

**RILEY COUNTY LAW ENFORCEMENT AGENCY
LAW BOARD MEETING
City Commission Meeting Room
1101 Poyntz Avenue
Manhattan, KS
August 15, 2011 12:00 p.m.
Minutes**

Members Present:

Karen McCulloh	Jim Sherow
Wynn Butler	John Matta
Loren Pepperd	Dave Lewis
Barry Wilkerson	

Absent:

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. Approve July 18, 2011 Law Board Meeting Minutes
 - B. Approve 2011 Expenditures
 - a) 2011 Budget Expenditures
 - b) Juvenile Transports
 - c) Seizure Expenditures
 - d) Edward Byrne Justice Assistance Grant (JAG)-Recovery Act
 - C. County Inmate Medical, Facilities, Maintenance & Repairs 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

McCulloh referred to the RCPD Monthly Budget Status Report. She explained that as of July 2011 the Department has expended 75.17% of the funds budgeted for salaries-overtime. With football season approaching the Department could easily exceed what is budgeted in that particular line.

Schoen said it is not unusual for the Department to exceed what is budgeted for overtime. The amount expended year to date is a little lower than it has been in the past. There are a few things that have eaten up a bit of overtime, but it hasn't been a particularly egregious year. He and members of the Command Staff keep a fairly close eye on overtime and try to keep it as low as possible. However, there are a number of things over which the Department has no control, such as: scheduled court hearings, and significant criminal cases, just to name a few. He added that since 2007 the amount expended for overtime has decreased each year. While it would be nice not to have any overtime, it seems to be the nature of the beast.

According to the Traffic Accident & Enforcement Analysis Report officer emphasis appears to be on speeding, inattentive driving, and cell phone violations. Sherow asked if the Department has noticed an increase in safer driving in Manhattan as a result of enforcement of the cell phone ordinance.

Schoen stated that officers have been making a concerted effort to reduce motor vehicle accidents as a result of driver inattention, specifically in the Bluemont/Aggieville area where quite a few rear end type accidents occur. Whether or not those efforts have had a solid effect is uncertain. He has yet to see anything stating that the frequency of inattention collisions have decreased substantially.

Hegarty reported that since January 1, 2011 the Department has issued warnings or citations to 180 individuals for texting while driving. Officers have also issued 654 warnings, and 739 citations for cell phone use without a hands free device. The Department has made between 1,600 to 2,000 vehicle stops based upon that infraction alone.

Hegarty said that the difficulty with trying to determine whether there is a correlation between the rise in enforcement for cell phone violations, and decrease in accidents due to inattention is that rarely in the course of an accident will the driver at fault admit that they were using their cell phone. While non-animal/non-weather related accidents may decrease, he is not certain that there will ever be a way to establish a correlation between the rise in enforcement and decline in accidents.

Pepperd wished to know how the Department's clearance rate compares to the state and national averages.

Schoen said the clearance rate for RCPD is pretty good. The Department has always done well when compared to the national average. When looking at communities of similar size, RCPD is a little better, but not as well when compared to the national level. The Department's clearance rate for rape (year to date) is down 10.5%. He cautioned that although the decrease percentage wise looks good, there were a total of 19 rape cases in 2010 and 17 in 2011. That is not statistically significant given that there is only a difference of two cases. The Department is probably running about the same as last year. One of the difficulties with comparing agencies of a similar size is that the numbers are so low and what appears to be a statistically significant number might be completely irrelevant.

Lewis noted one correction to the July 18, 2011 Law Board Meeting Minutes. The first paragraph on page 5 should read "*Lewis said that the ~~board is~~ City and County are statutorily obligated to fund RCPD.*"

Sherow moved to approve the consent agenda as amended. Wilkerson seconded the motion. The motion passed 7-0.

IV. General Agenda:

E. Additions or Deletions: None.

F. Public Comment: None.

G. Promotion Announcement: Director Schoen and Assistant Director Doehling announced the following promotions:

- Police Officer Ryan Flerlage promoted to Sergeant
- Police Officer Brad Ingalls promoted to Sergeant

H. Health Insurance Mid-Year Review: The Department recently undertook a health insurance mid-year review. Director Schoen reported that the Department's experience over the past year was fairly good. When determining the Department's experience rating (claims and losses which influence the premium to be paid for coverage), the Department's insurance broker, Sunflower Insurance Group looks at the activity of the three most recent years. Of those, there remains one poor year on the books. Sunflower Insurance Group anticipates a single digit increase in health insurance premiums for RCPD in 2012. Director Schoen said he is hopeful for a 4-6% increase, but that is just a guess at this time. The Department budgeted for a 10% increase in health insurance. If it comes in less than the budgeted 10%, the remaining funds will be used to offset the estimated \$150,000 increase in the Kansas Public Employees Retirement System (KPERS) and Kansas Police & Fireman's Retirement System (KP&F) rates.

Pepperd said that typically with respect to insurance policies the higher the deductible, the less the cost. He asked if the Department has a fund established to assist employees with the deductible.

Schoen said the Department has a Medical Reimbursement Plan (MRP) through Keating & Associates to assist employees with the higher deductible. The insurance carrier provides better rates because the deductible is higher. Currently the deductible is \$2,500 for the single plan (\$1,250 for the employee), and \$5,000 for the family plan (\$2,500 for the employee). Last year the Command Staff discussed the possibility of raising the deductibles, but it would not have saved the Department money. It would have saved money with the purchase of insurance from the carrier, but on the payout side it would have cost the Department more. Therefore, the Department opted not to increase the deductible. Employees pay for their medical expenses out of pocket and are later reimbursed for 50% from the MRP through Keating & Associates.

Pepperd simply wanted to ensure that there was enough money in the MRP to continue to cover 50% of the claims.

Schoen said he budgets a certain amount each year in order to maintain the fund at \$500,000. The RCPD has not had to add appreciably to the fund for a couple of years.

Pepperd asked if there is a cap on the amount in the fund.

Schoen responded that the Law Board has not formally established a cap. However, he is comfortable leaving it at \$500,000 which is where it currently sits.

I. Executive Session: At 12:25 p.m. Lewis moved to go into executive session for the purpose of discussing attorney client privilege and non-elected personnel matters not to exceed 25 minutes. Sherow seconded the motion. The motion passed 7-0.

At 12:50 p.m. Lewis moved to return from executive session. Pepperd seconded the motion. The motion passed 7-0.

Lewis moved to return to executive session for the same purpose mentioned above not to exceed 15 minutes. Wilkerson seconded the motion. The motion passed 7-0.

At 1:05 p.m. Pepperd moved to return from executive session. Matta seconded the motion. The motion passed 7-0.

J. Affirmation or Revocation of Discipline: Sherow moved to affirm the Director's disciplinary actions. Matta seconded the motion. The motion passed 7-0.

K. Adjournment: Sherow moved to adjourn the meeting. Matta seconded the motion. The motion passed 7-0. The August 15, 2011 Law Board Meeting adjourned at 1:06 p.m.