

**RILEY COUNTY LAW ENFORCEMENT AGENCY
LAW BOARD MEETING
City Commission Meeting Room
1101 Poyntz Avenue
Manhattan, KS
July 20, 2009 12:00 p.m.
Minutes**

Members Present: Bruce Snead Mike Kearns
 Gail Urban Jayme Morris-Hardeman

Absent: Barry Wilkerson Al Johnson
 Captain Nelson Connie Casper

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

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 June 15, 2009 Minutes
- B. Approve 2009 Expenditures
 - a) 2009 Budget Expenditures
 - b) Facilities, Maintenance & Repairs Expenditures
 - c) Juvenile Transports
 - d) Edward Byrne Justice Assistance Grant (JAG)
- C. County Inmate Medical Expenditures-*(Review)*

Kearns inquired about voucher number 3028 to Douglas County Sheriff in the amount of \$700.00. Following the expenditure it shows a deposit of \$700.00. Kearns requested further explanation with regard to the deposit.

Schoen explained that \$700.00 was a check to pay for training. The employee was unable to attend; therefore, the Department received the money back from the Douglas County Sheriff's Office.

Kearns moved to approve consent agenda items A and B as presented. Morris-Hardeman seconded the motion. The motion passed 4-0.

IV. General Agenda:

D. Additions or Deletions: Director Schoen wished to add Correction Officer Robert McDermott to the promotion announcement. Schoen noted a minor typo the alphabetical listing of agenda items, specifically: HILK. It should read HIJK.

E. Public Comment: None.

F. Promotion Announcement: Director Schoen announced the following promotions:

- Officer Patrick Tiede promoted to Sergeant
- Correction Officer Robert McDermott promoted to Correction Supervisor

G. Award Announcement: Director Schoen presented Officer Wade Smith with a Commendation Award in recognition of his actions on May 27, 2009 in locating and identifying a suspect wanted for kidnapping, sexually assaulting and robbing several women. The man Officer Smith identified ultimately proved to be the predator wanted for this series of exceptionally violent crimes in the Manhattan and Junction City communities. His diligence, acute observation skills, and initiative proved to be key in the apprehension of this dangerous felon.

H. Jail Expansion Update: Captain Moldrup reported that the expansion of the Riley County Jail continues and remains on schedule. Two walls will be going up shortly and many of the lower level cells are beginning to take shape. Overall, the Department is very pleased with the work provided by McPherson Construction.

I. 2008 RCPD Audit: Carol McCullough, CPA of Reese & Novelly, P.A. referred to the Independent Auditors' Report. It is their opinion that the financial statements included in the report present fairly, in all material respects, the cash and unencumbered cash balances of each fund of the Department, as of December 31, 2008, and their respective cash receipts and expenditures, and budgetary results for the year there ended, based on the statutory basis of accounting. They found no statute violations, budgetary or cash violations. McCullough stated that she would not go into great detail regarding the financial statements unless otherwise requested by the Board.

Kearns said that in the letter from Reese & Novelly, P.A. it was noted under Exhibit A-Accounting Controls and Procedures that the Inmate Fund Cash Account had not been reconciled to the bank in a timely basis. As a result there was an adjustment of over \$10,000. Kearns requested additional information regarding the \$10,000 adjustment.

McCullough explained that the auditors provide recommendations to assist in improving accounting, administrative and operational controls and procedures. McCullough believed the \$10,000 was a bond that was received and the receipt was not posted to the general ledger. The money was in the account, but had not been recorded. It is their recommendation that all bank accounts be reconciled monthly to ensure that all receipts and expenditures are accounted for.

Additionally, a person independent of the reconciliation process should periodically review all bank reconciliations to be assured that they are performed timely and correctly.

The auditors also noted that there was at least one warrant that was issued prior to fiscal year 2006 that is still considered to be outstanding. Per Kansas Statute, those outstanding warrants should be canceled and placed back into the fund originally charged, in this case, the Department's General Fund. Kansas Statute also requires unclaimed property to be forwarded to the State after one year. McCullough recommended the Department review state statutes and determine the appropriate way to account for the outstanding items.

Kearns asked why the \$10,000 would be placed in the Inmate Fund if it was intended for a bail bond.

Schoen said it is his understanding that the \$10,000 was a combination of bonds and various other items which are in the Inmate Fund such as commissary, and things of that nature. The responsibility of reconciling the Inmate Fund was transferred from the accountant to the jail. The individual in the jail responsible for the fund was, at the time, reconciling the account on a routine basis. For reasons unknown that practice stopped and it was caught by the audit. Subsequently, Director Schoen had the employee meet with the accountant to reconcile the account. The accountant has since retrained the employee to ensure that practices are in place and the reconciliation is performed monthly. Further, she will oversee the bank reconciliations performed by the jail for the next three months.

Schoen added that with regard to the outstanding warrant, it was a check in the amount of \$700.00 that he had spoken to Kearns about during an earlier conversation.

Morris-Hardeman asked if there are other accounts that are reconciled by someone other than the accountant.

Schoen responded that there are a number of accounts for which the reconciliation is performed by other employees. A list of those accounts can be viewed on page sixteen of the audit report.

Morris-Hardeman inquired about the Department's internal controls that ensure reconciliation for each account is correct.

Schoen explained that the issue over internal controls was broached last year by the auditors. Subsequent to the audit last year, the Department segregated duties in the Records Section so that the employee accepting payments was not the one to record the transactions. He believes the Department is in good shape with respect to internal controls.

McCullough added that the Department does have an internal control auditor who reviews some of the account reconciliations. She recommended that the internal control auditor spot check all of the accounts at least once during the year to verify that they are being timely reconciled.

J. GAAP Waiver: Director Schoen said since the Department chooses to prepare the books on the statutory basis rather than the Generally Accepted Accounting Principals (GAAP), each year the Board has to waive the GAAP method.

Kearns moved that the Board approve the GAAP waiver. Urban seconded the motion. The motion passed 4-0.

K. RCPD Community Advisory Board: Director Schoen explained that one of the Department's goals for 2009 is to work with the community to create a Community Advisory Board (CAB) to serve to facilitate two-way communication between the public and the Department on issues of local concern. Since the adoption of the 2009 Department Goals & Objectives, a CAB ad hoc Committee was formed to establish the bylaws under which the CAB would eventually operate. The CAB ad hoc Committee has worked diligently and prepared the draft bylaws which are included in the Law Board packet for review. Once the Law Board has expressed agreement with the bylaws, the CAB ad hoc Committee will cease and Director Schoen will constitute the CAB. A few members of the CAB ad hoc Committee have already expressed a desire to serve on the CAB. Director Schoen and members of the CAB ad hoc Committee seek Law Board guidance with respect to the final formulation of the bylaws. If necessary they can schedule a meeting to make the requested modifications to the bylaws.

Snead felt it was important for the public to be familiar with three main purposes of the CAB which are to serve as a communications link between the Department and the public, improve public understanding of the Department role and to advise the Department on issues, opportunities and policies.

Urban commended the Committee on their hard work. She thought it might be helpful to compare the CAB bylaws to the statutory obligations of the Law Board to ensure that the charges of the two do not overlap. It would be advantageous if the Board could review the CAB bylaws and the statutes at the same time.

Morris-Hardeman inquired about the timeline for recruiting individuals to serve on the CAB and the process that will be used when selecting its members.

Schoen said the timeline is dependent on what the Board decides today with regard to the bylaws. If the Board requests significant modifications to the bylaws then it is possible for the CAB ad hoc Committee to reconvene and address the Board's concerns. If there are only a few minor modifications, he would suggest the Board agree to forward the bylaws "as is" to the CAB. Once formed, the CAB will review the bylaws, make the necessary modifications, and bring the document back to the Board for review and final approval.

Schoen restated that a few members of the CAB ad hoc Committee have expressed interest in serving on the CAB. It was his intention at the July Law Board meeting to request that the Board and public contact him directly if they are aware of anyone who might be interested in serving on the CAB and then go from there.

Kearns said he feels the CAB should not only provide input to the Director, but the Law Board as well. He requested the CAB report periodically to the Law Board to keep them abreast of community issues and concerns. He requested wording be included in the bylaws to address communications between the CAB and Law Board.

Snead concurred with Kearns and stated that it is important that the Law Board take advantage of feedback from the CAB. Periodic reporting or updates would prove beneficial; however, the reports needn't be detailed if there is nothing to report. While he does not take issue with the bylaws focusing chiefly on the Director in terms of the communications link, he feels it is important that the Law Board also be included so that they are aware of any developing issues or concerns the public might have.

Snead opened for comments from members of the CAB ad hoc Committee.

Bob Kruh, ad hoc Committee Chairman: Kruh thanked the CAB ad hoc Committee for their hard work. He truly appreciated the input received and quality discussions among the group that resulted in the formation of the CAB bylaws.

Kruh briefly commented that the CAB ad hoc Committee was trying to serve the interest of the Board indirectly, but more directly, the interest of the Director of the Riley County Police Department in the conduct of the affairs of the Department to try to help in communications and make the operation more efficient. There was never any attempt to create destabilization of the relationships that already exist such as that between the Director and Law Board.

Morris-Hardeman asked if minutes will be taken during CAB meetings.

Schoen said yes.

Morris-Hardeman suggested that the minutes from future CAB meetings be forwarded to members of the Law Board. However, it should be stated that she does not want to discourage CAB members from attending and speaking at Law Board meetings. It is her hope that members of the CAB would report to the Law Board in person if there were issues of great importance to be shared. For general information, she feels the minutes would suffice and keep the Board abreast of matters that are discussed.

Schoen said that information pertaining to Urban's earlier query will be provided at the August Law Board meeting. Schoen feels that the best course of action would be to release the individuals who have committed to serve only on the ad hoc Committee, form the CAB, and bring the bylaws back to the Law Board once the CAB has had a chance to view them.

Snead voiced the consensus and concurrence of the Law Board with Director Schoen's proposed approach.

L. Executive Session: At 12:50 p.m. Kearns moved to go into executive session for the purpose of discussing attorney client privilege and non-elected personnel matters until 1:00 p.m. Morris-Hardeman seconded the motion. The motion passed 4-0.

At 1:00 p.m. Kearns moved to return from executive session. Urban seconded the motion. The motion passed 4-0.

M. Affirmation or Revocation of Discipline: Kearns moved to affirm the Director's disciplinary actions. Urban seconded the motion. The motion passed 4-0.

N. Adjournment: The July 20, 2009 Law Board meeting adjourned at 1:01 p.m.