

**RILEY COUNTY LAW ENFORCEMENT AGENCY
LAW BOARD MEETING
City Commission Meeting Room
1101 Poyntz Avenue
Manhattan, KS
December 21, 2015 12:00 p.m.
Minutes**

Members Present:

Robert Boyd	Wynn Butler
Karen McCulloh	Ron Wells
Barry Wilkerson	

Absent:

Craig Beardsley	Usha Reddi
Captain Kyle	

Staff Present:

Director Schoen	Assistant Director Doehling
Captain Fink	Captain Hegarty
Captain Hooper	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.** Approval of Minutes
 - a) November 16, 2015 Law Board Meeting
 - b) December 14, 2015 Special Law Board Meeting
 - B.** Approve 2015 Expenditures
 - a) Seizure Expenditures
 - b) 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. Wilkerson seconded the motion. On a roll call vote, motion carried 5-0.

IV. General Agenda:

- G. Additions or Deletions:** None.
- H. Public Comment:** None.
- I. Board Member Comments:** McCulloh wished everyone a safe and happy holiday.

J. Promotion Announcement: Director Schoen and Assistant Director Doehling announced the promotion of Correction Officer Joshua Spencer to the position of Correction Sergeant. Joshua Spencer was accompanied by his father, Richard and his wife, Brevia Rose who assisted Director Schoen with the pinning.

K. Community Advisory Board Member Recognition: On behalf of the Riley County Law Enforcement Agency, Riley County Police Department and Community Advisory Board, Director Schoen and Assistant Director Doehling recognized Scott Emley, Chad Joyce, and Michelle White-Godinet for their dedication and service to the citizens of Riley County, Kansas and the men and women of RCPD. Plaques were made for all three individuals in recognition of their service on the Community Advisory Board. Michelle White-Godinet was unable to attend the meeting.

L. Community Advisory Board Update: Community Advisory Board (CAB) Chairman Corey Leavell briefed the Board on CAB activities to date. He explained that the CAB continues to be a good avenue for the community to express their concerns regarding local and nationwide policing. Over the past three to six months the main concern received by the CAB from members of the community pertained to the number of officer involved shootings and officer misconduct reported by the media. The question was posed, how are officers held accountable for their actions to ensure that what has happened in other cities does not happen in our community? All questions were answered, and the citizens were satisfied with the response provided by the Riley County Police Department. Leavell added that this goes to show that the CAB continues to be a good method of communication between the RCPD and the community. These types of questions and concerns should never go unanswered in any community.

McCulloh asked if the CAB has had an increase in public input as a result of incidents that gained attention at the national level (e.g., Ferguson, Chicago and Baltimore).

Leavell responded that there was an increase in public input in 2015 compared to 2014.

M. Partially Self-Funded Workers Compensation Plan Update: 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. Wilson explained that RCPD is unique. It is not a taxing authority; therefore, it is viewed similar to a private business.

Webb explained that the State's primary responsibility is to establish the financial ability of any self-insurance permit application to fund for losses. The State, in review of the Department's application for a self-insurance permit, has extended two options. The first option would involve the creation of a Loss Fund. This would require RCPD to establish a workers compensation loss fund of \$1.1 million dollars (outside of the General Fund) over the next two years. It would also necessitate a statute change. This option includes an Indemnification Agreement between the Riley County Law Enforcement Agency, City of Manhattan and Riley County which outlines that in the event RCPD cannot pay claims, the City and County would provide the necessary funds.

The second option would be to approach this not as a public entity, but as a private entity. This would be managed through the purchase of a Surety Bond for \$1.1 million dollars. The establishment of a Loss Fund would no longer be required. Claims would be paid out of the General Fund, and the bond renews annually for \$14,500. Webb said that as is industry standard, the bond company would require an Indemnification Agreement for this as well. The agreement would be between the Riley

County Law Enforcement Agency, City of Manhattan and Riley County indemnifying Travelers Insurance Company since they are extending the financial guarantee for the \$1.1 million dollar bond.

Wells wished to know if the policy covers acts of war or terrorism.

Webb responded that acts of war or terrorism are included. Employers are required to purchase two types of terrorism coverage, domestic and international, which are underwritten by the government.

McCulloh said that it is an interesting concept. However, she would like to speak with the City Manager, financial, and legal personnel prior to entering into an agreement.

Schoen agreed with McCulloh. It was his belief that the Board would go back to their respective commissions to discuss the matter and if there is interest in pursuing it.

Boyd said that he does not want to give up on the idea, but the indemnification is going to be a big hurdle to get over. He suggested Mayor McCulloh and Riley County Commission Chairman Wells form a working group to discuss the matter with their staff and report back to the Law Board next month.

Butler sought input from Assistant City Manager Kiel Mangus concerning possibility of consolidating workers compensation insurance for the City and RCPD.

Mangus said that he could not speak on behalf of City Manager Ron Fehr. He believes that the indemnification will be a big hurdle. The idea of forming a working group to weigh the pros and cons and get legal staff involved is a good idea. Whether it would be beneficial to bring RCPD under the City's wing for workers compensation insurance, or what that might look, he is uncertain.

N. Approval of General Orders: Provided to the Law Board as part of their packets were General Orders 2013-048- Salary Program and 2015-031 Racial or Other Bias Based Profiling. Assistant Director Doehling and the Board discussed the proposed modifications to the policies.

McCulloh moved to approve General Order 2013-048- Salary Program as presented. Wells seconded the motion. On a roll call vote, motion carried 5-0.

Resulting from a brief discussion with Riley County Law Enforcement Agency Attorney Michael Gillespie, Director Schoen proposed one change to General Order 2015-031 Racial or Other Bias Based Profiling. Section 5, Violations should read *“Violations of this policy may result in disciplinary action in accordance with provisions of Policy 26.1.4. Violations of the State or Federal statutes concerning racial or other biased policing shall result in disciplinary action in accordance with the provisions of Policy 26.1.4 – Disciplinary System (Discrimination) and/or other applicable policies.”*

Wilkerson moved to approve General Order 2015-031 Racial or Other Bias Based Profiling as amended. McCulloh seconded the motion. On a roll call vote, motion carried 5-0.

O. RCLEA 2016 Meeting Resolution: Two resolutions establishing the dates for Law Board Meetings in 2016 were provided to the Board as part of their packet. The first option lists the March meeting on the third Monday of the month. However, that is the Monday immediately following Spring Break. Director Schoen said that has on occasion been problematic and various Law

Boards have elected to move that date. The second option takes the aforementioned into consideration and moves the March Law Board meeting to the fourth Monday of the month.

Butler voiced his preference to schedule the monthly meetings for a time later in the afternoon. The noon time is inconvenient for him and a number of other Board members.

It was resolved that the monthly meeting of the Riley County Law Enforcement Agency will be held in the City Commission Chambers at 12:00 noon on the third Monday of each month (to include the March meeting), provided that if Monday is a legal holiday or on a holiday specified by the agency, the regular meeting shall be held on the following day at the same hour. The schedule does not preclude meetings from being changed.

McCulloh moved to approve Resolution 16-02, RCLEA Meeting Schedule as presented. Wilkerson seconded the motion. A roll call vote was taken and the results are as follows:

Boyd	Yes	Wilkerson	Yes
Butler	No	Wells	Yes
McCulloh	Yes		

The motion carried 4-1.

P. Ka-Comm. Inc. Maintenance Agreement: Captain Hegarty explained that the Ka-Comm. Inc. Maintenance Agreement is renewed annually to maintain the Department's police radios and related equipment. This is the same rate that the Department has had for the last two years so there is no increase in cost. He recommended the Board approve the agreement.

Butler wished to know if there are any other vendors who can provide the same service to the Department.

Hegarty said practically speaking, there is not. There is a vendor in Topeka; however, they mainly deal with a different brand of radio and equipment which RCPD does not have. Practically speaking, it would be very difficult to get the same level of service and response that the Department receives from a vendor that is a quarter mile away versus one that is an hour or more away. He added that the Department is looking at a new radio system with the County. In his opinion, that would be an excellent time to investigate other options depending on the type of equipment the County approves for purchase.

Butler moved to approve the Ka-Comm. Inc. Maintenance Agreement. Wells seconded the motion. On a roll call vote, motion carried 5-0.

Q. Substation Lease Agreement Renewal: Riley County Counselor Clancy Holeman presented the Aggieville Substation Lease Agreement to the Board of County Commissioners (BOCC) at the December 17, 2015 Commission Meeting. At that time, the BOCC authorized the Chair to sign the lease renewal agreement with GJL Real Estate Limited Partnership.

Schoen stated that it is his goal to provide future renewals to the Law Board as a facilities issue at the regularly scheduled November Law Board Meeting. This will allow the Law Board the opportunity to determine if there is a continued need for the facility prior to its approval by the BOCC. He extended his appreciation to the County for ensuring that the lease was renewed for 2016.

R. FBI JTTF Update: Director Schoen explained that he has yet to receive an update on the status of the Memorandum of Understanding between the Federal Bureau of Investigation and the Riley County Law Enforcement Agency concerning participation on the Joint Terrorism Task Force (JTTF).

Doehling added that in anticipation of the Board's approval of RCPD participation on the JTTF, information has been sent out seeking interested task force officers. The application and vetting process for the assignment has begun so that when the Board approves the MOU things can proceed as quickly as possible with respect to filling the position.

Boyd wished to know reason for the delay.

Gillespie said that there are two issues with the MOU. The first pertains to correctly naming the participant. The Riley County Police Department 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. The second issue has to do with the indemnification provision concerning liability for neglect outside the terms of the MOU. Gillespie added language to the MOU to address both concerns. He is awaiting a response.

Schoen agreed to provide the Board with an update at the January 19, 2016 Law Board Meeting. If at that time no progress has been made the Board may consider authoring a letter to the FBI in an attempt to expedite the MOU.

S. 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. Wilkerson seconded the motion. On a roll call vote, motion carried 5-0.

At 1:25 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 5-0.

At 1:35 p.m. the open meeting reconvened.

Wilkerson moved to authorize the Chair of the Law Board to sign the Director's contract with an annual salary of \$136,695.80. McCulloh seconded the motion. On a roll call vote, motion carried 5-0.

T. Affirmation or Revocation of Discipline: McCulloh moved to affirm the Director's disciplinary actions. Wells seconded the motion. On a roll call vote, motion carried 5-0.

U. Adjournment: The December 21, 2015 Law Board Meeting adjourned at 1:37 p.m.