revenue	42,561	37,033	40,000	40,000	39,288	(712)	-1.8%
<b>Total Revenues</b>	<b>42,561</b>	<b>37,033</b>	<b>40,000</b>	<b>40,000</b>	<b>39,288</b>	<b>(712)</b>	<b>-1.8%</b>
<b>Full-Time Equivalents (FTEs)</b>	<b>2.80</b>	<b>2.60</b>	<b>2.80</b>	<b>2.60</b>	<b>2.65</b>	<b>0.05</b>	<b>1.9%</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	2014 Actual	2015 Actual	2016 Adopted	2016 Revised	2017 Budget	Amnt. Chg. '16 - '17	% Chg. '16 - '17
Personnel	-	-	-	-	-	-	0.0%
Contractual Services	352,552	239,021	312,429	312,429	262,152	(50,277)	-16.1%
Debt Service	-	-	-	-	-	-	0.0%
Commodities	-	-	-	-	-	-	0.0%
Capital Improvements	-	-	-	-	-	-	0.0%
Capital Equipment	-	-	-	-	-	-	0.0%
Interfund Transfers	-	-	-	-	-	-	0.0%
<b>Total Expenditures</b>	<b>352,552</b>	<b>239,021</b>	<b>312,429</b>	<b>312,429</b>	<b>262,152</b>	<b>(50,277)</b>	<b>-16.1%</b>
<b>Revenues</b>							
Taxes	-	-	-	-	-	-	0.0%
Intergovernmental	-	-	-	-	-	-	0.0%
Charges For Service	-	-	-	-	-	-	0.0%
All Other Revenue	-	2,983	-	-	3,043	3,043	0.0%
<b>Total Revenues</b>	<b>-</b>	<b>2,983</b>	<b>-</b>	<b>-</b>	<b>3,043</b>	<b>3,043</b>	<b>0.0%</b>
<b>Full-Time Equivalents (FTEs)</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>0.0%</b>