

**RILEY COUNTY LAW ENFORCEMENT AGENCY
LAW BOARD MEETING
City Commission Meeting Room
1101 Poyntz Avenue
Manhattan, KS
January 19, 2016 12:00 p.m.
Minutes**

Members Present:

Craig Beardsley	Robert Boyd
Wynn Butler	Karen McCulloh
Usha Reddi	Ron Wells
Barry Wilkerson	

Absent:

Staff Present:

Director Schoen	Assistant Director Doehling
Captain Fink	Captain Hegarty
Captain Hooper	Captain Kyle
Captain Moldrup	

- I. Establish Quorum:** By Chairman Boyd at 12:00 p.m.
- II. Pledge of Allegiance:** Led by Director Schoen.
- III. Consent Agenda:**
- A.** Approve December 21, 2015 Law Board Meeting Minutes
 - B.** Approve 2015 & 2016 Budget Expenditures/Credits
 - C.** Juvenile Transport Reimbursement
 - D.** County Inmate Medical, Facilities, Maintenance & Repairs Expenditures- (*Review*)
 - E.** Riley County Jail Average Daily Inmate Population- (*Review*)
 - F.** Monthly Crime Report- (*Review*)

McCulloh moved to approve the consent agenda as presented. Beardsley seconded the motion. On a roll call vote, motion carried 7-0.

IV. General Agenda:

G. Additions or Deletions: None.

H. Public Comment: None.

I. Board Member Comments: At the December 21, 2015 Law Board Meeting Jim Wilson, President and CEO of Assurance Partners of Salina, Kansas, and Business Analyst Leslie Webb provided the Board with a workers compensation self-insurance update. The State, in review of the Department's application for a self-insurance permit, extended two options. Both options include an Indemnification Agreement between the Riley County Law Enforcement Agency, City of Manhattan, and Riley County. At the meeting it was suggested that Mayor McCulloh and Riley County

Commission Chairman Wells form a working group to discuss the matter with their respective staff and report back to the Law Board.

Now at the January 19, 2016 Law Board Meeting, Boyd wished to expand the charter of the group to include health insurance, liability insurance and other avenues of collaboration with the City of Manhattan, Riley County, USD 383, 378 and 384.

It was the consensus of the Board to expand the working group as recommended.

J. Award Presentation: A Meritorious Service Award was presented to Police Officer Jeffery Childs in recognition of his actions on April 12, 2015 during a shooting that occurred near 11th and Fremont Street. Officer Childs' actions and determined pursuit ultimately resulted in the apprehension of the suspect.

Sergeant Dustin Weiszbrod was presented a Letter of Appreciation, Dispatch Shift Supervisor Tyler Siefkes, Police Officer Garrett Lloyd, and Police Officer Andrew Toolin were each presented with a Life Saving Award in recognition of their role in the rescue of an individual involved in a kayaking incident on the Kansas River on September 19, 2015. Their actions contributed significantly to the saving of the man's life.

The victim of the above incident, Jim Fisher and his wife Donna were unable to attend the Law Board Meeting. Mr. Fisher requested Director Schoen read the following to those who were credited with bringing him to safety.

"I want to personally thank Officers Lloyd and Toolin for rescuing me from the river. My float trip turned bad with low water, carrying my boat many times, capsizing and darkness setting in. I walked through corn and soybean fields in water shoes with no jacket which had been lost in the river. The dispatcher pinged my cell and the officers were able to find me, I was exhausted, possibly starting hypothermia and dehydration. I had fallen multiple times and Officer Lloyd carried me in a fireman's carry to the open road where I could walk to the waiting ambulance. I know that was hard for him but he saved me. Both officers are to be highly commended for saving me. Sergeant Weiszbrod, the dispatcher, and paramedics also deserve my gratitude and thanks. They all went above and beyond the call of duty. Thanks again from the bottom of my heart, as well as my wife's thanks too."

K. 2017 Budget Preparation Timeline: Provided to the Board was the proposed 2017 Budget Preparation Timeline developed in accordance with the statutes of the Riley County Police Department and the Riley County Law Enforcement Agency. The following is the proposed timeline for development of the 2017 RCPD budget.

At the January 19, 2016 Law board Meeting, discuss, modify as necessary and approve the 2017 budget development timeline.

During the month of March conduct Special Law Board Meetings, as the Board deems necessary, to begin preliminary budget discussions and obtain Law Board guidance.

At the April 18, 2016 Law Board Meeting, update the Board on budget development and provide a draft 2017 budget. Determine the need for additional special Law Board Meetings as necessary for budget development.

At the May 16, 2016 Law Board Meeting, approve a budget of expenditures for publication prior to the mandatory public hearing.

No later than June 10, 2016 publish the proposed 2017 budget of expenditures in the Manhattan Mercury.

At the June 20, 2016 Law Board Meeting, conduct a public hearing on the 2017 budget of expenditures and formally adopt the budget.

On or before July 5, 2016 certify to the Riley County Board of County Commissioners and the City of Manhattan a budget of expenditures for the 2017 operation of the Riley County Law Enforcement Agency/Riley County Police Department.

Riley County Police Department Executive Secretary Nichole Glessner will contact members of the Board to identify two potential dates during the month of March to schedule Special Law Board Meetings. The Board will discuss the tentative dates at the February Law Board Meeting.

Butler voiced his concerns with the new tax bill which states that local government cannot raise property taxes by more than the rate of inflation. He said that the City and County will be faced with this budget constraint, which should also apply to RCPD. In his opinion, this has got to be the starting point for budget discussions.

Schoen said that he has had preliminary conversations with City and County staff concerning the legislation. It is his understanding that the legislation will go into effect for the 2018 budget cycle, not 2017. That said, he is aware that there is a move to consider making the statutory obligation not to exceed the rate of inflation begin in 2017.

Reddi commented that there are two thoughts currently circulating in Topeka. The first is a desire to repeal the bill. The second is to have it go into effect for the 2017 budget cycle. She believes there is a need to look at the RCPD budget with a magnifying glass. Local government relies on property taxes. There are several areas that are delinquent on a consistent basis, which is something they are working on.

McCulloh thought it would be helpful if everyone understood exactly what the ramifications of the tax lid would have on the police department. The Riley County Police Department is rather unusual in that it is a consolidated agency and funded by property taxes.

Schoen said that is something he and staff are trying to digest as well. Quite frankly, it might be the sort of thing that they have to work out over the course of the year. However, it is not something that staff can walk into with their eyes closed. There is a need to make their best assessment of how to interpret the statute.

Schoen added that if the Board were to choose to adopt the mode of thought to place some of the police department's budget into areas where exceptions may apply, they would not hear any argument from him. The difficult thing for RCPD is that it is funded 100% by property taxes. Most other police and sheriff's departments around the state are funded by property and sales taxes. Schoen expressed that he is more than mildly concerned about the tax lid. He plans to speak with City and County officials to see what their interpretations are of the legislation and what suggestions they may have.

McCulloh said that whether the tax lid goes into effect in 2018 or not, local government now has to fund certain activities that the state funded in previous years. It is very important that they try to keep the RCPD budget, no matter what kind of tax lid is imposed, as lean as possible.

Boyd said that he would first like to know what the Department's estimated operating budget is for 2017. With input from RCPD administration, the Board could then make the decision on where to go and what cuts can be made.

L. Review of 2015 RCPD Goals: Provided as part of the Law Board packet was a memo outlining the 2015 RCPD goals and progress indicators. Director Schoen provided a brief overview of each of the goals. As opposed to most years when the reporting of annual goals did not occur until after the close of the year, this year's report contained some projections. The Board sought clarification regarding the following goal.

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

Progress Indicator 1: During the period of January 1, 2015 through December 31, 2015, maintain the incidence of non-weather/non-animal related motor vehicle accidents per 1,000 residents at 13.7.

McCulloh pointed out that there seemed to be an increase in injury motor vehicle accidents during the month of December. However, the weather was not particularly bad. She wanted to know if there is a way to determine primary cause of those accidents.

Schoen explained that the Department is working with the Kansas State University (KSU) on a traffic initiative. He is waiting for a report back from KSU.

Kyle confirmed that there has been a recent increase (approximately 32%) in injury accidents. Causation for accidents is highly stable and boils down to inattentive driving. Whether a person fails to yield right of way, drives too fast for conditions, or follows too close, it all comes down to inattentive driving. Why these accidents are leading to more injuries than what has been seen in the past is still unknown.

Schoen said it is his hope (pending the results from the survey conducted by KSU) to develop a traffic plan with an eye toward reducing injury accidents. He is beginning to suspect that it is the behavior of the driver which causes the accident, not necessarily the location. It is much better to address the behavior.

Boyd said that the community thinks in terms of places rather than behavior. He is given to understand from Director Schoen that while locations are important, the best guide in reducing traffic accidents would be to concentrate on behavior, which is something that the Department may need to educate the public about.

Wells said that he has not viewed any figures on accidents that are caused by individuals turning right on a red light. He has noticed a number of areas in Manhattan in which that specific traffic law is abused.

Schoen responded that motorist regard for traffic signals is significantly less than what it was when he was younger. Perhaps he just got older. That is one of the things he professes some curiosity to as well. It will be interesting to hear the input from the public when the survey results are back from KSU.

McCulloh thought perhaps it might be time to look into the suggestion formerly made by Butler with respect to red light traffic cameras.

Schoen replied that red light cameras likely would not do much to impact accident rates, but it could modify driver behavior.

Butler clarified that he is in favor of electronic traffic enforcement, not red light traffic cameras. There is a bit of a difference. He understands that the Department cannot prevent all traffic accidents. There is going to be common cause. However, analysis of the data can identify where the spikes are, and electronic enforcement could be implemented for those select areas. That is different than putting cameras on every traffic light.

Butler said that he would be in favor of trying electronic enforcement on a limited scale to determine its impact, if any. Clearly there are some legal issues to iron out, but he believes those can be overcome. Electronic enforcement could help with the budget as well. It is something to consider.

M. FBI JTTF Update: Director Schoen explained that Riley County Law Enforcement Agency Attorney Michael Gillespie had the opportunity to speak with the Federal Bureau of Investigation (FBI) regarding suggested modifications to the Memorandum of Understanding (MOU) between the FBI and RCPD concerning participation on the Joint Terrorism Task Force (JTTF). He deferred to Gillespie for additional information regarding the outcome of the conversation.

Gillespie provided the Board with a brief summary of the two issues he initially had with the MOU. The first pertained to correctly naming the participant. He explained that RCPD does not have the legal capacity to enter into the agreement. Because RCPD is a subordinate governmental entity, the Riley County Law Enforcement Agency (RCLEA), otherwise referred to as the Law Board, should be considered the participating agency under the MOU and authorize assignment of RCPD personnel to the JTTF. Gillespie said that it is his belief, after speaking with a local FBI agent, that the FBI and Department of Justice would be agreeable to this change.

The second issue had to do with the indemnification provision concerning liability for neglect outside the terms of the MOU. Gillespie said that upon further discussion, the General Services Administration (GSA) will lease a vehicle to the RCPD representative serving on the task force. The representative would be issued a credit card and be responsible for the maintenance of that vehicle. Major issues with the vehicle must go through the FBI supervisor for approval. That being the case, Gillespie said that he was much more comfortable with the original language that appeared in the MOU.

Gillespie said that he does not have the authority to withdraw the abovementioned recommendation. He sought consensus from the Board for him to obtain another draft of the MOU from the FBI. The draft would include the correct naming of the participant and the original language from the FBI relating to indemnification. The MOU would then be presented to the Board for final approval.

The Board was in agreement on the suggested verbiage of the MOU.

N. Executive Session: At 1:05 p.m. McCulloh moved to go into executive session for the purpose of discussing non-elected personnel matters and attorney client privilege not to exceed 20 minutes. Beardsley seconded the motion. On a roll call vote, motion carried 7-0.

At 1:25 p.m. the open meeting reconvened.

Wilkerson moved to return to executive session for the purpose stated above not to exceed 30 minutes. Beardsley seconded the motion. On a roll call vote, motion carried 7-0.

At 1:55 p.m. the open meeting reconvened.

McCulloh moved to return to executive session for the purpose stated above not to exceed 10 minutes. Wells seconded the motion. On a roll call vote, motion carried 7-0.

At 2:12 p.m. the open meeting reconvened.

McCulloh moved to return to executive session for the purpose stated above not to exceed 15 minutes. Beardsley seconded the motion. On a roll call vote, motion carried 7-0.

At 2:26 p.m. the open meeting reconvened.

Wilkerson moved to return to executive session for the purpose stated above not to exceed 20 minutes. Boyd seconded the motion. On a roll call vote, motion carried 5-0 (Butler and Reddi were not present for the vote).

At 2:46 p.m. the open meeting reconvened.

O. Affirmation or Revocation of Discipline: McCulloh moved to affirm the Director's disciplinary actions. Beardsley seconded the motion. On a roll call vote, motion carried 7-0.

P. Adjournment: The January 19, 2016 Law Board Meeting adjourned at 2:47 p.m.