

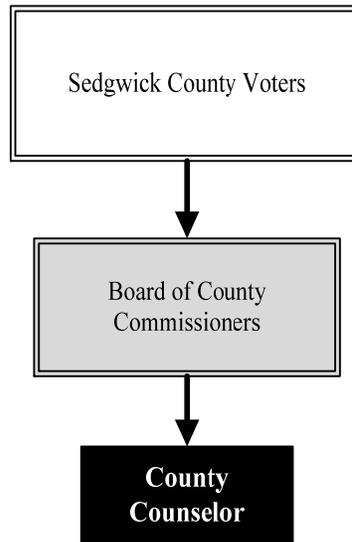
# County Counselor

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

**Michael Pepoon**  
**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.



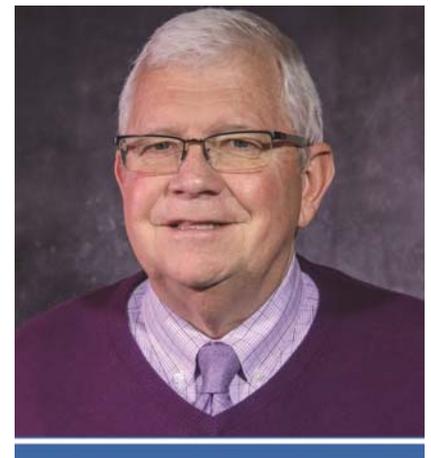
In Sedgwick County Court, the County Counselor prosecutes violations of County codes committed within the unincorporated area of Sedgwick County.

## Highlights

- Deputy County Counselor Karen L. Powell is the County's Health Insurance Portability and Accountability Act (HIPAA) Privacy Officer. She assists with and presents training sessions on the Kansas Open Records Act (KORA)
- Assistant County Counselor Patricia Parker holds an Assessment Administration Specialist designation from the International Association of Assessing Officers and frequently presents educational seminars to other attorneys regarding ad valorem valuation

## 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 the County's elected officials, managers, and employees



# Accomplishments and Strategic Results

## Accomplishments

In 2018, the County Counselor’s Office represented the County’s interests in 393 cases and claims (excluding bankruptcy and County Court cases). These included 45 lawsuits, nine employment related claims with state or federal agencies, seven eminent domain claims, 11 jail claims, 299 economic units before the Board of Tax Appeals, and 20 claims for damages. Through the prudent use of settlement negotiations, mediations, administrative hearings, and trials, the County Counselor’s Office was able to successfully dispose of 12 lawsuits, five employment matters, six eminent domain matters, five jail claims, 260 economic units before the Kansas Board of Tax Appeals, and seven claims for damages.

The County Counselor’s Office prioritizes services in accordance with Charter Resolution No. 46, Kansas Administrative Regulation 94-2-10 and K.S.A. 19-4701 as implemented by Resolution No. 260-1990. Such services include practicing in areas of civil law and include specific requirements such as attending County Commission meetings, rendering legal opinions, drafting contracts, prosecuting and defending civil actions, and assisting elected and appointed County officials in performing their duties. The County Counselor’s Office defends the County’s interest in matters before the Kansas Board of Tax Appeals.

## Strategic Results

	2018	2019	2020
<b>Department Metric:</b>	<b>Actual</b>	<b>Estimated</b>	<b>Projected</b>
Cases and claims managed (not including bankruptcy and County Court cases)	393	415	415
Percent of disputed valuations upheld in BOTA commercial cases	94.0%	95.0%	89.0%
Continuing Legal Education (CLE) hours obtained	126	126	126
County Court cases handled	443	368	408
Average length of disposition of County Court cases in days	35	35	35

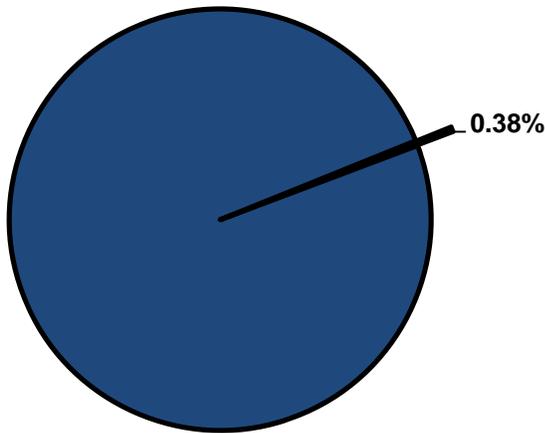


## Significant Budget Adjustments

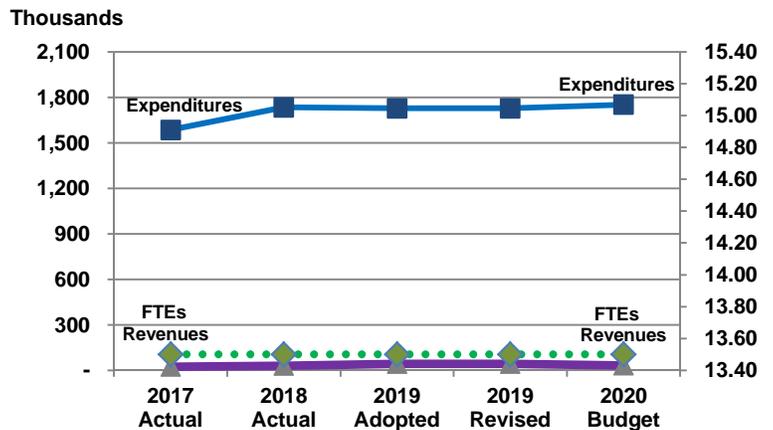
There are no significant adjustments to the County Counselor’s 2020 budget.

**Departmental Graphical Summary**

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



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



**Budget Summary by Category**

	2017 Actual	2018 Actual	2019 Adopted	2019 Revised	2020 Budget	Amount Chg '19 Rev.-'20	% Chg '19 Rev.-'20
<b>Expenditures</b>							
Personnel	1,260,824	1,363,931	1,351,862	1,351,862	1,376,638	24,776	1.83%
Contractual Services	296,882	328,369	340,397	340,397	328,100	(12,297)	-3.61%
Debt Service	-	-	-	-	-	-	-
Commodities	27,587	42,323	36,307	36,307	48,098	11,791	32.48%
Capital Improvements	-	-	-	-	-	-	-
Capital Equipment	-	-	-	-	-	-	-
Interfund Transfers	-	-	-	-	-	-	-
<b>Total Expenditures</b>	<b>1,585,292</b>	<b>1,734,623</b>	<b>1,728,566</b>	<b>1,728,566</b>	<b>1,752,836</b>	<b>24,270</b>	<b>1.40%</b>
<b>Revenues</b>							
Tax Revenues	-	-	-	-	-	-	-
Licenses and Permits	-	-	-	-	-	-	-
Intergovernmental	-	-	-	-	-	-	-
Charges for Services	-	-	-	-	-	-	-
All Other Revenue	24,239	29,764	42,528	42,528	30,944	(11,584)	-27.24%
<b>Total Revenues</b>	<b>24,239</b>	<b>29,764</b>	<b>42,528</b>	<b>42,528</b>	<b>30,944</b>	<b>(11,584)</b>	<b>-27.24%</b>
<b>Full-Time Equivalents (FTEs)</b>							
Property Tax Funded	13.50	13.50	13.50	13.50	13.50	-	0.00%
Non-Property Tax Funded	-	-	-	-	-	-	-
<b>Total FTEs</b>	<b>13.50</b>	<b>13.50</b>	<b>13.50</b>	<b>13.50</b>	<b>13.50</b>	<b>-</b>	<b>0.00%</b>

**Budget Summary by Fund**

Fund	2017 Actual	2018 Actual	2019 Adopted	2019 Revised	2020 Budget	Amount Chg '19 Rev.-'20	% Chg '19 Rev.-'20
General Fund	1,585,292	1,734,623	1,728,566	1,728,566	1,752,836	24,270	1.40%
<b>Total Expenditures</b>	<b>1,585,292</b>	<b>1,734,623</b>	<b>1,728,566</b>	<b>1,728,566</b>	<b>1,752,836</b>	<b>24,270</b>	<b>1.40%</b>

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

Expenditures      Revenues      FTEs

Total      -      -      -

**Budget Summary by Program**

Program	Fund	2017 Actual	2018 Actual	2019 Adopted	2019 Revised	2020 Budget	% Chg '19 Rev.-'20	2020 FTEs
Counselor's Office	110	207,440	172,653	165,511	171,048	171,002	-0.03%	1.70
General Legal Services	110	983,121	1,165,567	1,188,147	1,188,147	1,302,302	9.61%	9.80
Sedgwick County Court	110	173,247	114,868	124,907	124,907	129,532	3.70%	2.00
Ext.Counsel & Legal Exp.	110	221,484	281,535	250,000	244,464	150,000	-38.64%	-
<b>Total</b>		<b>1,585,292</b>	<b>1,734,623</b>	<b>1,728,566</b>	<b>1,728,566</b>	<b>1,752,836</b>	<b>1.40%</b>	<b>13.50</b>

**Personnel Summary By Fund**

Position Titles	Fund	Grade	Budgeted Compensation Comparison			FTE Comparison		
			2019 Adopted	2019 Revised	2020 Budget	2019 Adopted	2019 Revised	2020 Budget
County Counselor	110	GRADE144	141,110	128,125	128,125	1.00	1.00	1.00
Deputy County Counselor	110	GRADE141	125,202	125,815	125,815	1.00	1.00	1.00
Assistant County Counselor	110	GRADE139	457,890	467,347	467,347	5.00	5.00	5.00
Administrative Officer	110	GRADE124	46,326	47,484	47,484	1.00	1.00	1.00
Administrative Assistant	110	GRADE120	186,364	190,104	190,104	5.00	5.00	5.00
Judge Pro Tem	110	EXFLAT	14,400	14,400	14,400	0.50	0.50	0.50
<b>Subtotal</b>					<b>973,275</b>			
Add:								
Budgeted Personnel Savings					-			
Compensation Adjustments					26,017			
Overtime/On Call/Holiday Pay					-			
Benefits					377,346			
<b>Total Personnel Budget</b>					<b>1,376,638</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 office.

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

Expenditures	2017 Actual	2018 Actual	2019 Adopted	2019 Revised	2020 Budget	Amnt. Chg. '19 - '20	% Chg. '19 - '20
Personnel	205,979	171,343	161,129	161,129	164,798	3,669	2.3%
Contractual Services	1,444	1,287	4,357	9,894	6,050	(3,844)	-38.8%
Debt Service	-	-	-	-	-	-	0.0%
Commodities	16	23	25	25	154	129	516.0%
Capital Improvements	-	-	-	-	-	-	0.0%
Capital Equipment	-	-	-	-	-	-	0.0%
Interfund Transfers	-	-	-	-	-	-	0.0%
<b>Total Expenditures</b>	<b>207,440</b>	<b>172,653</b>	<b>165,511</b>	<b>171,048</b>	<b>171,002</b>	<b>(46)</b>	<b>0.0%</b>
<b>Revenues</b>							
Taxes	-	-	-	-	-	-	0.0%
Intergovernmental	-	-	-	-	-	-	0.0%
Charges For Service	-	-	-	-	-	-	0.0%
All Other Revenue	-	30	-	-	31	31	0.0%
<b>Total Revenues</b>	<b>-</b>	<b>30</b>	<b>-</b>	<b>-</b>	<b>31</b>	<b>31</b>	<b>0.0%</b>
<b>Full-Time Equivalents (FTEs)</b>	<b>2.70</b>	<b>2.00</b>	<b>1.70</b>	<b>1.70</b>	<b>1.70</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, departments, 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 Sedgwick County Adult Detention Facility. Primarily supported by County revenues, the budget authority includes funding for case settlement.

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

Expenditures	2017 Actual	2018 Actual	2019 Adopted	2019 Revised	2020 Budget	Amnt. Chg. '19 - '20	% Chg. '19 - '20
Personnel	882,802	1,079,125	1,070,455	1,070,455	1,089,858	19,402	1.8%
Contractual Services	73,016	44,305	81,780	81,780	165,700	83,920	102.6%
Debt Service	-	-	-	-	-	-	0.0%
Commodities	27,304	42,137	35,912	35,912	46,744	10,832	30.2%
Capital Improvements	-	-	-	-	-	-	0.0%
Capital Equipment	-	-	-	-	-	-	0.0%
Interfund Transfers	-	-	-	-	-	-	0.0%
<b>Total Expenditures</b>	<b>983,121</b>	<b>1,165,567</b>	<b>1,188,147</b>	<b>1,188,147</b>	<b>1,302,302</b>	<b>114,154</b>	<b>9.6%</b>
<b>Revenues</b>							
Taxes	-	-	-	-	-	-	0.0%
Intergovernmental	-	-	-	-	-	-	0.0%
Charges For Service	-	-	-	-	-	-	0.0%
All Other Revenue	-	62	-	-	63	63	0.0%
<b>Total Revenues</b>	<b>-</b>	<b>62</b>	<b>-</b>	<b>-</b>	<b>63</b>	<b>63</b>	<b>0.0%</b>
<b>Full-Time Equivalents (FTEs)</b>	<b>7.95</b>	<b>9.30</b>	<b>9.80</b>	<b>9.80</b>	<b>9.80</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” 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	2017 Actual	2018 Actual	2019 Adopted	2019 Revised	2020 Budget	Amnt. Chg. '19 - '20	% Chg. '19 - '20
Personnel	172,043	113,463	120,277	120,277	121,982	1,705	1.4%
Contractual Services	938	1,242	4,260	4,260	6,350	2,090	49.1%
Debt Service	-	-	-	-	-	-	0.0%
Commodities	266	163	370	370	1,200	830	224.3%
Capital Improvements	-	-	-	-	-	-	0.0%
Capital Equipment	-	-	-	-	-	-	0.0%
Interfund Transfers	-	-	-	-	-	-	0.0%
<b>Total Expenditures</b>	<b>173,247</b>	<b>114,868</b>	<b>124,907</b>	<b>124,907</b>	<b>129,532</b>	<b>4,625</b>	<b>3.7%</b>
<b>Revenues</b>							
Taxes	-	-	-	-	-	-	0.0%
Intergovernmental	-	-	-	-	-	-	0.0%
Charges For Service	-	-	-	-	-	-	0.0%
All Other Revenue	24,239	29,653	42,528	42,528	30,850	(11,678)	-27.5%
<b>Total Revenues</b>	<b>24,239</b>	<b>29,653</b>	<b>42,528</b>	<b>42,528</b>	<b>30,850</b>	<b>(11,678)</b>	<b>-27.5%</b>
<b>Full-Time Equivalents (FTEs)</b>	<b>2.85</b>	<b>2.20</b>	<b>2.00</b>	<b>2.00</b>	<b>2.00</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	2017 Actual	2018 Actual	2019 Adopted	2019 Revised	2020 Budget	Amnt. Chg. '19 - '20	% Chg. '19 - '20
Personnel	-	-	-	-	-	-	0.0%
Contractual Services	221,484	281,535	250,000	244,464	150,000	(94,464)	-38.6%
Debt Service	-	-	-	-	-	-	0.0%
Commodities	-	-	-	-	-	-	0.0%
Capital Improvements	-	-	-	-	-	-	0.0%
Capital Equipment	-	-	-	-	-	-	0.0%
Interfund Transfers	-	-	-	-	-	-	0.0%
<b>Total Expenditures</b>	<b>221,484</b>	<b>281,535</b>	<b>250,000</b>	<b>244,464</b>	<b>150,000</b>	<b>(94,464)</b>	<b>-38.6%</b>
<b>Revenues</b>							
Taxes	-	-	-	-	-	-	0.0%
Intergovernmental	-	-	-	-	-	-	0.0%
Charges For Service	-	-	-	-	-	-	0.0%
All Other Revenue	-	20	-	-	-	-	0.0%
<b>Total Revenues</b>	<b>-</b>	<b>20</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</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>