

Transcript of Sheriff Kelly's Expert Testimony given to Board of County Commissioners on
8/11/2021

Chairman Roberts: Good Morning. It's 9 o'clock, the 11th of August. We are continuing our series of requested testimony in regards to the petition that was filed for the possibility of creating a new city in Miami County, the City of Golden. Today we have Sheriff Frank Kelly who has graciously come to help us understand the law enforcement; the current practices as well as what might be expected in the future unknown to us. These are somewhat speculative conversations in that regards, certainly the Sheriff knows exactly what services you provide today, and I think you were given a couple weeks ago kind of a cursory of questions that might be best answered by you and you only in your department. So, I think you know what they are, would you want to start?

Sheriff Kelly: Sure. Gentleman let me first start out and discuss what my duties are as Sheriff. Not just enforcing laws in the county but also, we are a part of the court system, providing security. We are also in charge of civil process service throughout the county from the courts and we also oversee the Jail Detention Center. Those are my primary duties as Sheriff. When we look at what could possibly happen when you add a city in the county; were looking at some of the questions that came up and talking about that there won't be much of a change unless that city wants more than what we can provide. And that's where we are at today, let's discuss what could happen. A couple of the questions that were asked or sent to me - *Do you anticipate a higher level of law enforcement present in regard to Golden if it is proposed and it passes?* At this time, no. We are going to continue to respond to calls within that jurisdiction just like we do with the City of Fontana. I will refer to Fontana because it is a city in Miami County that we patrol, and we investigate crimes, we serve civil papers, we arrest people in Fontana. So, No, nothing is going to change. *Do you anticipate a higher level of presence with the annexation?* No. Let me just look at what we have on staff each day on the roads. We usually have a Captain, a Sergeant, 2-3 Deputies that are out covering the county. When I say that, there are 16,000 plus people in the county rural area. So, we provide a service to all of them, but we are also in the cities; like I talked we do civil process, and we assist the cities. We are going to continue to do the same; unless if the City of Golden was to ask that they want additional staffing to assist in say extra enforcement, issues that they were having that would mandate 24-hour presence. That would be different, that would be a cost. So, let me do some cost analysis for you; for a Deputy, full time with benefits, is \$88,046.40. This is coming from our payroll, Human Resources. That does not include overtime rate, that does not include sick time that we have to fill that shift, that does not include training that is mandatory 40 hours a year. With those cost, that could fluctuate that we are going to need. Additional would be the uniforms and equipment which is \$11,500 that we would have to include. That is the uniform, their belt, their gun, their bodycam; all the equipment that they are all issued. I will present all of this to you and will send it in an email to you once we are done. The last thing is a patrol unit. A patrol unit would be about \$53,942 completely equipped with what we have in each vehicle. So, with that cost is about \$147,430 per Deputy with equipment and a patrol unit. That would be the cost if we were going to provide 24 -hour coverage to that city.

Commissioner Pretz: Give that figure again.

Sheriff Kelly: \$147,430

Commissioner Pretz: That's for one?

Sheriff Kelly: That's for one. Fully equipped.

Commissioner Vaughan: That would be full-time dedicated to Golden?

Sheriff Kelly: Correct. Yes.

Commissioner Pretz: But they wouldn't work 24 hours a day. Would they?

Sheriff Kelly: No, what it would be is you would probably have to man it 12-hour shifts. So that would take at least 2 Deputies, 3 or 4 because of vacations and sick time to cover that.

Commissioner Pretz: So, 3 or 4 times that?

Sheriff Kelly: 3 or 4, correct, that we would have to provide.

Commissioner Pretz: Thank you.

Chairman Roberts: Sheriff, that is if there is a request for additional services?

Sheriff Kelly: Correct.

Chairman Roberts: Let me take a little deeper dive as to what a citizen sees today from the Sheriff's Department in that 9 square areas.

Sheriff Kelly: Okay.

Chairman Roberts: If somebody is being served a paperwork of course that would be an isolated situation but apart from that does the citizens up their routinely see law enforcement patrolling in the area?

Sheriff Kelly: Yes.

Chairman Roberts: Okay.

Sheriff Kelly: Our county is divided into districts. So, if there was 3 Deputies on, we would be 3 districts. One district would be 169 West, 169 to the East, and then about 311th South. So, there would be 3 districts that the Deputies are assigned. Then we have a Sergeant that roams and backs that Deputy up on certain calls.

Chairman Roberts: So, the 169 West; that individual has responsibility of a lot more than 9 square miles.

Sheriff Kelly: Correct.

Chairman Roberts: He or she has responsibility of a tremendous amount. So, for an individual who might now live in the City of Golden; they may not see that officer all day because they may be responding to calls or may be patrolling a different area of their district. So, that is where I want to go a little deeper dive, so the citizens didn't think okay, the normal doesn't look like what I see in the normal in the City of Paola where I probably see a law enforcement officer 2 or 3 times per day patrolling the streets.

Sheriff Kelly: Yes.

Chairman Roberts: That is not your normal. Your normal would be I have a huge district and I got one officer; first and foremost, going to patrol and second, they are going to respond to calls in that district and then third they may, I'm trying not to put words in your mouth – just asking, third they may be joining with other law enforcement to investigate a situation.

Sheriff Kelly: Correct; and a lot of times they could happen if the district, we will take District 1 as the Golden area on the west side, District 2 is the Louisburg and District 3 is the southern part; that District 2 car over in Louisburg could be extremely busy, working accidents, then that District 1 car is over there assisting on traffic control. That happens constantly. So that district maybe without a deputy for a while until we get somebody back or the Sergeant fills in in that area. So, it could be that whole shift, they work 12-hour shifts; that whole shift the majority of that shift that Deputy could be out assisting another district car. So that happens. Same with our VIN's; we do VIN's every day. So, if a Deputy is sick or out, we don't reposition somebody at the station we will call a district car in to help the citizen when they come in for a VIN check. That person, that Deputy, male or female, is in there assisting at the station not in the field, but we have units that can respond.

Commissioner Vaughan: Quick question just about population growth in general and patrol need. Forget about Golden. Northwest, what is the population growth threshold that says county needs to invest in more resources in that area? Do we have any study to that or know once we hit a certain population for the county that we need to have more patrol?

Sheriff Kelly: You know, we have discussed this before with the Commission; a 1000 per deputy would be, would be very good to look at. I look at, the way right today if we have 3 Deputies on; the City of Louisburg may have 2; the City of Osawatomie may have 2; the City of Paola may have 2; that is not including their supervisors; Spring Hill may have 2. We've got a large area to cover, and we have 3 people on. So, it's an ongoing discussion in regards to personnel each year that we do budgets. We have positions that we've asked for, but they get sent to court security, we do VIN inspections. It's not like the Commission hasn't given us the staffing it's just they go other places and now it's coming down to patrol maybe in the future.

Commissioner Vaughan: Do you have any, you may be getting to this and I'm trying not to jump the gun on you.

Sheriff Kelly: It's okay.

Commissioner Vaughan: Do you have actual call statistics for that area and what the crime looks like at the current state?

Sheriff Kelly: Yes, I do. Now for the Golden area in 2020 we are 191 calls for service. We didn't break them down to offense crimes or to assist a motorist or something like that. So, in that area the calls for service were 191. In the Northeast region, which is 255th / 69 area north - 399: in the City of Fontana - 98. Just a comparison with one of the cities. So that was in 2020. For this year 165 calls for service in Golden area, 300 in the Northeast region, and 48 in the City of Fontana. Like I said gentleman, we didn't break it down that was calls for service, I just wanted to show you that was where we were at in those areas.

Chairman Roberts: Those services will continue if they call for service?

Sheriff Kelly: Correct, Yes.

Commissioner Vaughan: As you are comparing to Fontana it would be good for me to understand, on our level, population comparison of the area and also square mile in the area. I think we may have that, but I don't know if we have it handy but as we are making those comparisons, I think it would be helpful so we can relate those numbers back to see if it's relative.

Sheriff Kelly: I think Fontana was close to 300.

Administrator Shane Krull: Fontana was actually in the lower 200's population wise and I then I want to say maybe 3.2 square miles, but I would need to go back and check on that.

Commissioner Vaughan: A little less than half the size of what Goldens population is.

Administrator Shane Krull: Yeah, I agree. I think the footprint is noticeably smaller.

Commissioner Vaughan: So, if we look at that based on a call basis, really Fontana has more activity than if you do it relative to population.

Administrator Shane Krull: Yeah, it might on a per capita basis or per dwelling.

Commissioner Vaughan: Just curious as we compare them if that is similar enough to make that comparison.

Attorney Shelley Woodard: Our website says that the population of Fontana is 239.

Chairman Roberts: So, Sheriff you talked about the various cities in Miami County. You have apparently developed this partnership opportunity between them and the Sheriff Department should there be a whatever case that you really have other resources that you could call upon to get assistance.

Sheriff Kelly: Absolutely

Chairman Roberts: As the petitioners filed their petition back in April, one of the major things that was brought out in that petition states, and I'll quote for it, I want to make sure I get it accurate "such coordination is most easily accomplished by a city" now coordination of their services or their plan - primarily talking about their warehouses. They said "Over time the residents of the proposed city expect to see an increase in crime and will require policing coverage in excess of what the Miami County Sheriff's generally provides in the rural areas. This is also addressed by forming a city." So that is really what caused us to say you would be the person who knows what is happening in that territory and you adequately shared that you have partnerships with all the cities and their law enforcement. What about the City of Edgerton? Do you have a partnership there in an event?

Sheriff Kelly: No. We have a partnership with the Johnson County Sheriff's Office.

Chairman Roberts: Ok. So, the Johnson County Sheriff's Office actually does the servicing for Edgerton. Correct?

Sheriff Kelly: They do.

Chairman Roberts: Okay. Do you see an uptick in crime in the last few years as a result of the warehouses being built and maybe a different element of individuals working there. I mean coming

across from all kinds of regions, trucking outfits and so forth? Have you noticed an uptick in crime as a result of that?

Sheriff Kelly: That I really don't know.

Chairman Roberts: Not at this point.

Sheriff Kelly: In regards to the breakdown of the calls for service, like I said we just did calls for service. I don't believe we have because our investigative unit they keep me posted on what is going on in certain areas and how the crime is changing.

Chairman Roberts: You have a working relationship with the Johnson County Sheriff's Office in that region. The Johnson County Sheriff's Office / The County Commissioners have an agreement with the City of Edgerton to provide those services. How many officers are they providing there? Do you recollect?

Sheriff Kelly: Two

Chairman Roberts: Two. I will provide for the record that I've have given it to the Commissioners, and I will provide it for the public record as well the actual agreement with Johnson County that was given to us by the Johnson County Manager that currently is in place for the City of Edgerton with Johnson County Sheriff's Office / The County Commissioners. And I recollect that that is this year's agreement was approved in January. The cost of that is roughly in the \$450,000 range and they provide 24-hour services.

Sheriff Kelly: Yes

Chairman Roberts: And then there are other details in there which the public are welcome to read and have that information. It kind of ducktails with what you are suggesting that ours might be a little bit less but with the pay and the difference in costs and so forth, pretty relatively.

Sheriff Kelly: I think it comes down to any city that you covered earlier. The cities are going to see more presence of a unit driving by than the rural areas. Just like Johnson County, they have districts that they have. So, they cover the same road, and a district is tough. There have been, when I was on patrol 6 months would go by before I would ever touch that same street because you are constantly busy, you're serving papers, you're doing this or that, but a city Officer they have districts and they cover those more. So, the bigger you get you get districts, and they cover those more. So, in the rural area that is how it is going to be. It's like a trooper on the highway, you may not see them on the same highway because they are working on a different highway, each day they are doing different highway work. We try to hit the county roads; we try to do enforcement. So, what we get are complaints of trucks driving to fast, motorist that are speeding. We are in different areas of those districts constantly changing around. We are no different than any other agencies, we have got to move our staff around to where the complaints are coming.

Commissioner Vaughan: I have a quick question just relative to other cities and the partnership with other cities law enforcement. Spring Hill, South side of Spring Hill, on the Miami County side, inside of the city limits has an issue like maybe they are an officer short. Do we ever partner respond help? How does that look in your partnerships with the city?

Sheriff Kelly: We do. If the Chief calls and says they are short staffed, like we have done with every city, can you help us on a shift or at least keep a district car close. We do that.

Commissioner Vaughan: Do we charge them anything for that?

Sheriff Kelly: No. No.

Commissioner Vaughan: Okay.

Chairman Roberts: But in the opposite, if you're out in the field and there is an issue you can call upon those cities to dispatch assistance?

Sheriff Kelly: Absolutely and they will respond to help us.

Chairman Roberts: It's really a give and take process.

Sheriff Kelly: For sure. There is no charge either way.

Commissioner Dixon: Is Fontana the only city that would come close in comparison by population?

Sheriff Kelly: Yes.

Commissioner Dixon: Do you see any, in your mind, any big changes if this becomes a city for you?

Sheriff Kelly: The only thing I could say is if they want more of a response, more of a presence, that would change. That's where the Commission would have to make a decision to put people there. Then we would have like Johnson County does with the City of Edgerton or Desoto, they enforce city ordinances also, not just state statutes. So, they could do that. A city court has to be established, a city hall, and a city attorney. I read Johnson County's, you have to have all of that, you have got to provide space for that deputy to do their reports. Those are the things that would come into conversation down the road if this were to pass. That we would sit down and see what the presence was and have a good discussion on what is needed on how we could establish that. Right now, we are going to continue to do the same.

Commissioner Vaughan: I think the Chairman made a good point in trying to understand Johnson County's and Edgerton's commitment and whether that additional officer, because I think they went from 1 to 2 in a certain time period, whether that was a result of Edgerton the city's need or based on the warehouse annexing and did the warehouses cause more crime to get it up because I think when you consider that. Is the city going to require us to have more resources or is the warehouses annexing in going to require us to have more resources that then we will have to invest in regardless. I think that is a good thing for us to understand and be prepared for is if a city is not there partnering with us are, we going to have an increased exposure anyhow with the warehouses coming down to take into consideration.

Sheriff Kelly: In a rural area we are very fortunate in regards to our statistics from the KBI this year our crime is down, but that doesn't say that that couldn't change, and that the intermodal would become problems in our county with traffic and everything and we need to increase our presence, that could definitely occur. Crime brings more law enforcement, there is no doubt, that is the only way you're going to deter it.

Chairman Roberts: That is a good point Tyler, because regardless of the city has its certain elements of needs and wants and if that area becomes what do you say part of Edgerton and/or has those warehouses built on any of that land that currently desires to be Golden. Then that becomes Edgerton's responsibility as far as enforcement of the laws that is within the city limits of Edgerton. Wouldn't it then be a broader relationship between your department and the Johnson County's Sheriff Office, wouldn't you say?

Sheriff Kelly: Right.

Chairman Roberts: So is it possible for you to reach out to the Johnson County Sheriff and say what have you seen in changes as far as activity within the area since you have taken it over. The only reason is to give us some benchmark of saying, well there is a lot more people, there's a lot more opportunities, and what has that created. Has it created any issues that had an uptick for law enforcement or was its status quo? Is that something you could help us with?

Sheriff Kelly: Sure. Sure, because Edgerton's population is 1752 and that is twice the amount of Golden. I have Golden down as 700 plus, is that correct?

Chairman Roberts: yes. Just that.

Sheriff Kelly: So, it's double that but I think it is the amount of traffic that's there. Now you also got to go back to Edgerton had a Police Department prior to the Johnson County Sheriff's taking it over. They had a Police Department, they had a presence, and they were used to it. I'm not sure what happened but that's when they wanted the Sheriff's Office to come in. Maybe it was to save money, they looked at it as cost saving but they had a Police Department at one time. So, they were used to a presence. Once the Sheriff got in there; it could of saved money I'm not sure. We got to remember that; they already had a Police Department with their population. This would be starting from scratch; it would be a lot of discussion to make sure we are doing things that both parties want, if this passed.

Administrator Shane Krull: Frank, irregardless of whether Golden forms or not, one of the complaints that we hear is the truck traffic. As the Sheriff Department how do you respond to that? We don't have a motor carrier inspection unit, those sorts of things. What are you able to do with the resources that you have? In response to those concerns, whether it is Golden or just the folks that live up in the area now.

Sheriff Kelly: We respond, we can issue citations we just don't do the weight with the scales. We used to. We used to have a couple of Motor Carrier Inspectors through the Sheriff's Office, they left, KHP is usually a great resource. They will schedule it and they will come down and check. We use them a lot. All the funding that they do goes back to the state and it takes time. That is one thing we found out with ours is that you have to do so many trucks a month to keep your certification. When they left, we didn't have the staffing to continue that but, Highway Patrol works with us. We can write speeding tickets but it's the weight that I think a lot of people are concerned about too. The weight scales range from \$2,000 to over \$20,000; it depends on the weight that you are weighing. 60,000, 80,000 and over 100,000, the prices go up. There is grant money usually available. It is either that or forfeiture money that cities use. If the cities were to implement a unit that money stays in the city, it doesn't go to the state. That is why the cities north of us have Motor Carrier Inspectors that are assigned to that is all they do in traffic. We don't have a traffic unit, again you have the cost to add car and personnel, that is what it would cost to

do a traffic unit specifically. We found that out with a K-9, you know it costs money, but with a traffic Motor Carrier Inspector they are making money for the city. It is so many thousands of dollars for every so heavy, 100 lbs. – 200 lbs., that adds up for the cities, so they got their own Motor Carrier Inspectors now; to make their money back.

Chairman Roberts: That is a great segue to the next concern that is outlined in the petition for the City of Golden. It had to do with the increased truck traffic within the region, that is one of the main concerns that they have. I suspect it has had some increase although we will know that pretty clearly, I think next week. J.R. you are here?

Road and Bridge Director J.R. McMahon: yes.

Chairman Roberts: He has been taking traffic counts in the region and looking at not only the type of vehicles that is going through on different roads but also the speeds they are traveling and so forth. Help us understand how we address that issue. I mean there are truck traffic in the area, there are many warehouses that trucks are seemingly finding a route back to 169 or trying to avoid a weigh station. I don't know the reason, but I know they are in the area. So, the question I have, and Shelley is going to help answer this. Have you seen a rural county like us implement a truck route? A dedicated route for that truck that can allow to travel on?

Sheriff Kelly: I know it was discussed through the Kansas Sheriff's Association that counties were trying that but I'm not sure if they have actually established a route. Because it goes by weight too and we're a rural area with farmers that have weight too on theirs, so you got to look at that and that's what was talked through the KSA. Because a lot of the rural agencies have to deal with farmers and how much weight they have and if it's allowed here and not allowed there. Those are the things that were discussed in regard to that. Now, how we do it is a lot of times its complaints. Got a lot of traffic coming up here, we will send a deputy up there to watch but that is why we call KHP. They can actually check their logs, they can weigh their trucks, they can put them through a lot more because if they are not using the main road and will say 223rd but they are going 215th. We have had complaints on 215th, so Johnson County has been down, but Kansas Highway Patrol they are the ones that usually come out and will help us. We can issue citations for speeding but a lot of the times they are not speeding, it is just a lot of traffic. So, to deter that you would probably have to research legally in regard to a truck route that can be utilized.

Chairman Roberts: Which will be discussed here right after your testimony.

Sheriff Kelly: And then we would have to enforce that, through that, and with the help of I would say Highway Patrol. To work together.

Chairman Roberts: So, because several different citizens brought this up about the speeding in the area or going beyond the speed limit. Have you ever received calls regarding excessive speed limit or people calling "Hey, I got a problem, this idiot is out here driving 40 miles over the speed limit." Are you receiving calls like that?

Sheriff Kelly: All over the county.

Chairman Roberts: I mean, but in that area specifically.

Sheriff Kelly: Yeah, I'm sure we have especially 223rd. Going to school, young adults going to school, it is usually the morning and the evening rush hour. We do have speeding complaints throughout the county. We have to assign a Deputy at certain times, we try to get a location, the time it is occurring and put a Deputy out there.

Chairman Roberts: So, if the Commissioners was to be asked and responded to changing the speed limit in an area. Is that something that you have the staffing to go and enforce once in a blue moon or how often do you do it?

Sheriff Kelly: We would have to move that position to that location for so many hours a day or a week that we know that we at least we are enforcing it in that area. That is what we do right now, no matter what the speed limit is, we try to have somebody in those areas of the complaints. Even if we are driving down the road and somebody is doing 80 in a 55, they are going to stop them. It happens and it is not specifically they are there setting up a radar, every car has a radar unit, but they are just not sitting there but they are moving constantly also.

Chairman Roberts: I think several of the Commissioners have had requests for us to look at changing the speed limit in several of those collector roads in that region and it is something that the Commissioners will have to discuss in the future about.

Sheriff Kelly: Now, I will bring up that we do have grant funding that we have used throughout the year which is called Selective Enforcement. We are using that throughout the year and that is what we are doing. They are looking for certain activities whether it is DUI, under the influence, drug usage, so they are out certain parts of the year using grant money on selective enforcement. That is how we get a lot of individuals too.

Commissioner Pretz: Do you have any idea how many speeding tickets or citations you issued in 2020?

Sheriff Kelly: I don't Commissioner, but I could definitely get that for you.

Commissioner Pretz: Thank you

Sheriff Kelly: I'll write that down. I'll also, Commissioner, get the Johnson County information.

Chairman Roberts: Thank you

Sheriff Kelly: So, I think we covered on the trucks the cost of a unit that was part of this, how we handle trucks in the area, we respond to complaints, we'll stop them for speeding, we use Kansas Highway Patrol. We also look at, one of the questions is if this was incorporated as Golden how is that handled calls somewhere else. We go by priority. If it is a major fatality and they have a theft I'm sorry that is the priority. Dispatch knows the priorities to send the units. Even if somebody was going to the theft of an individual in that area or any part of the county, once that other priority call comes up, they are redirected to help and assist. We use the cities and the jurisdictions around us to help us constantly, we are all working together. So, if it's a priority two calls, we will make sure we will get people to both calls; they are in route whether it is with EMS or Fire we are all responding. Which other questions Commissioners in regards to the questions that I received – we covered the stats, the costs, the trucking issue. I think these things will be addressed if Golden goes through that we will have to cover these and really look at the statistics more heavily for the future to see if the crime increases in that area. As you can see the calls for service in those areas is lower than in the Northeast region to the east.

Chairman Roberts: Are they less populated there on the East side?

Sheriff Kelly: I would say that it is all spread out.

Chairman Roberts: That is where you live isn't it?

Commissioner Vaughan: I'm central...

Chairman Roberts: Do you have more crime on your side? (laughing)

Sheriff Kelly: I think it's pretty populated over there.

Commissioner Vaughan: Sure, it is.

Chairman Roberts: Oh, that's right he is an insurance guy.

Commissioner Vaughan: That's Phil's area.

Commissioners: (laughing)

Administrator Shane Krull: Isn't it too Frank that a lot of times your thefts are a deal of opportunity, you get a little bit more isolation, then they pattern you out and people go to work from 7 to 6 type of thing. Maybe during the timeframe with Covid with the shutdowns we had more people at home, kids at home, online schooling and those sorts of things probably suppressed maybe a little bit of what we had seen in the past. You know we get the different groups come over from Missouri and hit us a bit and jump back over the state line and work over there, then it seems like 6 months later they would come back to that Northeast area was always to me seemed like a little bit more subject to that type of activity.

Sheriff Kelly: Um-hm, the closer to the highway too. If you look at this area that we are talking about it is pretty far West of the highway itself. Over on the East side that is 69, that is a corridor, and we have had a lot of crime over there in the past. Last year it went down because of probably the Covid. A lot of people were home. So, in the summer it deescalates, and in the fall and the spring it goes up when nobody is home. That is rural burglaries across the county.

Commissioner Vaughan: I think where I am really interested to understand is not just right now but as we plan 5 to 10 years in the future, I feel like there has to be some type of population threshold or activity threshold that says we as a county need to expand services. So, I really want to understand that; not relative to the City of Golden, then once we understand that then layer in does the city itself make a difference and at what point do, we say okay, now we have to go into a contract basis. Is it just on the city themselves saying now we want more, or do we have to have a threshold that says for the residents in our county at this point is when we know increase service needs to happen. Because in my head increase services gonna happen in that area city or not, no matter what, and what does that look like for us as planning and then does a city change that dynamic and how does it change that dynamic? That's what I'm not grasping from any of these questions; these are current state right now, but I think we have to understand what we're projecting. I know that's a little bit crystal ballish but we still have to have some type of idea what that looks like.

Administrator Shane Krull: You know a little bit of a precursor that we have gone with recently is the discussion is in dispatch with the heightened level with calls. Granted in part, we came into a

partnership with Osawatomie to forward them dispatch service but even prior to the discussion with Osawatomie we were looking to address dispatch and the addition of staff in that area. I think periodically Frank's investigative teams get so bombarded with activities they have to prioritize and occasionally you hear complaints from citizens that don't feel that their situation is getting the attention that is warranted but as they prioritize you can't find fault with it. I think some of those things are going on currently and coupled with that Mid-America Regional Counsel Frank Lenk and such have provided a little bit of forecasting in that area whether it was with Golden or not in terms of what they are anticipating for population growth and that segment of the logistical business in the whole Greater Kansas City Metropolitan area. Obviously, Edgerton is a big player in that aspect of it.

Commissioner Vaughan: So, then one last question and then this will be my last one. To throw a hypothetical out there; say one of our existing cities that has a police force right now abandoned their police force, got out of the business, and said we can't do it. Is it not our responsibility, I heard you before say Sheriff, that we have to serve those people no matter what. Do we force those people into a contract at that point and say you owe us \$400,000 but they don't have it. How does that look? That's a hypothetical.

Sheriff Kelly: That would be a legal question, but we would step up. I know our staff and we would have to assign a unit down there, whatever city it was, to assist them. Being elected, you know gentleman, that you have to take care of your district and we would have to.

Chairman Roberts: Let me answer this way. In reading the contract with Johnson County. It was pretty evident in that contract that Johnson County Sheriff's Office was enforcing state laws not municipal laws. So, as I understand it, in order for them to enforce municipal laws the city had to per say deputize them as a policeman within their city limits. Create that municipal law, create the enforcement part of the municipal law i.e., you mentioned it; a judge, prosecutor, some clerk system to record it, to prosecute it, and then lay judgement on it. Please, you will correct me I'm sure you have many times, say the Sheriff's Department is not there to enforce municipal laws. If a person is breaking a state law obviously, if you see a crime in act obviously you are going to step in and make sure that is taken care of. A city steps forward and is created to maybe have a different level of enforcement for what you might call the misdemeanors or the municipal code violations that happen. Part of the purpose in asking what do we do today versus what might be expected is to paint what we can with the broadest brush possible that the possibility to avoid what is has happened in taking over a dispatch system where everybody thinks that I can just call 911 because there is a cat rumbling in my backyard over here because there is the expectation as a city resident that I can call the Police Department and they will come figure out criminal or somebody getting my cat or is there a dog. Whereas the Sheriff's Department is "Hey, that is not our problem." So, to paint a broader picture so that people know we have a city, but the Sheriff's Office is doing their normal state force law requirements. You are not roaming the neighborhood looking for a municipal violation. Am I right in those parameters?

Sheriff Kelly: Yeah, per say that you are but we respond I would say 99% of a time to a citizen that has something going on at their residence when we can but again it is priorities. If we don't have staff to do that then we won't. Your right that the ordinances that the Deputies in those cities, Edgerton, and De Soto, they have to be sworn in as police officers to do those, but they are there, that is their presence, and they will stay there. They are not roaming outside of those areas.

Commissioner Vaughan: So, what I just heard was regardless you would enforce state law.

Sheriff Kelly: Yes.

Commissioner Vaughan: Shelley?

Attorney Shelley Woodard: Yes, that is correct. A city can't force the Sheriff's Department to come in and enforce city ordinances. Now they can enter into a contract with the Sheriff's Department to do that. So, let's say that Paola decided to get rid of their Police Department tomorrow. The Sheriff's Department is not going to come in and do the city ordinances. Now that being said a lot of city ordinances have a corresponding state statute; there is going to be a lot of overlap that the majority of the situations are going to be covered under state statute but there is no way they would just come in and do the municipal.

Commissioner Vaughan: They are not going to ticket people to mow their lawns or something like that?

Attorney Shelley Woodard: Correct. Right. If there is not a state statute equivalent, then they would not be enforcing that without some sort of guide; I mean unless they get deputized most cities would pay for that right? If you wanted to do that for free, he could, but I don't think I have ever seen that anywhere in a state.

Sheriff Kelly: No.

Commissioner Dixon: You wouldn't have the staff to do that anyway?

Sheriff Kelly: No.

Administrator Shane Krull: Most smaller communities would adopt each year the standard traffic ordinance, the STO, and then that encapsulates in all that municipalities along with the State of Kansas puts that out each year to go through. So, that kind of standardizes throughout the community. Now, in your downtown business districts limit parking from midnight to 5am so the street sweeper can go through there but more of a local ordinance type of thing that Frank's staff would not be involved in. But somebody doing a 40 in a 30 would be.

Commissioner Vaughan: I think that that is an important distinction to make when we talk about this contracting and what that would look like. It needs to, we either need to say that clearly or not, but I think it's a clear distinction that entering into a contract with us would be to execute municipal rules that were defined by the city but county state regulations if they don't want any increased services that that service would remain the same based on population growth and our typical needs inside of that; an advance service would be enforcing the municipal city rules.

Chairman Roberts: Currently you have no agreement with Fontana to do any of that?

Sheriff Kelly: No.

Chairman Roberts: They have to police themselves.

Sheriff Kelly: Correct.

Chairman Roberts: Yet that city been there long enough they know what to expect. Right?

Sheriff Kelly: Correct.

Chairman Roberts: They have a pretty good, I suspect, a pretty good understanding that I call Sheriff for this but that neighbor over there is doing whatever, that's on us.

Commissioner Dixon: What do they have for staff? Fontana? What does Fontana have?

Sheriff Kelly: A Mayor and a Counsel? Is that what it is? A Mayor and a Counsel?

Administrator Shane Krull: Don't they have a part time city clerk?

Sheriff Kelly: I think that is about it.

Administrator Shane Krull: The part time city clerk that captures utility billing and such like that. Maybe contract relationship for their water and sewer service, I'm guessing maybe. It is similar to like what we would do up in Bucyrus where we entered into a contract to provide 24-7 presence for us there. In Linn County there are several of those still incorporated smaller cities down that have no law enforcement present and they utilize the Linn County Sheriff's Department. There in Parker, Blue Mound, Prescott, some of those things that still have a City Counsel, Mayor, those sorts of things but they elect not employ a town Marshal or Sheriff. We could run that model.

Chairman Roberts: Anything else you would like to share?

Sheriff Kelly: No.

Chairman Roberts: Any other questions from the Commissioners?

Sheriff Kelly: I think we covered those didn't we, Gentleman? Chairman?

Chairman Roberts: I believe we did. There's a couple of questions that was asked that you will provide it back to us.

Sheriff Kelly: Yes. Absolutely.

Chairman Roberts: Obviously what we wanted to do was to present a picture of here is what it looks like today; should it become a city there is not going to be that change in services and if you are happy with that then you don't need to have anything else. But if you find that within that city boundaries there is a need for additional law enforcement you may have other ways you want to provide it because you are not required to utilize the Sheriff's Office. You could hire your own Police Department or hire somebody else to come in and do it. As Tyler said there is going to be, if they choose to create municipal laws and codes whatever that is, because typically cities will have something that they have expectations. Not always. So, that was the goal and I think we painted that fairly clearly. We are going to ask, if you don't mind, we are going to ask Shelley the questions she was asked to provide answers to.

Sheriff Kelly: Thank you gentlemen.