

**RILEY COUNTY LAW ENFORCEMENT AGENCY  
LAW BOARD MEETING  
City Commission Meeting Room  
1101 Poyntz Avenue  
Manhattan, KS  
February 22, 2011 12:00 p.m.  
Minutes**

**Members Present:** Karen McCulloh Jim Sherow (left at 1:11 p.m.)  
Barry Wilkerson Jayme Morris-Hardeman  
Bruce Snead Loren Pepperd  
Dave Lewis

**Absent:** None

**Staff Present:** Director Schoen Assistant Director Doehling  
Captain Hegarty Captain Hooper  
Captain Nelson Captain Moldrup  
Captain Grubbs

**I. Establish Quorum:** By Chairman McCulloh at 12:00 p.m.

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

**III. Consent Agenda:**

- A. Approve January 18, 2011 Minutes
- B. Approve 2010 & 2011 Expenditures
  - a) 2010 Budget Expenditures
  - b) 2011 Budget Expenditures
  - c) Juvenile Transports
  - d) Seizure Expenditures
- C. County Inmate Medical, Facilities, Maintenance & Repairs Expenditures
- D. 4<sup>th</sup> Quarter Reports
  - a) 82.1.4 Crime Statistics
  - b) 1.3.13 Use of Force 4<sup>th</sup> Qtr./Annual Report
  - c) 52.1.5 IA/AA 4<sup>th</sup> Qtr./Annual Report
  - d) 61.1.1 A&C Traffic Accident & Enforcement Analysis
  - e) 84.1.8 Seizure & Forfeiture Report

According to the December 31, 2010 Monthly Budget Status Report the Department exceeded what was budgeted for overtime. Pepperd asked if the excess amount of overtime was largely due to a shortage in personnel.

Director Schoen said that a portion of the overtime was due to a shortage in personnel, but there are a number of services provided by the Department that necessitate overtime. For example, overtime is paid to officers to attend court and training or when officers have to stay past their shift to complete reports. In addition, the Department contracts with businesses for certain police services that require overtime. Expenses related to those services are later reimbursed to the Department.

Pepperd noted a fairly significant decrease in internal affairs cases to the tune of 20% in 2009 and 30% in 2010. In his opinion, much of the credit is to be paid to quality management and supervision within the Department beginning with the line level supervisors.

Snead requested an update on the total number of citations issued to drivers who were in violation of the ordinance banning the use of handheld electronic devices while operating a motor vehicle.

Hegarty reported that the Department has written a total of 252 citations to motorists who were talking on a cellular telephone without a hands free device and 37 citations to those who were texting.

Lewis inquired about the total number of citations issued to motorists for which cell phone usage or texting were the direct cause of an accident.

Hegarty did not have that information immediately available. He explained that generally speaking drivers may be less than forthcoming regarding the cause of the accident. The officer would have to witness the driver violating the ordinance prior to the accident or rely on an independent witness. For those reasons, statistics regarding motor vehicle accidents caused by inattentive driving due to cell phone use are not going to be very accurate.

Morris-Hardeman moved to approve the consent agenda as presented. Wilkerson seconded the motion. The motion passed 7-0.

#### **IV. General Agenda:**

**E. Additions or Deletions:** At a recent Joint City/County Meeting it was requested by Commissioner Bob Strawn that the Law Board provide input on the topic of consolidated dispatch and possible funding options. The Law Board agreed to add the topic following item G on the general agenda.

Snead moved to adopt the agenda as amended. Lewis seconded the motion. The motion passed 7-0.

**F. Public Comment:** Fraternal Order of Police (FOP), Lodge #17 Executive Board Member Steve Gregoire thanked members of the Law Board for attending the 2010 RCPD Awards Banquet on Sunday, February 20, 2011. Gregoire said it was a pleasure to be given the opportunity to speak with the members of the Board who were able to attend.

Gregoire mentioned that currently members of the Board are on a distribution list to receive FOP newsletters. The FOP will continue to provide those to the Board unless they wish to be removed from the list. If the Board has any questions or comments they would like to have included in the newsletter, simply let the FOP know.

**G. Law Board Member Recognition:** On behalf of the Riley County Law Enforcement Agency and the Riley County Police Department, Director Schoen and Assistant Director Doehling presented Mike Kearns with a plaque in recognition of his dedication and service to the citizens of Riley County, Kansas and men and women of RCPD.

Kearns expressed what an honor it has been to serve on the Riley County Law Board. During his 8 years as a member, he has developed a deep appreciation for his fellow Board members,

administration and the men and women of the Riley County Police Department. He has valued the open, full, and free exchange of opinions shared. He found working with Director Schoen and Assistant Director Doehling to be tremendous. He thanked everyone for their candor and support over the years.

**H. Consolidated Dispatch:** Director Schoen explained that at the recent Joint City/County Meeting it appeared to be the general consensus among both the Board of County Commissioners and the City to move forward toward consolidated dispatch between the Riley County Police Department, Riley County Emergency Management Services (RCEMS), Rural Fire and Manhattan Fire Department (MFD). However, it was felt that the matter of funding required additional discussion. Emergency Service Directors Pat Collins, Larry Couchman and Jerry Snyder were present at the Law Board Meeting to answer questions from the Board. Also present was Riley County Budget & Finance Officer Johnette Shepek.

Provided to the Board was a document outlining the 2012 cost/savings for consolidated 911 dispatch. The figures provided include anticipated costs and savings for all agencies involved. Schoen noted that the cost listed for the Communication Center Manager position includes salary and benefits only, and will be an additional position for the Department. The Manhattan Fire Department and Riley County Emergency Management Services are proposing the addition of 2 dispatchers each, and Rural Fire is proposing the addition of 1 dispatcher for 2012. The only hard savings will be from MFD by virtue of the elimination of 1 dispatcher and 3 student fire fighter positions. The total hard savings is estimated to be \$70,696.00. There are potential delayed costs from RCEMS, but they will not be realized in 2012.

Director Schoen said another question that arose at the Joint City/County Meeting dealt with call loads, where the calls went and who provided what service. According to the numbers provided by RCEMS, 78.4% of their calls for service occurred within the city limits of Manhattan in 2010. Those numbers do not include Job Corps and the Manhattan Airport.

Director Schoen explained that the Riley County Police Department tracks calls as they come into the 911 center. They are then classified as RCPD, EMS, Rural Fire, or MFD. When combining all calls for service that come in to the 911 center, approximately 83.3% occur within the city of Manhattan, about 15.6% occur outside the city limits and 1% occur outside of the jurisdiction. Approximately 83% of all calls are in the city limits of Manhattan when combining the various emergency services. That is not true of the Manhattan Fire Department. Records show that of the 469 calls for service transferred from RCPD to MFD, only 12 calls were from outside of the city.

Snead wished to know how many positions RCPD plans to add in 2011 and 2012, apart from what is being proposed for consolidated dispatch.

Schoen said the Department hired 11 correction officers this year to staff the new portion of the jail. A recent manpower study revealed the need for an additional 5 police officers to be considered for 2012. There is a need to add a few other positions in upcoming years; however, he was not ready to discuss those at this time.

Snead asked how much it cost the Department to hire the 11 correction officers.

Schoen said it cost between \$450,000 and \$500,000 to hire the additional correction officers.

Sherow said according to his calculations and the breakdown provided by Director Schoen, the city would be obligated for roughly 70% of the funding for 83% of the call load. In the interest of paying for what is being used, the city is about 13% behind assuming they would pick up 80% of the Communication Center Manager position.

Pepperd said although the city has 83% of the call load, emergency services still have to be able to respond to the county. He was not in favor of an 80/20 funding split between the city and the county.

McCulloh stated her preference of the 80/20 split to be rolled into the RCPD budget.

Lewis asked if RCEMS anticipates any additional cost associated with technology over the next few years.

Collins said he is working on consolidating radio systems with emergency services, public works and possibly the school district which will enhance coverage. He hopes to have more information available for the next Intergovernmental Luncheon Meeting. It is his hope that the 911 fund will finance the majority of the costs to consolidate the radio systems, but it depends on what legislature does with the fund.

Morris-Hardeman suggested the transition to an 80/20 city/county split over the span of 3 years. She proposed for discussion that the city and county split the consolidated dispatch costs 50/50 in 2012, 65/35 in 2013 and 80/20 in 2014.

Snead inquired about the funding source for Rural Fire.

Shepek said that the rural fire district has its own tax levy.

Sherow voiced his support of the proposed option to transition to an 80/20 split over a 3 year period.

Schoen said the amount of services that go to the city versus the county has been a point of contention for a number of years. He wished to clarify that Manhattan and Riley County are no different than any other city or county in the state. Every city and county in the state, when the county levies taxes, they levy them against the entire property tax base.

Lewis said that the 80/20 split is driven by statute. He asked why the Board would agree to go against statute by gradually transitioning to the 80/20 split over a 3 year period.

Schoen explained that statute obligates the governing bodies to utilize the 80/20 split to fund the overall budget of the Department. There are provisions in the statute that permit RCPD to engage in contractual agreements to fund initiatives like that of consolidated dispatch.

Snead said that it goes without saying that consolidated dispatch needs to happen. He also recognizes that per statute, the county takes care of facility and inmate medical related expenses for RCPD. The 80/20 funding split makes sense as a goal, but the recommendation made by Morris-Hardeman is a prudent one that provides for a transition in consolidation of services. It is hoped that with the consolidation of emergency services will come better efficiency and future cost savings.

In 2011 RCPD added 11 correction officers totaling approximately \$450,000. That is an additional \$360,000 that the city funds. In 2012 the city will fund an additional 12 fire fighters at a cost of \$750,000. The money does not come from the county, but it protects county citizens and their property. In 2012 RCPD will also be looking at adding additional police officers based on an assessment of need by the Law Board. These are significant costs and the reason Snead feels a transition is appropriate. It is recognition of the two governing entities of RCPD, the costs they are incurring and provides a fair transition for consolidation rather than an immediate leap.

Snead moved to adopt a transition for consolidated dispatch in funding utilizing a 50/50 split for 2012, 65/35 for 2013 and 80/20 for 2014 with the city being the first listed percentage in each of the distributions. He further moved that an interlocal agreement be drafted to provide for that transition and submitted to the two governing bodies for review.

Sherow seconded the motion.

Schoen recommended the Department prepare the agreement to be signed by the Law Board Chair. Once completed, he would bring the document before the governing bodies at a Joint City/County Meeting.

Wilkerson voiced that he would like more time to review the figures before making a decision.

Pepperd said he too would like more time to review the figures.

McCulloh clarified that the motion is to forward a proposal to the governing bodies for review. It does not obligate the city or the county into anything at this time.

The motion passed 6-0.

**I. 2011 Proposed RCPD Goals:** At the January 18, 2011 Law Board Meeting the Board was provided the first draft of the proposed 2011 RCPD goals and objectives. Following further review, and at the direction of the Law Board, the following changes and additions were made:

**Goal - Improve Traffic Safety on Our Roadways (A Safe Community)**

Progress Indicator 1: Reduce the incidence of non-weather/non-animal related motor vehicle accidents to 13 per 1,000 residents during the period of January 1, 2011 through December 31, 2011 from the five year average of 14.9 (January 1, 2005 through December 31, 2009).

**Action Item - Commence Discussion of Changes to RCPD Enabling Statutes.**

Progress Indicator 1: Manhattan City Commissioners and Riley County Board of Commissioners meet to discuss potential changes to RCPD statutes.

Progress Indicator 2: RCPD administrators and staff work with Commissioners to further the discussion by supplying data and input available from Department resources.

Snead moved to approve the 2011 Department goals and objectives as presented. Morris-Hardeman seconded the motion. The motion passed 7-0.

**J. 2011 Vehicle Purchase:** Captain Nelson said that typically the Department waits to submit vehicle purchase proposals until the end of the year. This year the proposal is early due to the fact that Ford has decided to halt production of the Crown Victoria. Nelson explained the

Department will ultimately be forced to choose a different model of police car once the Crown Victoria's are no longer available. Purchasing the Crown Victoria's in 2011 before they become unavailable is another way the Department can save some money.

Nelson noted that there are vehicles in the fleet that have over 100,000 miles, are older and exceed the City of Manhattan's Vehicle Replacement Index score suggesting replacement. The Department will keep these vehicles as long as the maintenance costs remain reasonable. He recommended the Department purchase 6 Ford Crown Victoria sedans, 1 Ford Explorer and 1 unmarked Chevy Impala for Investigations use to replace aging fleet vehicles.

Pepperd said he was aware that the Ford Crown Victoria was going off line. He researched the matter and found that Ford, Chevy and BMW are all producing fuel efficient specialty police vehicles. While he agrees that now is a good time to buy Ford Crown Victoria's, it may benefit the Department to look at equipment to outfit the new generation of police vehicles. The simple fact is that the cars are getting smaller and more fuel efficient. In the near future, police departments will be changing to more specialized vehicles.

Schoen said he had the opportunity a few years ago to view one of the specialty police vehicles at an International Chiefs of Police Conference. He has placed the Department on a waiting list to receive one of the vehicles for 2013. The specialty vehicles cost nearly twice that of the Ford Crown Victoria; however, they are projected to last twice as long. The initial thought is to purchase one of the specialty vehicles, test it and see if the claims of the manufacturer hold true prior to replacing multiple fleet vehicles.

Snead moved to approve the purchase of 6 Ford Crown Victoria sedans, 1 Ford Explorer and 1 Chevy Impala. Lewis seconded the motion. The motion passed 7-0.

**K. Schedule March Budget Workshop:** Director Schoen proposed scheduling two Special Law Board Meetings/Budget Workshops for the month of March. This would allow the Department to prepare an initial budget narrative and budget options for Law Board review prior to the regularly scheduled March Meeting. If it is determined that two meetings are not needed, the second can be canceled at any time. Riley County Police Department Executive Secretary Nichole Glessner will contact the members of the Board to schedule the meetings.

**L. Executive Session:** At 1:11 p.m. Snead moved to go into executive session for the purpose of discussing attorney client privilege and non-elected personnel matters not to exceed 20 minutes. Lewis seconded the motion. The motion passed 7-0.

At 1:29 p.m. Snead moved to return from executive session. Lewis seconded the motion. The motion passed 6-0.

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

**N. Director's Contract:** At 1:30 p.m. Snead moved to return to executive session to discuss non-elected personnel matters not to exceed 15 minutes. Wilkerson seconded the motion. The motion passed 6-0.

At 1:45 p.m. Pepperd moved to return from executive session. Snead seconded the motion. The motion passed 6-0.

Snead moved to return to executive session to discuss non-elected personnel matters not to exceed 10 minutes. Morris-Hardeman seconded the motion. The motion passed 6-0.

At 1:55 p.m. Snead moved to return from executive session. Lewis seconded the motion. The motion passed 6-0.

Wilkerson moved to authorize the Chair of the Law Board to have counsel draft the Director's contract in line with the discussions that took place during executive session and execute the document. Lewis seconded the motion. The motion passed 6-0.

**O. Adjournment:** The February 22, 2011 Law Board meeting adjourned at 1:56 p.m.