

**RILEY COUNTY LAW ENFORCEMENT AGENCY  
LAW BOARD MEETING  
City Commission Meeting Room  
1101 Poyntz Avenue  
Manhattan, KS  
July 18, 2011 12:00 p.m.  
Minutes**

**Members Present:** Karen McCulloh Jim Sherow  
Wynn Butler John Matta  
Loren Pepperd Dave Lewis

**Absent:** Barry Wilkerson

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

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

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

**III. Consent Agenda:**

- A.** Approval of Minutes
  - a) June 20, 2011 Law Board Meeting
  - b) June 27, 2011 Special Law Board Meeting
- B.** Approve 2011 Expenditures
  - a) 2011 Budget Expenditures
  - b) Juvenile Transports
- C.** County Inmate Medical, Facilities, Maintenance & Repairs Expenditures- (*Review*)

Sherow moved to approve the consent agenda as presented. Pepperd seconded the motion. The motion passed 6-0.

**IV. General Agenda:**

**D. Additions or Deletions:** Director Schoen informed the Board that Carol McCullough, CPA of Reese & Novelly, P.A. may be unable to attend the meeting to provide the 2010 RCPD audit report. She will make every attempt to make it to the meeting on time; however, she was unavoidably detained in Topeka, KS. If that is the case, agenda item I. will be postponed and addressed at the August Law Board Meeting.

**E. Public Comment:** None.

**F. Certificate of Appreciation Citizen David Colburn:** Director Schoen presented Mr. David Colburn with a Certificate of Appreciation in recognition of his actions on June 22, 2011 in dealing with a subject exhibiting bizarre and dangerous behavior Mr. Colburn provided shelter and aide to innocent bystanders and assisted law enforcement with locating the subject. Mr. Colburn's

actions exhibited bravery and bring great credit upon himself and the community in which he resides. He was recognized for his quick actions which undoubtedly aided in the safety of others. He was commended for selflessly placing the safety of others ahead of his own.

#### **G. Approval of General Order 2011-017 Disciplinary System:**

Pepperd asked if RCPD police officers are authorized to carry a personal firearm while on and off duty.

Schoen said yes. Officers must first qualify with the firearm and then he/she can use it as a backup weapon.

Pepperd asked if the Department has a fraternization policy to prohibit senior officers from fraternizing with their subordinates.

Schoen explained that General Order 2011-017 deals specifically with the disciplinary section of policy. There are a number of things that may fall under the disciplinary classification of conduct unbecoming a department member that are not listed specifically as violations in the section. While there is no current policy titled "fraternization" there is a policy prohibiting Department members from becoming involved in a relationship with a married person. He added that there are a number of married couples employed at RCPD. In those cases, the Department typically assigns them such that they are not working on the same shift or under the same supervisory chain of command.

Sherow asked Dustin Weiszbrod, President of the Fraternal Order of Police (FOP) Lodge #17 to comment.

Weiszbrod indicated that the much of the changes are a result of moving FOP contract into Department policy. The Policy Review Committee is given the opportunity to review all changes prior to submitting them to the Law Board for approval. The FOP does not have any concerns with the changes being presented to the Board.

Sherow moved to approve General Order 2011-017 Disciplinary System as presented. Lewis seconded the motion. The motion passed 6-0.

**H. City Proposal Re: Property Tax Delinquency Rate:** Following the June 27, 2011 Law Board Meeting Director Schoen received a request from Commissioner Butler to continue discussions concerning the City's proposal regarding the property tax delinquency rate.

Butler explained that the City sets a mil levy which does not always translate in to dollars. If there is a shortfall, the Riley County Police Department gets the dollars and the City Manager has to take the deficit out of the City budget. The question becomes what would happen if the City sets a delinquency rate of 2% and the City does not have the money to give to RCPD. In his opinion, RCPD has preferred stock. No matter what transpires RCPD is paid first and everyone else is paid last. That has been the discussion at the City for some time. Butler said he is simply interested in putting the matter to rest.

Matta responded that should there be a shortfall and the City decide not to provide the money to RCPD, at that time the matter would be brought to a head and resolution would be reached. He is not certain that legal counsel agrees on the interpretation of the statute.

Lewis said that the City and County are statutorily obligated to fund RCPD. He asked Carol McCullough to share her perspective on the matter.

McCullough explained that Kansas Statute 19-4443 states that the City and County will fund their respective shares of the RCPD budget. Statute does not state where the funds will come from other than the City and County are to levy the taxes. It does not state that in the event of a shortfall how the entities are to pay for it. It simply states that they will fund it. The issue appears to be with the statute and it would need to go before the legislature to be changed.

Matta reiterated that statute states that the governing entities shall levy a tax at a mil rate sufficient to fund their share. It does not address what would happen should the amount levied prove insufficient. He does not feel there is a clear cut answer. While legal counsel has not provided a definitive answer, the indication counsel provided to the City was that it is up to the entity to decide what should be done should the mil levy prove insufficient.

**I. 2010 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, 2010, and their respective cash receipts and expenditures, and budgetary results for the year there ended, based on the statutory basis of accounting. The auditors found no statute violations, budgetary or cash violations, nor did they find incompliance or deficiencies in the area of internal controls.

McCullough explained that the auditors provide recommendations to assist in improving accounting, administrative and operational controls and procedures. As part of the audit Reese & Novelly reviewed all bank reconciliations to determine that the reconciliations were performed on a monthly basis and were accurate. They noted that the Inmate Account was not properly reconciled between the bank balance and book balance. There was a discrepancy of \$2,187. There was more in the bank account than what was recorded on the books. This would indicate there may have been outstanding checks, errors in accounting from prior years, and voided checks. Administration was aware of the issue and procedures were implemented to ensure monthly reconciliations are being performed which should resolve future accounting issues.

McCullough reported that the Department has a part-time employee who conducts internal audits on a quarterly basis. McCullough feels that it would be beneficial to the Department to have the results summarized and a conclusion noted in the reports. The quarterly reports are being submitted to Administration for review. If an internal audit indicates problem areas or issues such as fraud, the information will be further reviewed and a report will be made to the Law Board.

McCulloh thanked Carol McCullough for the thorough audit.

Sherow commended RCPD Accountant Annette Moran for her hard work and job well done.

Pepperd received several telephone calls from property owners regarding enforcement of nuisance ordinance violations. He requested Director Schoen brief the Board and public on the change.

Schoen confirmed that the Department has begun to enforce certain nuisance ordinance violations. He asked Captain Hegarty to briefly comment on the matter.

Hegarty said that effective July 1, 2011, officers were authorized to cite for nuisance ordinance violations in accordance with Section 21-13 (Nuisance Prohibited) of the Manhattan Code of Ordinances. The primary focus will be on areas of high crime. Prior to issuing citations for nuisance code violations, officers will be required to complete the necessary training.

He explained that the ordinance applies to everyone, not just rental properties, but home owners and businesses as well. Citations for violations will be issued to the responsible party, not necessarily the owner of the property. Once cited, the offender will be given 7 days to correct the violation before a Notice to Appear (NTA) will be issued. If the violation is corrected within 24 hours, the NTA will be voided. To date, the Department has written a few citations. In those few instances the responsible party quickly corrected the violation and the citation was voided. The Department wants to encourage voluntary compliance in most circumstances. It should be noted that this initiative is not related to the recent changes to the rental inspection program.

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

Sherow moved that the Board approve the GAAP waiver. Lewis seconded the motion. The motion passed 6-0.

**K. Executive Session:** At 12:50 p.m. Sherow moved to go into executive session for the purpose of discussing attorney client privilege and non-elected personnel matters not to exceed 15 minutes. Lewis seconded the motion. The motion passed 6-0.

At 1:05 p.m. the open meeting reconvened. Lewis moved to resume the open meeting. Sherow seconded the motion. The motion passed 6-0.

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

**M. Adjournment:** The July 18, 2011 Law Board Meeting adjourned at 1:06 p.m.