

**RILEY COUNTY LAW ENFORCEMENT AGENCY
LAW BOARD MEETING
City Commission Meeting Room
1101 Poyntz Avenue
Manhattan, KS
July 16, 2012 12:00 p.m.
Minutes**

Members Present: Karen McCulloh Loren Pepperd
Barry Wilkerson Wynn Butler
Richard Jankovich

Absent: John Matta Dave Lewis
Assistant Director Doehling

Staff Present: Director Schoen Captain Hooper
Captain Moldrup Captain Nelson
Captain Fink Lieutenant Mills

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

II. Pledge of Allegiance: Led by Director Schoen

III. Consent Agenda:

A. Approve June 18, 2012 Law Board Meeting Minutes

B. Approve 2012 Expenditures

a) 2012 Budget Expenditures

b) Juvenile Transports

C. County Inmate Medical, Facilities, Maintenance & Repairs Expenditures- (*Review*)

According to the Monthly Budget Status Report year to date figures, the Department has expended 48.27% of the 2012 budget. Pepperd complimented RCPD Administration on their efforts to stay within the budget. However, he cautioned that should a large, unexpected expense occur things could become rather tight.

Director Schoen agreed that the budget is a little tighter than he would like at this point in the year, but Administration continues to closely monitor the budget. In previous years the Department has been slightly under on the personnel side of the budget. That is largely due to position vacancies throughout the year. In 2012 the Department has maintained near full employment. That is one of the reasons the Board is seeing somewhat of a tighter budget.

Jankovich moved to approve the consent agenda as presented. Wilkerson seconded the motion. The motion passed 5-0.

IV. General Agenda:

D. Additions or Deletions: Director Schoen requested the addition of the 2012 Justice Assistance Grant (JAG) following item J. on the general agenda. Butler requested discussion

concerning Crime Stoppers be held directly following the JAG update. The Board was agreeable to the changes.

E. Public Comment: None.

F. Reimbursement for DUI Blood Tests: At the June 18, 2012 Law Board Meeting Pepperd inquired about an expense payable to Mercy Health Center for DUI blood tests. He wished to know if the Department is reimbursed by the individuals for those expenses.

Schoen responded that RCPD averaged under \$180.00 annually in expenses for DUI blood test over the past 4 years. It is not known how many of those tests were the result of individual refusal to take the breathalyzer test vs. tests administered as a result of a motor vehicle accident. Given that it is a fairly minor expense, he did not feel it would be appropriate to implement a cost recovery process for the tests. The cost to have an RCPD employee monitor and follow-up to ensure reimbursement is received would outweigh any true benefit.

G. 2011 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, 2011, 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 deficiencies in the area of internal controls.

McCullough briefed the Law Board on changes that will likely take place prior to the next auditing cycle. The Kansas Municipal Audit Guide (KMAG) will be undergoing significant revisions. In addition, state pensions and retirement legislation enacted in 2012 will require a different disclosure on those funds.

H. GAAP Waiver: Director Schoen explained that since the Department chooses to prepare the books as required by Kansas statutes rather than the Generally Accepted Accounting Principles (GAAP), each year the Board must waive the GAAP method.

GAAP is set up by the American Institute of Certified Public Accountants. McCullough explained that under the GAAP method of accounting, revenue is recognized when earned, and expenses are recognized when incurred. This method of accounting also involves balance sheets. Under the cash basis of accounting, revenues and expenses are recognized when cash is received and when cash is paid.

Jankovich addressed the Departments policy regarding paid earned time, sick leave and compensatory time. The audit report does not reflect the number of employees eligible to retire or the potential exposure to the Department associated with leave payouts.

During budget time RCPD Accountant Annette Moran projects a couple of years out those employees who are eligible to retire. The Department budgets accordingly. Schoen said that each calendar year employees are only allowed to carry-over the maximum of 1,120 hours of sick leave and 488 hours of earned/vacation time. At the end of the year, anything over those amounts is wiped off of the books. Upon separation from the Department, employees with accumulated vacation time will receive full compensation. Based upon the number of years of service with the Department, an

employee who separates from the Department in good standing can be paid as much as 50% of their accumulated sick leave hours or as little as 33 1/3%.

McCullough added that as of December 31, 2011, accumulated earned leave, sick leave and compensatory time amounts to \$2,151,886. That is the total liability to the Department should the accruals for all employees have to be paid.

Jankovich moved that the Board approve resolution 12-05 to waive the GAAP requirement. Wilkerson seconded the motion. The motion passed 5-0.

I. Update on 2011 RCPD Goals: Director Schoen recalled that when the Department last reported on the 2011 RCPD goals, the following goal remained unresolved: During the period January 1, 2011 through June 30, 2012, reduce the incidence of Part 1 crimes to 28 per 1,000 residents from the five year average of 29.02 (January 1, 2005 through December 31, 2009).

He explained that the goal was unresolved due to the timing of the Federal Government's release of census data, which usually does not become available until mid-year. Knowing this, the goal was established with an 18 month cycle. The numbers have since been released for Riley County. Based on the numbers the Department experienced a Part I UCR rate of 23.00 reportable offences per 1,000 residents.

J. Mental Health Transport Costs: Director Schoen stated that there is consideration by the City and County to form a working group charged with identifying issues and needs within the local community with respect to mental health care. The group would also research whether there is any economic viability in developing programs to take the place of those that the state has cut back on or eliminated, but for which there is substantial need and as a result of that need there is a sizable impact on local governmental institutions. It is anticipated that the formation of the working group will occur sometime in the fall of 2012.

The Department was asked by the Law Board to complete a review of costs related to transporting mentally ill individuals taken into protective custody by the RCPD. Figures were provided to the Board on costs associated with transports from RCPD to Osawatomie State Hospital. Additional copies were provided to Law Board Chair McCulloh to distribute to fellow County Commissioners in the furtherance of this discussion.

Butler inquired about the soft costs associated with RCPD's interaction with the mentally ill.

Schoen responded that soft costs were not included in the figures provided to the Board. For the purpose of this discussion the focus was on hard costs. He will obtain the requested information and report back to the Board with the understanding that the soft costs would not necessarily result in cost savings.

K. 2012 Justice Assistance Grant: At the April 16, 2012 Law Board Meeting the Board approved the Department's application for grant funds in the amount of \$23,158 through the 2012 Edward Byrne Memorial Justice Assistance Grant Program. Director Schoen advised the Board that the application has gone through and it has been approved. The funds will be used to purchase additional mobile radios to be compliant with the Federal Communications Commission (FCC) narrow banding mandate.

L. Crime Stoppers: At the July 10, 2012 Special City Commission Meeting Commissioner Matta requested City Manager Ron Fehr contact Director Schoen to see if he would be willing to absorb the Crime Stoppers funding request as part of the 2013 RCPD budget. Director Schoen had no objections to the request.

Pepperd recalled the Independence Day celebration in Junction City that featured a national recording artist and had various family oriented activities. As part of the event, the city allowed beer sales in the downtown area that brought approximately \$20,000 in revenue. He wished to know if Director Schoen had the opportunity to speak with anyone from Junction City to determine how they were able to control beer sales during the event. He thought perhaps the same procedure could be used for the Fake Patty's Day Celebration in Manhattan.

Schoen said he would contact Junction City Police Department Chief Tim Brown, make some inquiries and report back to the Board.

M. Executive Session: At 12:47 p.m. Wilkerson moved to go into executive session for the purpose of discussing attorney client privilege and non-elected personnel matters not to exceed 13 minutes. Jankovich seconded the motion. The motion passed 5-0.

At 1:00 p.m. the Board returned from executive session.

N. Affirmation or Revocation of Discipline: Wilkerson moved to affirm the Director's disciplinary actions. Butler seconded the motion. The motion passed 5-0.

O. Adjournment: The July 16, 2012 Law Board Meeting adjourned at 1:01 p.m.