

**RILEY COUNTY LAW ENFORCEMENT AGENCY
LAW BOARD MEETING
City Commission Meeting Room
1101 Poyntz Avenue
Manhattan, KS
October 18, 2010 12:00 p.m.
Minutes**

Members Present: Jayme Morris-Hardeman Karen McCulloh
Mike Kearns Barry Wilkerson
Gail Urban Connie Casper

Absent: Jim Sherow Assistant Director Doehling
Captain Hooper

Staff Present: Director Schoen Captain Hegarty
Captain Grubbs Captain Nelson
Captain Moldrup

I. **Establish Quorum:** By Chairman Morris-Hardeman at 12:00 p.m.

II. **Pledge of Allegiance:** Led by Director Schoen.

III. **Consent Agenda:**

- A. Approve September 20, 2010 Minutes
- B. Approve 2010 Expenditures
 - a) 2010 Budget Expenditures
 - b) Juvenile Transports
 - c) Seizure Expenditures
- C. County Inmate Medical, Facilities, Maintenance & Repairs Expenditures

Kearns noted that page 5 of the September 20, 2010 Law Board Meeting minutes, second paragraph should read "As discussed at the July Law Board Meeting, the possibility of assessments in order to capitalize ~~then~~ *the* negative position of the fund have come to fruition which has heightened the need to make some immediate changes." In addition, the following paragraph refers to the "district." Kearns requested clarification as to whom Sunflower Insurance Group was referring.

Schoen stated that Sunflower Insurance Group did mention the district a few times during their presentation. They were referring to the Riley County Police Department. He informed the Board that the minutes would be corrected as requested.

In the meeting minutes the motion to approve the consent agenda excludes item C. McCulloh explained that this could cause confusion to those not familiar with the reasoning behind the

apparent exclusion. She asked for clarification as to why the motion does not include agenda item C., county inmate medical, facilities, maintenance and repairs expenditures.

Schoen explained that item C appears as a review item each month on the consent agenda. At the August Special Law Board Meeting he informed the Board that he was contacted by Riley County Budget and Finance Officer Johnette Shepek concerning the billing procedure for county facilities, maintenance and repairs. Schoen said that each month the Law Board would vote to approve the expenditures listed on the consent agenda. The facilities, maintenance and repairs expenditures for RCPD are something for which the county is responsible. Previously, the Department did not send the bills to the county until after they were approved by the Board. The delay in sending the bills, at times, resulted in penalties. The decision was made by the Board to handle the facilities, maintenance and repairs expenditures in the same manner as the county inmate medical expenditures in that they undergo a review by the Board, not formal approval.

Kearns moved to approve consent agenda items A and B with the noted corrections to the September Law Board Meeting minutes. Wilkerson seconded the motion. The motion passed 6-0.

IV. General Agenda:

A. Additions or Deletions: None.

B. Public Comment: None.

C. IDDP Grant: Included in the Law Board packet was a letter of approval of the Riley County Police Department's application for the Impaired Driving Deterrence Program (IDDP) Grant from the Bureau of Traffic Safety, KDOT. Cpt. Hegarty explained that the Department has participated in the program for the past several years and there are no matching funds associated with the grant. The grant covers employee overtime and equipment expenses related to conducting traffic safety countermeasures such as sobriety checkpoints. The total amount awarded is \$8,723.48.

Urban moved to accept the IDDP Grant. McCulloh seconded the motion. The motion passed 6-0.

D. City of Riley: City of Riley Attorney Norbert Marek addressed the Board concerning the interest in creating a municipal court in Riley. Also present were City of Riley Mayor Donald Wilson and Riley City Council Member David Shover.

Marek explained that the City of Riley is reviewing the possibility of forming a mutually agreed upon court with Leonardville and Randolph. Marek has had the opportunity to meet with Director Schoen and RCPD Attorney Michael Gillespie to discuss the matter. During the meetings, Marek was asked to determine the goals for the three cities as they pertain to law enforcement. Marek said much of it boils down to what the policy would be and if there would be a cost to increase law enforcement in those areas. There are questions that remain unanswered. First, if a city court were established in Riley, would the RCPD be willing to enforce the laws? Second, if RCPD is willing to enforce the laws, what would be the costs for

doing so and how would that work? Would there be a need to contract with RCPD for the services? All of these are important questions for the City of Riley. If there are additional costs, they will need to know in order to plan and budget for those expenses.

The level of law enforcement was also discussed. Marek said there are essentially three levels of enforcement being considered. The first concerns enforcement of the standard traffic ordinances. The second level involves whether there would be a difference to the law Board in how this is done if they decide to adopt the uniform public offense code. The last level of enforcement would deal with city codes or laws that are unique to the smaller cities and not typically part of the uniform training that police officers receive. The question then becomes how that should be done and what extra resources or officer training would be involved. The City of Riley would love to have uniformed police officers assist with city code enforcement, but they are not necessarily drawing a line with that.

The smaller communities find it difficult to employ part time enforcement officers. There is a lot of turnover and inconsistencies in enforcement as police officers come and go. Communities are faced with two choices. They can hire someone locally, which could result in complaints of favoritism, or they could hire someone from out of town, which could generate complaints that the officer is too aggressive and does not understand the community. It is always difficult to find a balance. That is why the City of Riley is exploring this course of action. Riley already has an ordinance that creates a city court. It has been on the books for some time; however, a city judge has not yet been appointed.

Marek said he recognizes that this is not something that is going to happen overnight. A timeline will need to be established and discussions will need to continue. Should the Board choose to close the door to this possibility, Riley could contract with off duty officers. That is how counties who do not have full time law enforcement do it. He understands that there are other ways to make it work, but because of the unique nature of Riley County, the cities really wanted to explore this avenue first. They would like to continue discussions and obtain input from the Board.

Kearns asked Director Schoen how the standard traffic ordinances are currently enforced in Ogden. He also wished to know if there are ordinances specific to Ogden being enforced by RCPD officers. To the best of his knowledge, the Department does not assist with code enforcement for Ogden; they are handled by city employees.

Schoen said that Ogden has adopted the standard traffic ordinances with respect to city criminal violations. There are still some ordinances unique to Ogden that the Department does not enforce. Generally speaking Commissioner Kearns' assessment is correct. If it is a traffic or criminal matter RCPD enforces them. If it is a code violation, the City of Ogden has an employee who handles them.

Kearns asked if there is an officer dedicated to Ogden 24 hours a day, or if there is simply an officer who covers Ogden as part of his/her assigned patrol area.

Schoen stated that there is not an officer dedicated to Ogden 24 hours a day. The officer patrols a larger area that includes Ogden. Enforcement is handled similar to that of the South County and North County areas. There is an area officer to cover Ogden as time is available and as the need arises. If the officer is in the area and witnesses criminal activity or a traffic violation he/she writes the ticket and it is forwarded to the Ogden Municipal Court.

Generally speaking, without having viewed a proposal from Mr. Marek regarding what his expectations are, the Ogden Municipal Court is a pretty fair model to follow. Again, it is really about managing expectations. Schoen said he understands the desire to know what costs are associated with additional enforcement in Riley, Leonardville and Randolph; however, he is not in the position to state that until he knows exactly what is being requested.

Schoen recommended Mr. Marek provide something in writing outlining his expectations and provide various options. He will review the recommendation and determine if it is something the Department can do without an increase in funding or manpower. Perhaps it can be handled in a manner similar to that of Ogden. If it goes outside the bounds of that then they may need to look at a contractual arrangement.

McCulloh expressed her apprehension in having RCPD officers handle the majority of code enforcement in Riley, Leonardville and Randolph. Logically, code enforcement should be handled by the Planning and Zoning Department. As suburbia grows outward, there will be a need to have across the board code enforcement. McCulloh will speak with the Regional Planning Organization to see if this can be looked at as a region. Many of the small municipalities do not need a full time officer. Perhaps they could share code enforcement and have the police department focus on violations that deal specifically with criminal law.

Morris-Hardeman requested the Department provide the Board with a list of nuisance ordinances that RCPD currently enforces for the City of Manhattan.

Schoen responded that the number is fairly low. He will provide the information to the Board at a future Law Board Meeting.

Kearns expressed the desire to further review the possibility of Riley forming a mutually agreed upon court with Leonardville and Randolph. He and Chairman Morris-Hardeman suggested Mr. Marek provide Director Schoen with a written proposal for review. Following the Director's review it was requested that the information be brought to the Board for input.

E. Executive Session: At 12:26 p.m. Kearns moved to go into executive session for the purpose of discussing attorney client privilege, non-elected personnel matters and FOP contract negotiation issues not to exceed 40 minutes. Wilkerson seconded the motion. The motion passed 6-0.

At 1:06 Kearns moved to return from executive session. Urban seconded the motion. The motion passed 6-0.

Urban moved to return to executive session for 10 minutes to discuss the same matters stated above. Kearns seconded the motion. The motion passed 6-0.

At 1:16 p.m. Wilkerson moved to return from executive session. Kearns seconded the motion. The motion passed 6-0.

F. Affirmation or Revocation of Discipline: Wilkerson moved to affirm the Director's disciplinary actions. Urban seconded the motion. The motion passed 6-0.

G. Adjournment: Wilkerson moved to adjourn the meeting. Urban seconded the motion. The motion passed 6-0. The October 18, 2010 Law Board meeting adjourned at 1:17 p.m.