

# County Counselor

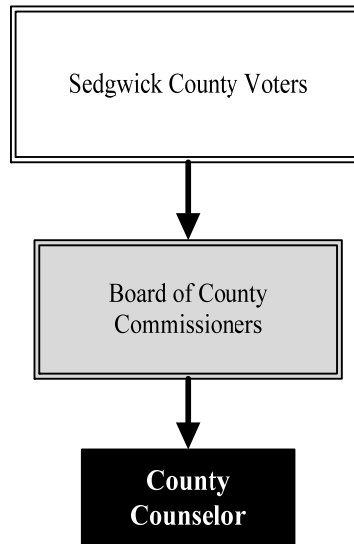
**Mission:** Provide high quality, non-partisan legal services to the County Commissioners, elected and appointed officials, divisions, and advisory boards.

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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 (BOTA).

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

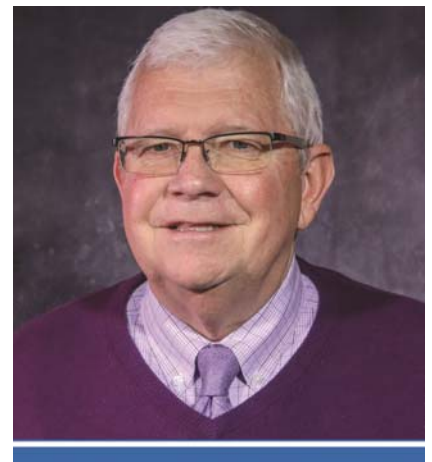


## Strategic Goals:

- 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

- Deputy County Counselor Karen Powell is the County's Health Insurance Portability and Accountability Act (HIPAA) Privacy Officer. She assists with more than 30 advisory boards to help them comply with the Kansas Open Meetings Act (KOMA)
- Assistant County Counselor Patricia Parker holds an Assessment Administration Specialist designation from the International Association of Assessing Officers and litigates cases before the Kansas BOTA



# Accomplishments and Strategic Results

## Accomplishments

In 2019, the County Counselor’s Office represented the County’s interests in 339 cases and claims (excluding bankruptcy and County Court cases). These included 55 lawsuits, 13 employment related claims with state or federal agencies, four eminent domain claims, 24 jail claims, 215 economic units before the BOTA, and 26 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 22 lawsuits, six employment matters, one eminent domain matters, 19 jail claims, 39 economic units before the Kansas BOTA, and 14 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 BOTA.

## Strategic Results

	2019	2020	2021
<b>Department Metric:</b>	<b>Actual</b>	<b>Estimated</b>	<b>Projected</b>
Cases and claims managed (not including bankruptcy and County Court cases)	339	361	361
Percent of disputed valuations upheld in BOTA commercial cases	86.0%	89.0%	90.0%
Continuing Legal Education (CLE) hours obtained	126	126	126
County Court cases handled	339	378	780
Average length of disposition of County Court cases in days	35	35	35

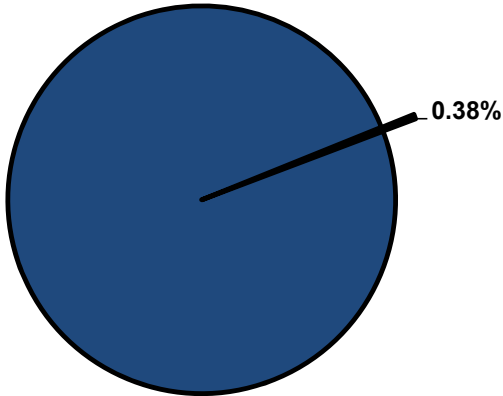


## Significant Budget Adjustments

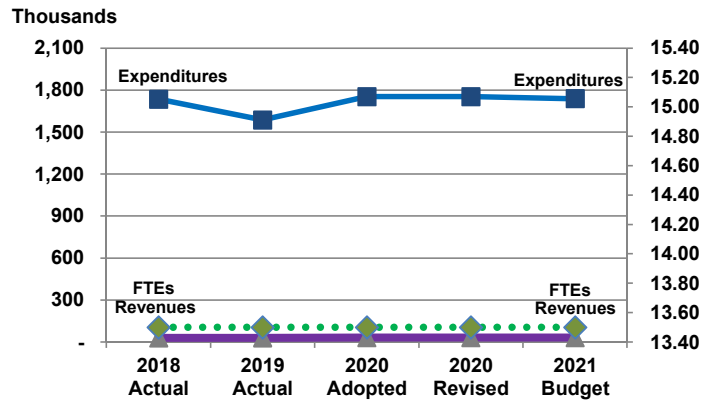
There are no significant adjustments to the County Counselor’s 2021 budget.

**Departmental Graphical Summary**

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



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



**Budget Summary by Category**

	2018 Actual	2019 Actual	2020 Adopted	2020 Revised	2021 Budget	Amount Chg '20 Rev.-'21	% Chg '20 Rev.-'21
<b>Expenditures</b>							
Personnel	1,363,931	1,281,719	1,376,638	1,376,638	1,362,730	(13,908)	-1.01%
Contractual Services	328,369	271,577	328,100	328,100	330,300	2,200	0.67%
Debt Service	-	-	-	-	-	-	-
Commodities	42,323	32,916	48,098	48,098	45,898	(2,200)	-4.57%
Capital Improvements	-	-	-	-	-	-	-
Capital Equipment	-	-	-	-	-	-	-
Interfund Transfers	-	-	-	-	-	-	-
<b>Total Expenditures</b>	<b>1,734,623</b>	<b>1,586,212</b>	<b>1,752,836</b>	<b>1,752,836</b>	<b>1,738,928</b>	<b>(13,908)</b>	<b>-0.79%</b>
<b>Revenues</b>							
Tax Revenues	-	-	-	-	-	-	-
Licenses and Permits	-	-	-	-	-	-	-
Intergovernmental	-	-	-	-	-	-	-
Charges for Services	-	-	-	-	-	-	-
All Other Revenue	29,764	30,430	30,944	30,944	31,477	533	1.72%
<b>Total Revenues</b>	<b>29,764</b>	<b>30,430</b>	<b>30,944</b>	<b>30,944</b>	<b>31,477</b>	<b>533</b>	<b>1.72%</b>
<b>Full-Time Equivalentents (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	2018 Actual	2019 Actual	2020 Adopted	2020 Revised	2021 Budget	Amount Chg '20 Rev.-'21	% Chg '20 Rev.-'21
General Fund	1,734,623	1,586,212	1,752,836	1,752,836	1,738,928	(13,908)	-0.79%
<b>Total Expenditures</b>	<b>1,734,623</b>	<b>1,586,212</b>	<b>1,752,836</b>	<b>1,752,836</b>	<b>1,738,928</b>	<b>(13,908)</b>	<b>-0.79%</b>

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

Expenditures      Revenues      FTEs

**Total**      -      -      -

**Budget Summary by Program**

Program	Fund	2018 Actual	2019 Actual	2020 Adopted	2020 Revised	2021 Budget	% Chg '20 Rev.-'21	2021 FTEs
Counselor's Office	110	172,653	168,973	171,002	171,002	160,803	-5.96%	1.70
General Legal Services	110	1,165,567	1,100,202	1,302,302	1,237,302	1,250,462	1.06%	9.80
Sedgwick County Court	110	114,868	119,052	129,532	129,532	127,663	-1.44%	2.00
Ext.Counsel & Legal Exp.	110	281,535	197,985	150,000	215,000	200,000	-6.98%	-
<b>Total</b>		<b>1,734,623</b>	<b>1,586,212</b>	<b>1,752,836</b>	<b>1,752,836</b>	<b>1,738,928</b>	<b>-0.79%</b>	<b>13.50</b>

**Personnel Summary By Fund**

Position Titles	Fund	Grade	Budgeted Compensation Comparison			FTE Comparison		
			2020 Adopted	2020 Revised	2021 Budget	2020 Adopted	2020 Revised	2021 Budget
County Counselor	110	GRADE144	128,125	131,008	131,008	1.00	1.00	1.00
Deputy County Counselor	110	GRADE141	125,815	125,508	125,508	1.00	1.00	1.00
Assistant County Counselor	110	GRADE139	467,347	489,879	489,879	5.00	5.00	5.00
Administrative Officer	110	GRADE124	47,484	48,553	48,553	1.00	1.00	1.00
Administrative Assistant	110	GRADE120	190,104	178,195	178,195	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>987,543</b>			
Add:								
Budgeted Personnel Savings					-			
Compensation Adjustments					4,141			
Overtime/On Call/Holiday Pay					-			
Benefits					371,045			
<b>Total Personnel Budget</b>					<b>1,362,730</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 the Office's operations shared in common, such as management, budgeting, and purchasing for the office.

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

Expenditures	2018 Actual	2019 Actual	2020 Adopted	2020 Revised	2021 Budget	Amnt. Chg. '20 - '21	% Chg. '20 - '21
Personnel	171,343	162,536	164,798	164,798	154,653	(10,145)	-6.2%
Contractual Services	1,287	6,419	6,050	6,050	6,000	(50)	-0.8%
Debt Service	-	-	-	-	-	-	0.0%
Commodities	23	18	154	154	150	(4)	-2.6%
Capital Improvements	-	-	-	-	-	-	0.0%
Capital Equipment	-	-	-	-	-	-	0.0%
Interfund Transfers	-	-	-	-	-	-	0.0%
<b>Total Expenditures</b>	<b>172,653</b>	<b>168,973</b>	<b>171,002</b>	<b>171,002</b>	<b>160,803</b>	<b>(10,199)</b>	<b>-6.0%</b>
<b>Revenues</b>							
Taxes	-	-	-	-	-	-	0.0%
Intergovernmental	-	-	-	-	-	-	0.0%
Charges For Service	-	-	-	-	-	-	0.0%
All Other Revenue	30	-	31	31	-	(31)	-100.0%
<b>Total Revenues</b>	<b>30</b>	<b>-</b>	<b>31</b>	<b>31</b>	<b>-</b>	<b>(31)</b>	<b>-100.0%</b>
<b>Full-Time Equivalents (FTEs)</b>	<b>2.00</b>	<b>1.70</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	2018 Actual	2019 Actual	2020 Adopted	2020 Revised	2021 Budget	Amnt. Chg. '20 - '21	% Chg. '20 - '21
Personnel	1,079,125	1,003,391	1,089,858	1,089,858	1,085,812	(4,046)	-0.4%
Contractual Services	44,305	64,200	165,700	100,700	120,100	19,400	19.3%
Debt Service	-	-	-	-	-	-	0.0%
Commodities	42,137	32,611	46,744	46,744	44,550	(2,194)	-4.7%
Capital Improvements	-	-	-	-	-	-	0.0%
Capital Equipment	-	-	-	-	-	-	0.0%
Interfund Transfers	-	-	-	-	-	-	0.0%
<b>Total Expenditures</b>	<b>1,165,567</b>	<b>1,100,202</b>	<b>1,302,302</b>	<b>1,237,302</b>	<b>1,250,462</b>	<b>13,160</b>	<b>1.1%</b>
<b>Revenues</b>							
Taxes	-	-	-	-	-	-	0.0%
Intergovernmental	-	-	-	-	-	-	0.0%
Charges For Service	-	-	-	-	-	-	0.0%
All Other Revenue	62	10	63	63	10	(53)	-83.8%
<b>Total Revenues</b>	<b>62</b>	<b>10</b>	<b>63</b>	<b>63</b>	<b>10</b>	<b>(53)</b>	<b>-83.8%</b>
<b>Full-Time Equivalents (FTEs)</b>	<b>9.30</b>	<b>9.80</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	2018 Actual	2019 Actual	2020 Adopted	2020 Revised	2021 Budget	Amnt. Chg. '20 - '21	% Chg. '20 - '21
Personnel	113,463	115,792	121,982	121,982	122,265	283	0.2%
Contractual Services	1,242	2,972	6,350	6,350	4,200	(2,150)	-33.9%
Debt Service	-	-	-	-	-	-	0.0%
Commodities	163	288	1,200	1,200	1,198	(2)	-0.2%
Capital Improvements	-	-	-	-	-	-	0.0%
Capital Equipment	-	-	-	-	-	-	0.0%
Interfund Transfers	-	-	-	-	-	-	0.0%
<b>Total Expenditures</b>	<b>114,868</b>	<b>119,052</b>	<b>129,532</b>	<b>129,532</b>	<b>127,663</b>	<b>(1,869)</b>	<b>-1.4%</b>
<b>Revenues</b>							
Taxes	-	-	-	-	-	-	0.0%
Intergovernmental	-	-	-	-	-	-	0.0%
Charges For Service	-	-	-	-	-	-	0.0%
All Other Revenue	29,653	30,420	30,850	30,850	31,467	617	2.0%
<b>Total Revenues</b>	<b>29,653</b>	<b>30,420</b>	<b>30,850</b>	<b>30,850</b>	<b>31,467</b>	<b>617</b>	<b>2.0%</b>
<b>Full-Time Equivalents (FTEs)</b>	<b>2.20</b>	<b>2.00</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	2018 Actual	2019 Actual	2020 Adopted	2020 Revised	2021 Budget	Amnt. Chg. '20 - '21	% Chg. '20 - '21
Personnel	-	-	-	-	-	-	0.0%
Contractual Services	281,535	197,985	150,000	215,000	200,000	(15,000)	-7.0%
Debt Service	-	-	-	-	-	-	0.0%
Commodities	-	-	-	-	-	-	0.0%
Capital Improvements	-	-	-	-	-	-	0.0%
Capital Equipment	-	-	-	-	-	-	0.0%
Interfund Transfers	-	-	-	-	-	-	0.0%
<b>Total Expenditures</b>	<b>281,535</b>	<b>197,985</b>	<b>150,000</b>	<b>215,000</b>	<b>200,000</b>	<b>(15,000)</b>	<b>-7.0%</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>20</b>	<b>-</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>