

**RILEY COUNTY LAW ENFORCEMENT AGENCY
LAW BOARD MEETING
City Commission Meeting Room
1101 Poyntz Avenue
Manhattan, KS
January 17, 2017 12:00 p.m.
Minutes**

<u>Members Present:</u>	Craig Beardsley Mike Dodson (Incoming) Usha Reddi Ron Wells (Outgoing) Ben Wilson (Incoming)	Robert Boyd (Outgoing) Karen McCulloh (Outgoing) Marvin Rodriguez (Incoming) Barry Wilkerson
<u>Absent:</u>	Wynn Butler (Outgoing)	BeEtta Stoney (Incoming)
<u>Staff Present:</u>	Director Schoen Captain Fink Captain Hooper Captain Moldrup	Assistant Director Doehling Captain Hegarty Captain Kyle

- 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 19, 2016 Law Board Meeting Minutes
 - B. Approve 2016 & 2017 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 6-0.

IV. **General Agenda:**

G. Swear in Law Board Members: Riley County Clerk Rich Vargo sworn in Law Board Members Craig Beardsley, Mike Dodson, Usha Reddi, Marvin Rodriguez, Barry Wilkerson and Ben Wilson. BeEtta Stoney was later sworn in on January 24, 2017. Their terms will expire December 31, 2018.

Secretary Wilkerson chaired the meeting, pending election of a new Chair.

H. Reorganization/Election of Officers: Secretary Wilkerson explained that four years ago he nominated Robert Boyd as the Chair and Karen McCulloh as the Vice Chair of the Riley County Law Enforcement Agency (Law Board). Given that McCulloh no longer serves on the Law Board, she

will not move to the position of Chair, as has been the tradition. Wilkerson nominated Citizen At Large (County) Craig Beardsley to fill the position of Chair and Citizen At Large BeEtta Stoney (City) to fill the position of Vice Chair. He opened the floor for additional nominations.

Rodriguez seconded the motion.

Dodson nominated Usha Reddi to fill the position of Chair. Without a second, the motion was not considered.

On a roll call vote, the motion to elect Beardsley as the Chair carried 5-1 (Reddi opposed).

Beardsley seconded the motion to elect Stoney as the Vice Chair. On a roll call vote, the motion carried 5-1 (Reddi opposed).

Wilkerson turned the meeting over to Chairman Beardsley.

Beardsley thanked the members of the Board for the faith that they had shown. He expressed that he would try to carry out the duties of the Chair in the same manner as his predecessor. He explained that members of the Law Board all serve toward a common goal. The system has worked very well with respect to determining Law Board Meeting agenda items. In keeping with that system, if a member of the Board has a topic he/she would like to have on a future agenda it is asked that the item be sent to Chairman Beardsley and Director Schoen. Doing so would allow Riley County Police Department (RCPD) administration time to prepare to discuss the topic, as well as provide necessary information to the Board.

I. Additions or Deletions: Director Schoen wished to remove item Q. Affirmation or Revocation of Discipline from the General Agenda. The Board had no objections.

J. Public Comment: Brian Johnson- President, Fraternal Order of Police Lodge #17: Mr. Johnson addressed the Riley County Police Department's appeal process for employee disciplinary actions. As it is currently, if an employee wishes to appeal his/her suspension or dismissal to the law Board, a hearing is scheduled. Johnson said that holding the hearing in a public forum dissuades the employee from appealing the matter. He is not certain if this is a topic that the new Law Board would like to review. He simply wanted to share the position of the Fraternal Order of Police with the Board. The Board may contact Johnson if they have any questions.

K. Board Member Comments: Reddi congratulated Beardsley and Stoney on their appointment as Chair and Vice Chair of the Law Board. She sought clarification from the Board regarding on whether it is customary to have a Chair and Vice Chair who are not elected officials with either the City or the County. She was not certain where the accountability factor falls because as elected officials they have to make decisions concerning the City and County budgets. Reddi also inquired if Stoney could officially become the Vice Chair given that she had not yet taken her oath.

Attorney Michael Gillespie explained that Stoney has not been sworn in; therefore, she is not officially a member of the Law Board. However, she has been appointed to the Law Board. The Board may, in anticipation of her being sworn, nominate her to serve as the Vice Chair. Mr. Vargo or anyone who is a notary public may swear her in prior to the next Law Board Meeting.

Reddi stated her opinion that there should be at least one position (Chair or Vice Chair) that is filled by an elected official. Members of the Board who are also Commissioners sit in on City and County budget meetings and make decisions. If the Board is fine with not having any kind of representation or accountability in that area, that is okay and the majority can rule.

Dodson commented that he had similar concerns as Reddi. Chief among them is the relationship of the Law Board particularly between the Chair, Vice Chair and Director. He asked for an explanation regarding who is in charge when the Law Board is not in session and who provides direction to the Director of the Riley County Police Department.

Rodriguez noted that he did not have an issue with appointed officials as opposed to elected officials being selected to serve as Chair and Vice Chair of the Law Board. As far as budget meetings for the County are concerned, they are open to the public.

Wilkerson added that the Chair and Vice Chair do not have more votes than other Law Board members.

Wilson said that he did not have a strong preference either way. There is still some accountability with appointed officials as they are selected by an elected body. Therefore, there is some representation and accountability for the public, although not quite as direct.

Beardsley stated that he believes everyone on the Board, elected or appointed, has a certain responsibility to fulfill. Part of that responsibility is the budget process and trying to do due diligence by providing the City and County with a workable budget. He added that the Chair does not provide sole guidance to the Director. The Law Board as a whole will provide guidance to the Director if something arises between the regularly scheduled monthly meetings. If the issue is of such magnitude that it requires a Special Law Board Meeting, one will be scheduled.

Reddi said that she had a difference of opinion. She believes that the Chair has quite a bit of authority. There are decisions that come up that don't necessarily have to do with calling the Board for a meeting or a vote. In her opinion, the Chair does have a little more authority than the rest of the voting members on the Law Board.

Wilkerson expressed his view that the Director cannot answer to individual Board members or he would be running in circles. He can answer to the Board as a collective body. Wilkerson said that in his twelve years on the Law Board he has only been aware of one issue which came up this past fall. He would hate to see a lot of changes be made to policy because of a one-time situation. In the past, there have been complaints that citizens did not have the ability to serve on the Board. Clearly under the statute they do. All members of the Law Board have the ability to serve as the Chair or Vice Chair. He believes that Beardsley and Stoney would be good for the Riley County Law Enforcement Agency, and they will be dutiful public servants to both City and County residents.

Gillespie addressed Dodson's question regarding who is in charge when the Law Board is not in session and who provides direction to the Director. He explained that there are occasions in which the Director may need guidance from the Board and it is impractical to convene a special meeting. If the Board is not in session and the Director has an issue that requires guidance from his employer (Law Board), as a practical matter the Director should go to the Chair. In the absence of the Chair, the Director should speak with the Vice Chair. That being said, the Chair does not have the individual

authority to direct the Director. In most past cases, it has been the Director seeking guidance and the Chair providing guidance that is consistent with the present Board's philosophies.

Gillespie cited a section of the enabling statutes which states that no individual Board member can interfere with the operations of the police department. Gillespie commented that it is a pretty pejorative clause; one that he has always interpreted to be a check on the potential abuse of power and authority by an individual Board member. An example of such abuse of power would be for a Board member to instruct the Director *not* to investigate his neighbor for a crime. Gillespie said that he does not believe the clause applies to a situation where the Director is seeking guidance from the Chair.

Schoen explained that each Chair of the Law Board has varied with respect to their desire to be involved in the setting of Law Board Meeting agendas. Some individuals have been more involved than others, which is his preference. Schoen said that he and the Chair meet each month to go over the agenda. They discuss how to coordinate the agenda so that the meeting flows smoothly. He and the Chair meet a little more frequently if there is an unusual item on the agenda. He added that since he became Director in 2007, there have been a few instances in which he has sought advice from the Chair on how to handle a particular situation (e.g., citizen complaint).

Reddi said that if all powers are equal, and all decisions are made equally across the board, then position of Chair and Vice Chair are merely titles. She reiterated that she was disappointed that an elected official was not selected as Chair or Vice Chair. As the Mayor, there should be some opportunity for that given that they have the same experience. She went on to state that the previous Chairman had a say in who should be nominated as Chair and Vice Chair. It was her understanding that the positions rotated between the City and the County. She was not sure who made the decision to stray from tradition or how the decision came about, but she can say that she was not privy to it.

Wilkerson explained that in the past, he made nominations for the Chair and Vice Chair. Typically, he avoided nominating the Chairman of the Riley County Commission or the Mayor of the City of Manhattan. Robert Boyd was not the Chairman of the Riley County Commission when he became the Chairman of the Law Board. Karen McCulloh was not going to be the Mayor at the time she was nominated to serve as the Vice Chair.

Wilkerson said that many times, the individual serving as Vice Chair has moved up to fill the position of the Chair. This year, the Law Board lost both the Chairman and Vice Chairman. He said that is very supportive of the At Large positions on the Law Board. He is aware of the complaints that were made once before when the individuals who filled the At Large positions weren't given the opportunity to serve as the Chair or Vice Chair. This seemed like a good time to go to the At Large positions that would benefit the City, County, RCPD and the public. When it comes to voting on the budget, no member will have more or less votes than they would if the Chair or Vice Chairmanships were different. The same opportunities will be present.

Beardsley stressed that it is not his intention to control the Law Board Meeting agenda or to run his own program. He asked members of the Board to send agenda items to him not so that he can control the agenda, but rather so that he may discuss the topic with the member, Director or Assistant Director to better understand the issue. He has an open door policy. He encouraged the Board to speak with him if they have questions or concerns.

L. 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 wished to recognize Michele Jones for her dedication and service to the citizens of Riley County, Kansas and the men and women of RCPD. Unfortunately, due to time constraints Jones had to leave to attend another meeting. Director Schoen will present her with a plaque in recognition of her service on the Community Advisory Board at a later date.

M. RCLEA Meeting Schedule: At the December Law Board Meeting, the Board directed RCPD Administration to research the possibility of holding future Law Board Meetings during the evening hours in an effort to increase public attendance. A number of options were provided to the Board as part of their Law Board packet.

Director Schoen explained that the Department would prefer to avoid those dates that fall either too early in the month to have received all bills for payment, or too late in the month for the Law Board to approve them in order that they be paid in a timely fashion. Should it remain the desire of the Board to move to an evening meeting, Schoen recommended they be held at the City Commission Chambers on the third Wednesday or third Thursday of each month beginning at 5:00 p.m. or 5:30 p.m. Alternatively, the meetings may be scheduled in the Board of County Commission (BOCC) Room on the third Monday of each month. However, moving the meeting to the BOCC Room would require an employee stationed at the front door afterhours to allow access into an otherwise restricted area. Further, this particular meeting space might be a small for some of the meetings that are more heavily attended.

Reddi informed the Board that Stoney had previously altered her work schedule so that she may attend the noon meetings on the third Monday of each month. If the Board wishes to consider an evening meeting, Reddi recommended the decision be postponed until Stoney could be included in the discussion.

Following a brief dialogue, it was the consensus of the Board to continue to meet in the City Commission Chambers at noon on the third Monday of each month.

N. RCLEA 2017 Meeting Resolution: 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, 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.

It was noted in the resolution that due to spring break, and in an effort to ensure that a quorum is present, the March Law Board meeting will be held on the fourth Monday of the month.

Wilkerson moved to approve Resolution 17-01, RCLEA Meeting Schedule as presented. Wilson seconded the motion. A roll call vote, the motion passed 6-0.

O. 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. There is no increase in the proposed 2017 maintenance agreement over the 2016 agreement. The agreement typically comes before the Law Board in December, but there were some procedural matters that needed to be addressed. He recommended the Board approve the agreement.

Dodson moved to approve the Ka-Comm. Inc. Maintenance Agreement. Rodriguez seconded the motion. On a roll call vote, motion carried 6-0.

After consulting with RCPD staff, Gillespie informed the Board that they have one remaining Officer to elect, the Secretary. In the past, some individuals have believed that the County Attorney serves as Secretary by statute, but it is actually an elected position.

In keeping with tradition, Reddi moved to appoint Barry Wilkerson as Secretary of the Riley County Law Enforcement Agency. Wilson seconded the motion. The motion passed 5-0, with Wilkerson abstaining.

P. Executive Session: At 1:01 p.m. Wilson moved to go into executive session for the purpose of discussing non-elected personnel matters and attorney client privilege not to exceed 15 minutes. Dodson seconded the motion. On a roll call vote, motion carried 6-0.

At 1:16 p.m. the open meeting reconvened.

Q. Adjournment: The January 17, 2017 Law Board Meeting adjourned at 1:16 p.m.