

**RILEY COUNTY LAW ENFORCEMENT AGENCY
LAW BOARD MEETING
City Commission Meeting Room
1101 Poyntz Avenue
Manhattan, KS
August 17, 2009 12:00 p.m.
Minutes**

Members Present: Bruce Snead Mike Kearns
 Al Johnson Barry Wilkerson (left at 1:40 p.m.)
 Gail Urban Connie Casper (left at 1:20 p.m.)
 Jayme Morris-Hardeman

Absent:

Staff Present: Director Schoen AD Doehling
 Captain Hooper Captain Grubbs
 Captain Moldrup Captain Nelson
 Lieutenant Mills

I. Quorum Established: By Chairman Bruce Snead at 12:00 p.m.

II. Pledge of Allegiance: Led by Director Schoen.

III. Consent Agenda:

- A. Approve July 20, 2009 Minutes
- B. Approve 2009 Expenditures
 - a) 2009 Budget Expenditures
 - b) Facilities, Maintenance & Repairs Expenditures
 - c) Juvenile Transports
 - d) Seizure Expenditures
- C. County Inmate Medical Expenditures-*(Review)*
- D. 2nd Quarter Reports- *(Review)*
 - a) 82.1.4 Crime Statistics
 - b) 61.1.1 Traffic Accident & Enforcement Analysis
 - c) 84.1.8 Seizure & Forfeiture Report
 - d) Jail Semi-Annual Health Department Inspection

Kearns commented that at a recent County Commission Work Session the topics of the speed limit and traffic conditions on K-18 from Manhattan to Ogden were discussed. Representatives from Riley County, City of Manhattan, Kansas Department of Transportation (KDOT), Fort Riley, and members of the public attended the work session. The discussion was prompted by a citizen who expressed concern with the increase in traffic volume, reckless driving, and accidents on K-18. The discussion resulted in the decision to have the Riley County Commission

draft a letter to KDOT requesting a traffic study be conducted to review the possibility of reducing the speed limit to 55 mph. KDOT has already begun to gather the data to determine what should be the appropriate speed limit on that particular stretch of road.

Kearns noted that no matter what the speed limit, enforcement is important. The Riley County Police Department has recently enhanced enforcement on K-18 which is commendable. Citizens have expressed their appreciation for the increased enforcement and would like to see it continue in an effort to get the attention of those on the road who are a danger to others.

Schoen added that the Department has performed a number of special enforcement activities on K-18 over the past few months. Last week the Department issued 96 citations. The issue has been and will continue to be a point of emphasis with the Riley County Police Department.

Kearns moved to approve consent agenda items A and B as presented. Casper seconded the motion. The motion passed 7-0.

IV. General Agenda:

E. Additions or Deletions: Kearns explained that the Riley County Police Department recently had an unfortunate situation in which a prisoner passed away. Prior to the passing of the prisoner, the county was in communication with the police department to get the appropriate documents to the Kansas Department of Corrections (KDOC) to transfer custody of the prisoner. There was some misunderstanding at both ends as to what documents were needed. Riley County Counselor Clancy Holeman was present to comment regarding the matter. Kearns first opened the floor to Director Schoen for comment.

Schoen said he had a chance to speak with Mr. Holeman before the Law Board meeting. Schoen believes that most of the issues have been resolved; however, he was not opposed to discussing the matter further if the Board felt it was necessary.

Holeman explained that prior to the inmate's passing; Riley County Police Department jail staff notified the Secretary of Corrections that the inmate was ready for transport. Copies of the transport documents were faxed to the Secretary of Corrections. The issue that remains is whether the faxed documents are considered certified copies under state statute. Holeman said he will work with Director Schoen to resolve the matter and ensure that they are in compliance with state statute.

Snead wished to add the approval of the Edward Byrne Justice Assistance Grant (JAG) Recovery Act Expenditures following item I. on the general agenda. He also requested an update reference enforcement of the smoking ban ordinance and Aggieville related issues as a discussion item on the general agenda following the approval of the JAG expenditures

F. Public Comment: None.

G. Jail Expansion Update: Cpt. Grubbs reported that as of August 17, 2009 the jail cells are in place. The contractors are in the process of installing masonry walls on the front of

the cells. The plumbers have been installing the floor drains on the south side of the second floor. If weather permits, the masons will be working on completing the walls on the second floor later in the week.

H. CAB By-Laws vs. Statute Comparison: AD Doehling explained that the Community Advisory Board (CAB) bylaws were drafted by the Ad Hoc Committee over the past several months and were presented to the Law Board at the July 2009 meeting. While the bylaws were generally favorably received, questions arose as to the potential conflict between the role of the CAB and the powers and duties of the Law Board. Based upon the review of the proposed bylaws and the applicable statutes concerning the powers of the Riley County Law Enforcement Agency (Law Board), it is concluded that no conflict exists. It is the recommendation of the Department that the proposed bylaws as presented at the July Law Board meeting be forwarded to the CAB, once constituted, for finalization and formal adoption.

Schoen added that he contacted those who previously served as members of the Ad Hoc Committee, and four have agreed to stay on as members of the CAB. In addition, an email was sent to elected officials to include City and County Commissioners, and members of the Law Board soliciting input concerning individuals they felt might do a good job serving on the CAB. It is his hope to have the CAB established by the August Law Board meeting.

I. Health Insurance Mid-Year Review: The Department recently undertook a health insurance mid-year review. Director Schoen reported that the Department's pay loss ratio is well under 100%. Schoen cautioned that it is still the middle of the year and one major health catastrophe could change the situation of the Department. So far things look fairly good and he hopes it remains that way.

J. Edward Byrne Justice Assistance Grant-Recovery Act Expenditures: Members of the Law Board were provided with copies of the Edward Byrne Justice Assistance Grant-Recovery Act expenditure list in the amount of \$16,459.88. Director Schoen stated that the expenditure list was intended to be included as part of the Law Board packet as a consent agenda item, but it simply was not added in time.

Morris-Hardeman moved to approve the Edward Byrne Justice Assistance Grant-Recovery Act expenditures. Wilkerson seconded the motion. The motion passed 7-0.

K. Smoking Ordinance/Aggieville Update: Snead requested comments from RCPD Administration concerning enforcement of the smoking ordinance. The City Commission has received a few complaints about smoking enforcement in Aggieville. Snead said he is aware that the Department has made an effort to work with the public and Aggieville businesses. He thought it would be beneficial to have Administration update the Board and public reference the status of those efforts, as well as discuss any problems the officers have encountered.

Schoen said interestingly, he has received a few complaints from both smokers and non-smokers. From his perspective, the Department has received fewer complaints than originally anticipated. Businesses have been rather creative in finding loopholes in the ordinance. The Department has

done it's best to communicate with police officers and the City Attorney's Office to make sure that when those things happen, we know the position the city will take

Schoen said he is not aware of any ongoing problems with any particular establishment. Overall he has been relatively pleased. Most of the problems encountered have been brief and the officers have been able to resolve the issue with the business owner. The Department's approach has been education first and enforcement second. He has maintained that he does not want to become the smoking police. It should be more of a voluntary, cooperative approach to seeking compliance rather than just strictly writing tickets at every opportunity.

Schoen stated that the Department has one officer who attends meetings of the Aggieville Business Association on a regular basis. The meetings are rather well attended by daytime business owners, but not so well attended by the nighttime establishment owners. Realistically thinking, the officers will have to have to continue to work with the owners of the bars individually because that is where most of the complaints are coming from.

L. Executive Session: At 12:21 p.m. Johnson moved to go into executive session for the purpose of discussing attorney client privilege, non-elected personnel matters and FOP contract negotiation issues until 1:05 p.m. Wilkerson seconded the motion. The motion passed 7-0.

At 1:06 p.m. Kearns moved to return from executive session. Wilkerson seconded the motion. The motion passed 7-0.

M. Affirmation or Revocation of Discipline: Kearns moved to affirm the Director's disciplinary actions. Wilkerson seconded the motion. The motion passed 7-0.

Snead announced that the meeting would remain in open session while the Board waited for the arrival of an attorney.

At 1:24 p.m. Snead moved to return to executive session for the purpose of discussing attorney client privilege until 1:45 p.m. Kearns seconded the motion. The motion passed 6-0.

At 1:45 p.m. the Board voted (5-0) to come out of executive session.

Snead moved that the Board authorize the insurers in the Lowery matter to make an offer of judgment conditioned upon the requirement that the offer is limited to insurance funds only and not any funds of any defendant, including the governmental entity defendants and no public funds. This authorization is not an admission of liability, but instead is designed to resolve the litigation.

Kearns seconded the motion.

Johnson said pursuant to Kansas Statute he will abstain on the motion due to being a multiple defendant in the case.

The motion passed 4-0. Johnson abstained.

N. Adjournment: Kearns moved to adjourn the meeting. Hardeman seconded the motion. The motion passed 5-0. The August 17, 2009 Law Board meeting adjourned at 1:47 p.m.