

County Counselor

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

Justin Waggoner
County Counselor

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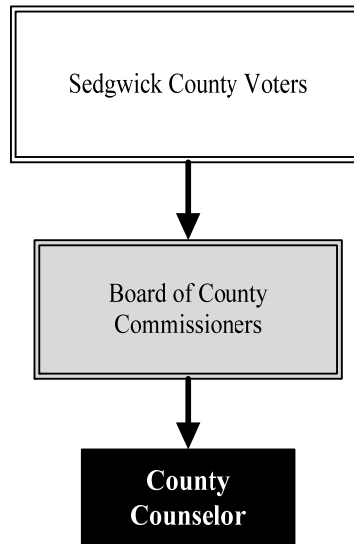
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Overview

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

- Throughout 2022, the County Counselor's Office provided legal advice regarding the County's requirements for compliance with the American Rescue Plan Act (ARPA)
- In 2022, the County Counselor's Office successfully prosecuted 283 County cases in County Court
- As of March 31, 2023 Sedgwick County has received more than \$1.1 million as a result of its participation opioid lawsuits



Accomplishments and Strategic Results

Accomplishments

In 2022, the County Counselor's Office worked on 600 total cases and claims (excluding bankruptcy and County Court cases). These were comprised of 39 lawsuits; 18 employment related complaints involving Kansas Human Rights Commission/Equal Employment Opportunity Commission (KHRC/EEOC), Department of Labor (DOL) or Department of Justice (DOJ); 517 economic units before the BOTA; and 26 claims for damages, 15 of which were K.S.A. 12-105b claims. In addition, the County Counselor's Office handled several matters on behalf of Risk Management.

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

Department Metric:	2022 Actual	2023 Estimated	2024 Projected
Cases and claims managed (not including bankruptcy and County Court cases)	600	436	436
Percent of disputed valuations upheld in BOTA commercial cases	87.0%	85.0%	97.0%
Continuing Legal Education (CLE) hours obtained	125	125	125
County Court cases handled	566	614	642
Average length of disposition of County Court cases in days	35	35	35

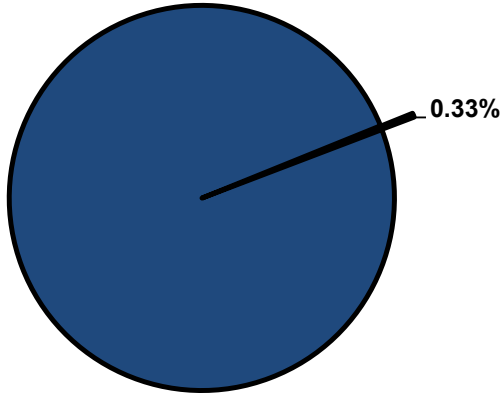


Significant Budget Adjustments

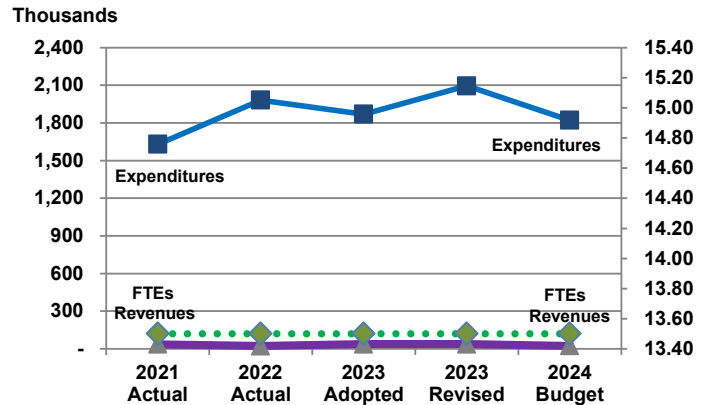
Significant adjustments to the County Counselor's 2024 Recommended Budget include a decrease in expenditures due to a one-time transfer in 2023 for external counsel fees (\$225,000).

Departmental Graphical Summary

County Counselor
Percent of Total County Operating Budget



Expenditures, Program Revenue & FTEs
All Operating Funds



Budget Summary by Category

	2021 Actual	2022 Actual	2023 Adopted	2023 Revised	2024 Budget	Amount Chg '23 Rev.-'24	% Chg '23 Rev.-'24
Expenditures							
Personnel	1,278,925	1,374,638	1,493,688	1,493,688	1,445,488	(48,200)	-3.23%
Contractual Services	329,272	575,701	330,315	555,315	334,320	(220,995)	-39.80%
Debt Service	-	-	-	-	-	-	-
Commodities	21,122	31,272	45,883	45,883	41,878	(4,005)	-8.73%
Capital Improvements	-	-	-	-	-	-	-
Capital Equipment	-	-	-	-	-	-	-
Interfund Transfers	-	-	-	-	-	-	-
Total Expenditures	1,629,319	1,981,611	1,869,886	2,094,886	1,821,686	(273,200)	-13.04%
Revenues							
Tax Revenues	-	-	-	-	-	-	-
Licenses and Permits	-	-	-	-	-	-	-
Intergovernmental	-	-	-	-	-	-	-
Charges for Services	1,501	1,567	1,592	1,592	1,662	70	4.38%
All Other Revenue	34,650	21,412	36,050	36,050	22,277	(13,772)	-38.20%
Total Revenues	36,151	22,979	37,642	37,642	23,939	(13,703)	-36.40%
Full-Time Equivalents (FTEs)							
Property Tax Funded	13.50	13.50	13.50	13.50	13.50	-	0.00%
Non-Property Tax Funded	-	-	-	-	-	-	-
Total FTEs	13.50	13.50	13.50	13.50	13.50	-	0.00%

Budget Summary by Fund

Fund	2021 Actual	2022 Actual	2023 Adopted	2023 Revised	2024 Budget	Amount Chg '23 Rev.-'24	% Chg '23 Rev.-'24
General Fund	1,629,319	1,981,611	1,869,886	2,094,886	1,821,686	(273,200)	-13.04%
Total Expenditures	1,629,319	1,981,611	1,869,886	2,094,886	1,821,686	(273,200)	-13.04%

Significant Budget Adjustments from Prior Year Revised Budget

	Expenditures	Revenues	FTEs
Decrease in contractals due to a one-time transfer in 2023 costs for external counsel fees	(225,000)		

Total (225,000) - -

Budget Summary by Program

Program	Fund	2021 Actual	2022 Actual	2023 Adopted	2023 Revised	2024 Budget	% Chg '23 Rev.-'24	23-'24' FTEs
Counselor's Office	110	159,068	183,748	189,695	189,695	197,310	4.01%	1.90
General Legal Services	110	1,072,562	1,140,346	1,347,121	1,307,121	1,229,030	-5.97%	9.70
Sedgwick County Court	110	118,788	128,778	133,071	148,071	145,346	-1.84%	1.90
Ext.Counsel & Legal Exp.	110	278,901	528,739	200,000	450,000	250,000	-44.44%	-
Total		1,629,319	1,981,611	1,869,886	2,094,886	1,821,686	-13.04%	13.50

Personnel Summary By Fund

Position Titles	Fund	Grade	Budgeted Compensation Comparison			FTE Comparison		
			2023 Adopted	2023 Revised	2024 Budget	2023 Adopted	2023 Revised	2024 Budget
County Counselor	110	APPOINT	133,628	147,205	147,205	1.00	1.00	1.00
Deputy County Counselor	110	GRADE73	-	-	131,195	-	-	1.00
Assistant County Counselor	110	GRADE71	-	-	472,767	-	-	5.00
Administrative Supervisor II	110	GRADE58	-	-	58,181	-	-	1.00
Administrative Support III	110	GRADE54	-	-	210,438	-	-	5.00
Deputy County Counselor	110	GRADE141	124,003	131,195	-	1.00	1.00	-
Assistant County Counselor	110	GRADE140	483,963	472,767	-	5.00	5.00	-
Administrative Supervisor II	110	GRADE126	51,521	56,755	-	1.00	1.00	-
Administrative Support III	110	GRADE122	187,304	192,152	-	5.00	5.00	-
Judge Pro Tem	110	EXFLAT	14,400	14,400	14,400	0.50	0.50	0.50
Subtotal					1,034,186			
Add:								
Budgeted Personnel Savings					-			
Compensation Adjustments					35,014			
Overtime/On Call/Holiday Pay					-			
Benefits					376,288			
Total Personnel Budget					1,445,488	13.50	13.50	13.50

• 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.

Fund(s): County General Fund 110

Expenditures	2021 Actual	2022 Actual	2023 Adopted	2023 Revised	2024 Budget	Amnt. Chg. '23 - '24	% Chg. '23 - '24
Personnel	158,738	183,333	183,545	183,545	195,210	11,665	6.4%
Contractual Services	330	415	6,000	6,000	2,000	(4,000)	-66.7%
Debt Service	-	-	-	-	-	-	0.0%
Commodities	-	-	150	150	100	(50)	-33.3%
Capital Improvements	-	-	-	-	-	-	0.0%
Capital Equipment	-	-	-	-	-	-	0.0%
Interfund Transfers	-	-	-	-	-	-	0.0%
Total Expenditures	159,068	183,748	189,695	189,695	197,310	7,615	4.0%
Revenues							
Taxes	-	-	-	-	-	-	0.0%
Intergovernmental	-	-	-	-	-	-	0.0%
Charges For Service	208	470	221	221	499	278	125.8%
All Other Revenue	-	-	-	-	-	-	0.0%
Total Revenues	208	470	221	221	499	278	125.8%
Full-Time Equivalents (FTEs)	1.70	1.90	1.90	1.90	1.90	-	0.0%

• 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	2021 Actual	2022 Actual	2023 Adopted	2023 Revised	2024 Budget	Amnt. Chg. '23 - '24	% Chg. '23 - '24
Personnel	1,004,395	1,062,810	1,182,456	1,167,456	1,108,132	(59,323)	-5.1%
Contractual Services	48,929	46,264	120,115	95,115	80,120	(14,995)	-15.8%
Debt Service	-	-	-	-	-	-	0.0%
Commodities	19,238	31,272	44,550	44,550	40,778	(3,772)	-8.5%
Capital Improvements	-	-	-	-	-	-	0.0%
Capital Equipment	-	-	-	-	-	-	0.0%
Interfund Transfers	-	-	-	-	-	-	0.0%
Total Expenditures	1,072,562	1,140,346	1,347,121	1,307,121	1,229,030	(78,090)	-6.0%
Revenues							
Taxes	-	-	-	-	-	-	0.0%
Intergovernmental	-	-	-	-	-	-	0.0%
Charges For Service	1,293	1,097	1,371	1,371	1,163	(208)	-15.2%
All Other Revenue	1,253	525	1,304	1,304	546	(758)	-58.1%
Total Revenues	2,546	1,622	2,676	2,676	1,710	(966)	-36%
Full-Time Equivalents (FTEs)	9.80	9.80	9.80	9.70	9.70	-	0.0%

• 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 County Codes. The County Counselor is responsible for prosecution of all cases filed in County Court.

Fund(s): County General Fund 110

Expenditures	2021 Actual	2022 Actual	2023 Adopted	2023 Revised	2024 Budget	Amnt. Chg. '23 - '24	% Chg. '23 - '24
Personnel	115,791	128,495	127,688	142,688	142,146	(542)	-0.4%
Contractual Services	1,113	283	4,200	4,200	2,200	(2,000)	-47.6%
Debt Service	-	-	-	-	-	-	0.0%
Commodities	1,884	-	1,183	1,183	1,000	(183)	-15.5%
Capital Improvements	-	-	-	-	-	-	0.0%
Capital Equipment	-	-	-	-	-	-	0.0%
Interfund Transfers	-	-	-	-	-	-	0.0%
Total Expenditures	118,788	128,778	133,071	148,071	145,346	(2,725)	-1.8%
Revenues							
Taxes	-	-	-	-	-	-	0.0%
Intergovernmental	-	-	-	-	-	-	0.0%
Charges For Service	-	-	-	-	-	-	0.0%
All Other Revenue	33,396	20,887	34,746	34,746	21,731	(13,014)	-37.5%
Total Revenues	33,396	20,887	34,746	34,746	21,731	(13,014)	-37.5%
Full-Time Equivalents (FTEs)	2.00	1.80	1.80	1.90	1.90	-	0.0%

• External Counsel & Legal Expense

The External Counsel and Legal Expense fund center provides budget authority for legal professional services. This fund center 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	2021 Actual	2022 Actual	2023 Adopted	2023 Revised	2024 Budget	Amnt. Chg. '23 - '24	% Chg. '23 - '24
Personnel	-	-	-	-	-	-	0.0%
Contractual Services	278,901	528,739	200,000	450,000	250,000	(200,000)	-44.4%
Debt Service	-	-	-	-	-	-	0.0%
Commodities	-	-	-	-	-	-	0.0%
Capital Improvements	-	-	-	-	-	-	0.0%
Capital Equipment	-	-	-	-	-	-	0.0%
Interfund Transfers	-	-	-	-	-	-	0.0%
Total Expenditures	278,901	528,739	200,000	450,000	250,000	(200,000)	-44.4%
Revenues							
Taxes	-	-	-	-	-	-	0.0%
Intergovernmental	-	-	-	-	-	-	0.0%
Charges For Service	-	-	-	-	-	-	0.0%
All Other Revenue	-	-	-	-	-	-	0.0%
Total Revenues	-	-	-	-	-	-	0.0%
Full-Time Equivalents (FTEs)	-	-	-	-	-	-	0.0%