

# County Counselor

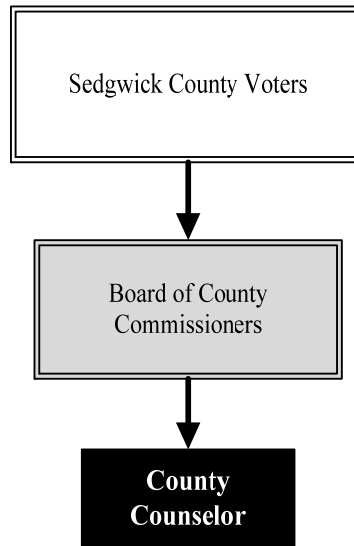
**Mission: Provide high quality, non-partisan legal services to the County Commissioners, elected and appointed officials, divisions, and advisory boards.**

**Michael Pepoon**  
**County Counselor**  
525 N. Main St., Suite 359  
Wichita, KS 67203  
316.660.9340  
[michael.pepooon@sedgwick.gov](mailto:michael.pepooon@sedgwick.gov)

## 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.

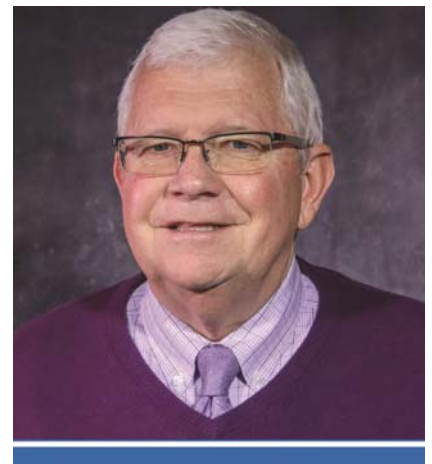


## Strategic Goals:

- 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 Patricia Parker holds an Assessment Administration Specialist designation from the International Association of Assessing Officers and litigates cases before the Kansas BOTA. Patricia prepared a presentation regarding the legal requirements of county appraisers
- The County Counselor's Office operates County Court, which addresses unclassified misdemeanor criminal violations occurring in the unincorporated area. Kirk Sponsel serves as county court prosecutor. In 2020, he successfully concluded 439 out of 605 active county court code cases



# Accomplishments and Strategic Results

## Accomplishments

In 2020, the County Counselor’s Office represented the County’s interests in 491 cases and claims (excluding bankruptcy and County Court cases). These included 50 lawsuits, nine employment related claims with state or federal agencies, three eminent domain claims, 19 jail claims, 318 economic units before the BOTA, and 21 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 28 lawsuits, six employment matters, one eminent domain matter, 12 jail claims, 187 economic units before the Kansas BOTA, and nine 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

	2020	2021	2022
<b>Department Metric:</b>	<b>Actual</b>	<b>Estimated</b>	<b>Projected</b>
Cases and claims managed (not including bankruptcy and County Court cases)	491	373	324
Percent of disputed valuations upheld in BOTA commercial cases	88.0%	90.0%	94.0%
Continuing Legal Education (CLE) hours obtained	125	125	125
County Court cases handled	430	796	336
Average length of disposition of County Court cases in days	35	35	35

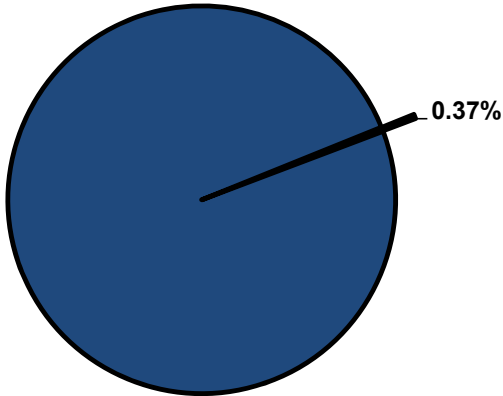


## Significant Budget Adjustments

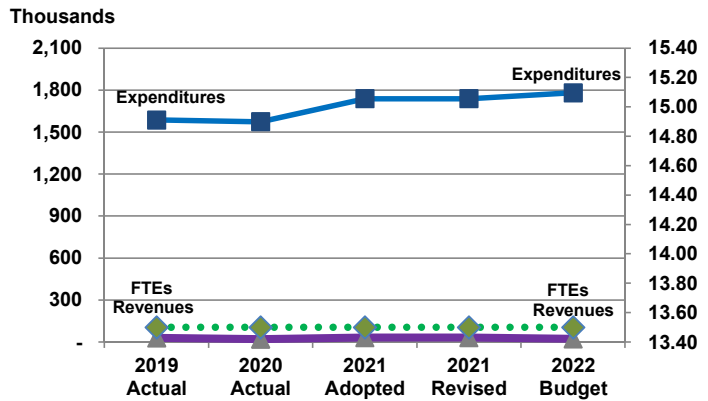
There are no significant adjustments to the County Counselor’s 2022 budget.

**Departmental Graphical Summary**

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



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



**Budget Summary by Category**

	2019 Actual	2020 Actual	2021 Adopted	2021 Revised	2022 Budget	Amount Chg '21 Rev.-'22	% Chg '21 Rev.-'22
<b>Expenditures</b>							
Personnel	1,281,719	1,290,392	1,362,730	1,362,730	1,404,467	41,737	3.06%
Contractual Services	271,577	274,647	330,300	344,250	330,300	(13,950)	-4.05%
Debt Service	-	-	-	-	-	-	-
Commodities	32,916	8,858	45,898	31,948	45,898	13,950	43.66%
Capital Improvements	-	-	-	-	-	-	-
Capital Equipment	-	-	-	-	-	-	-
Interfund Transfers	-	-	-	-	-	-	-
<b>Total Expenditures</b>	<b>1,586,212</b>	<b>1,573,897</b>	<b>1,738,928</b>	<b>1,738,928</b>	<b>1,780,665</b>	<b>41,737</b>	<b>2.40%</b>
<b>Revenues</b>							
Tax Revenues	-	-	-	-	-	-	-
Licenses and Permits	-	-	-	-	-	-	-
Intergovernmental	-	-	-	-	-	-	-
Charges for Services	-	269	-	-	285	285	-
All Other Revenue	30,430	21,357	31,477	31,477	22,219	(9,258)	-29.41%
<b>Total Revenues</b>	<b>30,430</b>	<b>21,626</b>	<b>31,477</b>	<b>31,477</b>	<b>22,505</b>	<b>(8,973)</b>	<b>-28.50%</b>
<b>Full-Time Equivalent (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	2019 Actual	2020 Actual	2021 Adopted	2021 Revised	2022 Budget	Amount Chg '21 Rev.-'22	% Chg '21 Rev.-'22
General Fund	1,586,212	1,573,897	1,738,928	1,738,928	1,780,665	41,737	2.40%
<b>Total Expenditures</b>	<b>1,586,212</b>	<b>1,573,897</b>	<b>1,738,928</b>	<b>1,738,928</b>	<b>1,780,665</b>	<b>41,737</b>	<b>2.40%</b>

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

Expenditures      Revenues      FTEs

**Total**      -      -      -

**Budget Summary by Program**

Program	Fund	2019 Actual	2020 Actual	2021 Adopted	2021 Revised	2022 Budget	% Chg '21 Rev.-'22	21-'22' FTEs
Counselor's Office	110	168,973	114,359	160,803	160,803	167,379	4.09%	1.70
General Legal Services	110	1,100,202	1,134,662	1,250,462	1,190,462	1,280,557	7.57%	9.80
Sedgwick County Court	110	119,052	112,738	127,663	127,663	132,729	3.97%	2.00
Ext.Counsel & Legal Exp.	110	197,985	212,139	200,000	260,000	200,000	-23.08%	-
<b>Total</b>		<b>1,586,212</b>	<b>1,573,897</b>	<b>1,738,928</b>	<b>1,738,928</b>	<b>1,780,665</b>	<b>2.40%</b>	<b>13.50</b>

**Personnel Summary By Fund**

Position Titles	Fund	Grade	Budgeted Compensation Comparison			FTE Comparison		
			2021 Adopted	2021 Revised	2022 Budget	2021 Adopted	2021 Revised	2022 Budget
County Counselor	110	GRADE144	131,008	131,008	133,628	1.00	1.00	1.00
Deputy County Counselor	110	GRADE141	125,508	121,581	123,522	1.00	1.00	1.00
Assistant County Counselor	110	GRADE140	-	-	472,854	-	-	5.00
Assistant County Counselor	110	GRADE139	489,879	451,756	-	5.00	5.00	-
Administrative Supervisor II	110	GRADE126	-	-	51,521	-	-	1.00
Administrative Supervisor II	110	GRADE124	48,553	48,568	-	1.00	1.00	-
Administrative Support III	110	GRADE122	-	-	186,970	-	-	5.00
Administrative Support III	110	GRADE120	178,195	178,245	-	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>982,895</b>			
Add:								
Budgeted Personnel Savings					-			
Compensation Adjustments					42,015			
Overtime/On Call/Holiday Pay					-			
Benefits					379,557			
<b>Total Personnel Budget</b>					<b>1,404,467</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	2019 Actual	2020 Actual	2021 Adopted	2021 Revised	2022 Budget	Amnt. Chg. '21 - '22	% Chg. '21 - '22
Personnel	162,536	113,784	154,653	154,653	161,229	6,576	4.3%
Contractual Services	6,419	575	6,000	6,000	6,000	-	0.0%
Debt Service	-	-	-	-	-	-	0.0%
Commodities	18	-	150	150	150	-	0.0%
Capital Improvements	-	-	-	-	-	-	0.0%
Capital Equipment	-	-	-	-	-	-	0.0%
Interfund Transfers	-	-	-	-	-	-	0.0%
<b>Total Expenditures</b>	<b>168,973</b>	<b>114,359</b>	<b>160,803</b>	<b>160,803</b>	<b>167,379</b>	<b>6,576</b>	<b>4.1%</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>1.70</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	2019 Actual	2020 Actual	2021 Adopted	2021 Revised	2022 Budget	Amnt. Chg. '21 - '22	% Chg. '21 - '22
Personnel	1,003,391	1,064,577	1,085,812	1,085,812	1,115,907	30,095	2.8%
Contractual Services	64,200	61,227	120,100	75,100	120,100	45,000	59.9%
Debt Service	-	-	-	-	-	-	0.0%
Commodities	32,611	8,858	44,550	29,550	44,550	15,000	50.8%
Capital Improvements	-	-	-	-	-	-	0.0%
Capital Equipment	-	-	-	-	-	-	0.0%
Interfund Transfers	-	-	-	-	-	-	0.0%
<b>Total Expenditures</b>	<b>1,100,202</b>	<b>1,134,662</b>	<b>1,250,462</b>	<b>1,190,462</b>	<b>1,280,557</b>	<b>90,095</b>	<b>7.6%</b>
<b>Revenues</b>							
Taxes	-	-	-	-	-	-	0.0%
Intergovernmental	-	-	-	-	-	-	0.0%
Charges For Service	-	269	-	-	285	285	0.0%
All Other Revenue	10	1,951	10	10	2,030	2,020	19800.2%
<b>Total Revenues</b>	<b>10</b>	<b>2,220</b>	<b>10</b>	<b>10</b>	<b>2,315</b>	<b>2,305</b>	<b>22598%</b>
<b>Full-Time Equivalents (FTEs)</b>	<b>9.80</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.

<b>Fund(s): County General Fund 110</b>								
<b>Expenditures</b>	<b>2019 Actual</b>	<b>2020 Actual</b>	<b>2021 Adopted</b>	<b>2021 Revised</b>	<b>2022 Budget</b>	<b>Amnt. Chg. '21 - '22</b>	<b>% Chg. '21 - '22</b>	
Personnel	115,792	112,032	122,265	122,265	127,331	5,066	4.1%	
Contractual Services	2,972	706	4,200	3,150	4,200	1,050	33.3%	
Debt Service	-	-	-	-	-	-	0.0%	
Commodities	288	-	1,198	2,248	1,198	(1,050)	-46.7%	
Capital Improvements	-	-	-	-	-	-	0.0%	
Capital Equipment	-	-	-	-	-	-	0.0%	
Interfund Transfers	-	-	-	-	-	-	0.0%	
<b>Total Expenditures</b>	<b>119,052</b>	<b>112,738</b>	<b>127,663</b>	<b>127,663</b>	<b>132,729</b>	<b>5,066</b>	<b>4.0%</b>	
<b>Revenues</b>								
Taxes	-	-	-	-	-	-	0.0%	
Intergovernmental	-	-	-	-	-	-	0.0%	
Charges For Service	-	-	-	-	-	-	0.0%	
All Other Revenue	30,420	19,406	31,467	31,467	20,189	(11,278)	-35.8%	
<b>Total Revenues</b>	<b>30,420</b>	<b>19,406</b>	<b>31,467</b>	<b>31,467</b>	<b>20,189</b>	<b>(11,278)</b>	<b>-35.8%</b>	
<b>Full-Time Equivalents (FTEs)</b>	<b>2.00</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.

<b>Fund(s): County General Fund 110</b>								
<b>Expenditures</b>	<b>2019 Actual</b>	<b>2020 Actual</b>	<b>2021 Adopted</b>	<b>2021 Revised</b>	<b>2022 Budget</b>	<b>Amnt. Chg. '21 - '22</b>	<b>% Chg. '21 - '22</b>	
Personnel	-	-	-	-	-	-	0.0%	
Contractual Services	197,985	212,139	200,000	260,000	200,000	(60,000)	-23.1%	
Debt Service	-	-	-	-	-	-	0.0%	
Commodities	-	-	-	-	-	-	0.0%	
Capital Improvements	-	-	-	-	-	-	0.0%	
Capital Equipment	-	-	-	-	-	-	0.0%	
Interfund Transfers	-	-	-	-	-	-	0.0%	
<b>Total Expenditures</b>	<b>197,985</b>	<b>212,139</b>	<b>200,000</b>	<b>260,000</b>	<b>200,000</b>	<b>(60,000)</b>	<b>-23.1%</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>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>0.0%</b>	