

**RILEY COUNTY LAW ENFORCEMENT AGENCY  
LAW BOARD MEETING  
City Commission Meeting Room  
1101 Poyntz Avenue  
Manhattan, KS  
April 15, 2019 12:00 p.m.  
Minutes**

**Members Present:**

Mike Dodson	Linda Morse
Marvin Rodriguez	Robert Ward
Barry Wilkerson	

**Absent:**

Craig Beardsley	BeEtta Stoney
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**Staff Present:**

Director Dennis Butler	Assistant Director Kurt Moldrup
Captain Rich Fink	Captain Erin Freidline
Captain Tim Hegarty	Captain Josh Kyle
Captain Derek Woods	

**Recorder:**

Lisa Hafliger

- I. **Establish Quorum:** By Chairman Dodson at 12:00 p.m.
- II. **Pledge of Allegiance:** Director Butler led the Riley County Law Enforcement Agency (Law Board) in the Pledge of Allegiance.
- III. **Consent Agenda:**
  - A. Approve March 18, 2019 Law Board Meeting Minutes
  - B. Approve 2019 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/February & March- (*Review*)

Wilkerson moved to approve the Consent Agenda as presented. Morse seconded the motion. Chairman Dodson polled the board and the motion passed with Wilkerson, Rodriguez, Morse, Ward and Dodson voting in favor, and no one voting against. The motion passed 5-0.

Rodriguez moved to approve the March 18, 2019 Law Board Meeting Minutes as written. Morse seconded the motion. Chairman Dodson polled the board and the motion passed with Wilkerson, Rodriguez, Morse, Ward and Dodson voting in favor, and no one voting against. The motion passed 5-0.

Morse moved to approve the 2019 expenditures/credits. Ward seconded the motion. Chairman Dodson polled the board and the motion passed with Wilkerson, Rodriguez, Morse, Ward and Dodson voting in favor, and no one voting against. The motion passed 5-0.

#### **IV. General Agenda:**

**G. Additions or Deletions:** Director Butler informed members of the Law Board that item S. Affirmation or Revocation of Discipline was not needed and could be removed from the General Agenda.

**H. Public Comment:** None.

**I. Fraternal Order of Police Lodge #17 Comments:** Brian Johnson, President, Fraternal Order of Police (FOP) Lodge #17 extends his gratitude to the Board for recognizing the Correctional Officers Proclamation Week. He commented that the difficult job that Corrections Officers are tasked with is often overlooked. Johnson also thanked the Board for their ongoing efforts to ensure that the RCPD can attract qualified professionals by advocating for a competitive atmosphere with pay and benefits.

**J. Board Member Comments:** Morse shared that she recently had the opportunity to attend a collaborative meeting between Pawnee Mental Health, law enforcement and other mental health support people of the community about setting up a Crisis Intervention Team. She commented that she appreciated the opportunity to attend and that the meeting was very educational. Morse stated that she thinks the community will go forward and work to set up a Crisis Intervention Team.

Chairman Dodson extended gratitude to the efforts of the RCPD. He commented that there have been a lot of activities sponsored by the City and various groups over the last couple of weeks and that he appreciates having officers out there on the job helping to ensure that the public is safe and everything goes according to plan.

**K. National Correctional Officers Week Proclamation:** Chairman Dodson read the National Correctional Officers Week Proclamation declaring that all citizens of Manhattan and Riley County observe the week of May 5<sup>th</sup> through May 11<sup>th</sup>, 2019 as National Correctional Officers Week, in honor of the men and women whose diligence in supervising incarcerated individuals and effectively providing custody and care ensure our public safety. Riley County Police Department (RCPD) Corrections Sergeants Jayme Klym and Jason Deehr, and Corrections Officers Adam Waggoner and Kenna Baker accepted the proclamation on behalf of the department.

**L. National Police Week Proclamation:** Chairman Dodson read the National Police Week Proclamation declaring that all citizens of Manhattan and Riley County observe the week of May 12<sup>th</sup> through May 18<sup>th</sup>, 2019, as National Police Week to commemorate those police officers, past and present, who by their faithful and loyal devotion to their responsibilities have rendered a dedicated service to their communities and, in doing so, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

He further called upon all citizens of Manhattan and Riley County to observe Wednesday, May 15<sup>th</sup>, 2019, as Peace Officers Memorial Day in honor of those police officers who, through their courageous deeds, have lost their lives or have become disabled in the performance of duty. Riley County Police Department Captain Richard Fink, Sergeant Patrick Tiede, Corporal Joseph Ehrlich, and Police Officers Andrew Spade, Joshua Berard and Jonathan Shepard accepted the proclamation on behalf of the department.

**M. Promotion Announcement:** Director Butler and Assistant Director Moldrup announced the promotions of Nikki Baker and Amanda Randazzo to the position of Dispatch Shift Supervisor.

**N. Award Presentation:** Director Butler and Assistant Director Moldrup presented the following awards.

Life Saving Award Presented to Officer Jason Krause

On August 22, 2018 the Riley County Police Department received a telephone call from a distraught citizen stating that her eighty-two year old husband had passed out and was unresponsive. Officer Krause was the first to respond to the Manhattan residence, locate the husband and begin performing CPR.

After a few minutes, the husband gasped and took a breath. A short time later, Fire and Emergency Medical Services arrived on scene, took over medical treatment and transported the man Via Christi Hospital. An emergency medical professional familiar with the incident commented that the immediate initiation of CPR by Officer Krause contributed significantly to the saving of this man's life. The Life Saving Award is presented to Officer Jason Krause in recognition of his role in providing critical lifesaving assistance to an individual suffering a medical emergency.

Life Saving Award Presented to Officer Brek Jager

On August 19, 2018 officers of the Riley County Police Department were dispatched to a residence to check the welfare of a woman known to suffer from mental illness. The caller, also the woman's mother, informed dispatch that she had received a very disconcerting text message from her daughter which led her to believe her daughter would harm herself.

Officer Brek Jager and fellow officers arrived at the residence and began knocking on all of the locked doors and windows. After approximately ten minutes on scene, the officers heard a distressed voice and observed movement in the residence. The sergeant on scene gave the order to force entry into the residence where they found the young woman with a cord around her neck attempting to commit suicide. Officer Jager rushed to her aid, cut the cord and pried it from her neck allowing her to breathe. Shortly after, she regained consciousness and was transported to Via Christi Hospital for further medical treatment.

The quick determined action and resourcefulness of Officer Jager indisputably saved this woman's life. The Life Saving Award is presented to Officer Brek Jager in recognition of his role in the rescue of a woman who attempted to take her own life.

Life Saving Award Presented to Officers Brek Jager & Josh Opat

On August 21, 2018, the Riley County Police Department, Riley County Emergency Medical Services and Manhattan Fire Department were dispatched to a residence on Fremont Street for a woman who had collapsed and was unresponsive.

Both officers responded, provided CPR, and continued to work collaboratively with EMS to continue lifesaving efforts. While Officer Opat was providing chest compressions, the woman responded and began to breathe again. She was subsequently transported to Via Christi Hospital where she made a full recovery and was discharged the same day.

The dedication to duty, teamwork and decisive actions of these two officers contributed significantly to saving this woman's life. The Life Saving Award is presented to Officers Brek Jager & Josh Opat in recognition of their role in providing critical lifesaving assistance to an unresponsive woman.

Life Saving Award Presented to Corporal Joseph Ehrlich, Manhattan Fire Department Firefighter Erik Loverude, and Officer Jonathan Shepard.

Meritorious Service Award Presented to Corporals Joseph Ehrlich, and Officers Andrew Spade, Brian Dow, Daniel Donovan, Daniel Todd, Jonathan Shepard, Joseph Lusk, Joshua Berard, Kody Hazelwood, Mark Cusimano, Steve Miller, Rachel Pate, Richard Deutsch, and Shawn Goggins.

On Labor Day, September 3, 2018 the City of Manhattan experienced major flash flooding, forcing residents to leave their homes. Emergency service first responders were called upon to assist with the evacuations and ensure the safety of those threatened by the severe weather. On this morning, as the water level rapidly rose, officers responded to numerous locations to notify residents of the imminent danger and need to evacuate.

The officers standing before you today overcame extremely adverse conditions to evacuate citizens which resulted in the preservation of countless lives. They worked as a team to deploy barricades, escort citizens through waist-deep water and rescue those trapped inside their homes. An officer even dove into the water in full uniform to save a citizen from drowning.

More than three hundred people were negatively affected and/or displaced during the flood. The actions of these individuals are a testament to their professionalism, their experience, commitment, and excellent training needed when responding to emergency incidents. They demonstrated outstanding bravery and devotion to duty at the risk of personal injury and performed in the best interests of public welfare.

**O. Approval of General Order 2019-016 Disciplinary System:** Provided to the Law Board as part of their packets was General Order 2019-016- Disciplinary System. Director Butler explained that in the past, suspension or reprimand times were calculated in days, when nearly all of the workdays were eight hours. Thorough the years, the length of a workday has changed in dispatch, corrections and patrol. To be equitable in the implementation of discipline, on the rare occasion that administration needs to impose suspensions or time off, he would like to convert those days to hours. He mentioned that the FOP has been made aware and are in support of the recommendation.

Morse inquired if this was the only thing changing as some text appears to be hi-lighted/shaded. Director Butler explained that the hi-lighted/shaded text represents language that was in place during the time that the FOP was a collective bargaining unit. When the status of the FOP changed, they wanted to be able to recognize the policies that were in place prior to that change in status, so they hi-lighted/shaded that text.

Ward asked for some clarification regarding the term reckoning period and how that may differ from the term probation.

Director Butler explained that they could be viewed similarly, and that a reckoning period is the time after the policy violation has occurred in which there is an expectation that no further violations occur of a similar nature. He added that if you have a violation of a similar nature within that reckoning period, before the time runs out, if the policy violation is substantiated, the employee could face increased discipline because of that. If there is a completely different policy violation by the employee during the reckoning period, it is not part of that class and there would be a separate consideration for that violation.

Morse inquired about the policy for Law Board to hear and handle grievances.

Wilkerson clarified that it is a State Statute.

Director Butler explained that they have a separate policy that describes the grievance process and the steps are outlined internally. If those are not satisfactory to the grievant, State Statute allows it to be brought before the Law Board.

Ward moved to approve General Order 2019-016 as presented. Wilkerson seconded the motion. Dodson polled the board and the motion passed with Wilkerson, Rodriguez, Morse, Ward and Dodson voting in favor, and no one voting against. The motion passed 5-0.

**P. Fake Patty's Day Update:** Captain Fink stated that there were some questions regarding the time worked for Fake Patty's Day this year. In summary, there was 1869 hours worked by RCPD personnel for that event. Of those hours, 827 were for overtime, 764 hours were straight-time, 68 hours were from part-time workers, and 208 hours were from exempt-employees (lieutenants and above) that worked the event. A total of 138 RCPD employees worked and the total cost was \$63,915 for the event.

Captain Fink explained that officers from other organizations have the ability to invoice RCPD for services provided during the event, but they typically do not. They have a "you help us, well help you" relationship with those agencies and they have not been charging RCPD. The Kansas Highway Patrol (KHP) does not bill RCPD for the extra officers they send to help with traffic control.

Captain Fink noted that the totals do not include amounts for EMS or the Fire Department, as he does not have that information.

Chairman Dodson commented that he believes a couple of years ago they were quoted at \$60,000 to \$65,000. Comments were made about asking the County for EMS expenses as well as the Fire Department to get a total of all expenses for the event.

**Q. 2020 Budget Development:** Director Butler shared that he had a brief discussion with Chairman Dodson about his interest in RCPD coming back with an amended proposal to include lowering the Cost of Living Allowance (COLA) based on the Midwest CPI Index. In the presentation that will go over the history of CPI Index and how they've used that, and the difference between the annual and monthly index as well and why they have used the annual index since 2013. They will propose that instead of lowering the 1.9% COLA that was recommended from the index, they will figure out an equivalent dollar amount to what it would be if they did lower to COLA, and save money from other parts of the budget. Director Butler stated that Chairman Dodson had suggested lowering the COLA from 1.9% to 1.0%. They will present information today to go with the other CPI index number of 1.3% for a COLA, a reduction of .6%. This will not be in the actual COLA, but in the equivalent amount of dollars which is a little more than \$93,000 that will be removed from the previous budget proposal. A copy of the PowerPoint presentation that Captain Kyle will utilize has been provided to the Board.

Chairman Dodson commented that the almost automatic step increases and COLA bring the agencies well above the valuation increase total that the property tax is able to provide. He commented that they need to address those numbers, but that they need to be fair and not restrain one group and not another. He has talked to other organizations and the consensus is that this year, the due to all the pressures of low unemployment, NBAF beginning to hire and circulation in employment, that this may not be the best time to do things which hamper the feelings of the employees about how we feel about them.

Captain Kyle began the budget presentation using the PowerPoint provided to the members. He explained that the CPI is provided by the US Department of Labor, Bureau of Labor Statistics (BLS) and they assert that relying on either the monthly or annual average is acceptable. It is also important to reduce volatility and the BLS indicated that using the annual averages does that by accommodating for the highs and lows. The RCPD has relied on the annual average of the CPI Midwest Index since 2013. Captain Kyle emphasized that it is important to pick either the monthly or annual average and stick with to avoid the risk of index shopping.

Captain Kyle shared that they recommend preserving the 1.9% COLA and taking \$93,000 (which is the amount that the budget would be reduced if they COLA was decreased to 1.3%) from other parts of the budget. They plan to reduce their overtime (OT) budget by \$38,930 (versus \$36,432 which was on the printed handout). In 2018 they should have reached an underfunding of approximately \$150,000 in the OT account. They have made adjustments to the way patrol is structured and this has, in part, helped to bring the amount of OT down. Trends regarding OT are difficult to predict as it is dependent on what happens in the city, special events, floods and hi-level crimes all impact the numbers. The RCPD does receive reimbursement from some organizations for OT, which totals around \$110,000 annually. This makes the total OT budget for 2020 approximately \$600,000. They believe this amount will be manageable, even with the reduction of \$38,000 in the account.

Director Butler commented during the presentation that in reviewing the end of March 2019 budget report, they have already expended approximately 50% of the OT budget even though they are only about 25% through the budget year. He commented that they have had a lot of special events, tactical team call-outs and they have been working on some pretty intense investigations, but he feels this illustrates how drastically underfunded overtime has been and why they are proposing that it be corrected.

Riley County Police Department administration was approached by the labor force in reference to on-call pay. Following a review of Federal Statutes, they came to the conclusion that they could argue in either direction that it's the law and they should be doing it, or that based upon case law that they do not meet all of the elements of the four-prong test. As a staff, they decided that it is the right thing to do. Initial calculations were that it would cost \$53,000 to accommodate on-call pay, but in looking at it further they believe \$47,000 will cover those expenses.

Captain Kyle shared that RCPD believes that the three Corrections Officer positions are needed and necessary and the CSI Detective that specializes in phone downloads are needs of the department. They are making no changes to these positions or changes to the budget regarding them. The starting salary for a corrections officer is approximately \$34,500, excluding benefits.

Regarding the IT Reserve Fund, the proposal they have made addresses spike years in their network costs. This fund would cover computer hardware and software that is needed to maintain a stable and secure network. In 2022 and 2023 they will have spike years that will have some fairly large expenses that are necessary to maintain their network; there are also unexpected costs that come up from time to time. They initially recommended \$185,000 to be set aside for this fund in 2020; they are now recommending bringing this amount down to \$145,000. They are making the changes to this part of the budget with the assumption that there will be unused funds at the end of the year that they can request to be set aside for this purpose.

Ward voiced his reservations about the IT Reserve Fund and making up those funds from those left over in personnel funds at the end of the year.

Morse inquired about the IT Fund and if the fund can carry over from year to year and if the goal is to build the fund over time to be able to afford big purchases in the future.

Captain Kyle indicated that with Law Board's authorization that is what they would do. They would recommend that Law Board authorize the use of the IT Reserve Funds and that the funds be used for large scale, IT related purchases.

There was a question regarding the infrastructure for RCPD and Captain Kyle explained that it has always been part of their operating funds and is subject to the 80/20 split. Regarding the new radio system, they will take \$200,000 out of their operating funds, put a purchase order together and transfer those funds over to the County for them to hold. They will need one million dollars when the P-25 radio project goes live (this is the third year they have transferred money for this project). They are putting money aside now so that they have the money available once the radio system is ready. The IT Reserve Fund will be a little different than the Radio Funds in that they will have access to those funds subject to the approval of Law Board.

Morse inquired about the 10-12 million dollar communication system and the funding for it.

Captain Kyle explained that the County is the one funding that entire project. The County will fund the entire infrastructure that goes with it, which includes the towers and the computers that work with the radio system. He explained that each individual first responder organization has to come up with their own radios, which for RCPD is one million dollars.

Chairman Dodson suggested they put a policy in place to authorize a specific IT Fund as Captain Kyle has described which will be used for specific purposes and by authorization of the Law Board.

Regarding Legal Fees, the structure has changed and therefore they thought they were going to be over budget by approximately \$100,000 if they maintained the same amount of \$45,000. They made an adjustment of that account by \$8500 after reviewing information to include the actual charges from attorneys in 2019.

In Summary, the department feels that the adjusted proposal will meet the needs and goals for 2020. The overall change reduces the proposal from 3.86% increase from 2019 budget to 3.43%. They have made adjustments to four accounts for a total reduction of \$93,690. This is the same amount as if they went from a 1.9% COLA to a 1.3% COLA.

Chairman Dodson commented that they need to have their top-line/no greater than budget locked in by May 10, 2019.

Captain Kyle indicated that what he shared today is their proposal and from their perspective, they have no other recommendations for adjustments to the accounts. He noted that 85% of the budget is personnel, which leaves 15% for all of the other non-personnel accounts. The overall amount of money available in the non-personnel accounts will not change, as it is simply what is left over in the overall authorized budget.

Chairman Dodson suggested looking at non-personnel account again so that everyone is familiar with all of the categories that are included in that account category.

Director Butler mentioned from the Summary Slide the initial proposed increase for 2020 was for \$830,916 and that in the original presentation they pointed out the historical underfunding of all of the accounts which totaled \$750,000. With this reduction of \$93,000 that they presented today, it brings the difference down to \$737,000, which in theory, makes the budget proposal flat from where it should have been if the accounts had been funded properly in the past. The one area he would consider bringing in a lower number is in overtime, under the expectation that they would have money left at the end of the year because all of the positions were not filled. Director Butler feels that they need, at a minimum, the three correctional officer positions funded as well as the CSI detective. The one area they can look at is overtime with the knowledge that they are intentionally underfunding it.

Chairman Dodson commented that they started with an \$830,000 increase over last year and now it is at \$737,000; that is the measure people will look at. He suggested that they should take a look at the

non-personnel part again as part of their duties and then end up with a top-line amount on May 10, 2019.

Captain Kyle pointed that when you start looking at underfunding on some of these accounts, it relieves pressure off of relying upon unused personnel funds and that increases the likelihood that there will be money remaining at the end of the year that can become what is referred to as carryover.

Chairman Dodson explained that the idea last year was to do as good as they could to fill up every vacancy so that the amount allocated for personnel would match what was spent. He realizes that there may be a lag due to training/school for 5-6 months, but hopefully it will alleviate the pressure and the possibility of not hiring someone in order to use the funds for another purpose.

Captain Kyle indicated that he has never seen that to be an issue at RCPD.

Morse inquired if the carryover funds at the end of the year can be spent at the Director's discretion or if they require approval of the Law Board.

Chairman Dodson expressed that the direction from the Board last year was for the Director to bring the items back to the Law Board.

Director Butler indicated that it would be his practice and that if they wanted to shift money from personnel funds to expend on other needs, then we would come before the Board with that request to justify the need and ask for approval.

Morse commented that in looking at the unused funds and the need for the three corrections officers, it seems that it could have come from the unused funds as it was originally designated as personnel.

Wilkerson stated that the RCPD cannot ask for more money. If there is a flood as in 1993 or a tornado as in 2008, which require enormous resources in terms of overtime and human costs to the police department, they have to have money in the budget to cover it because RCPD can't come back and say we need more money for personnel.

Morse commented that you can do a budget amendment if you need to, so there are possibilities.

Director Butler commented that if you authorize positions to be hired and funded in 2019, you have to use the budgeted monies from 2019 throughout the year to pay for those positions. You can't use carryover funds from the previous year for salaried and hourly positions and benefits. So using carryover monies from 2018 to fund positions in 2019 is prohibited. The carryover is returned to the City and the County, unless Law Boards authorizes it to be expended on something else, and then it must be used in that same year.

Morse requested a breakdown of the legal fees.

Captain Kyle explained that they have requested to add \$100,000 to that account, for a total of \$145,000. Of that, \$51,000 hat is for items other than paying local attorneys, so approximately \$94,000

is split between the two attorneys. They are receiving bills from the attorneys now, so they are able to estimate the usage rate from the first few months of 2019 in addition to the retainer for both attorneys.

Director Butler commented that there is a breakdown of the legal fees on page 53 of the proposal that was provided at the March 29, 2019 Special Law Board Meeting.

**R. Executive Session:** At 1:37 p.m. Wilkerson moved to recess into Executive Session until 1:46 p.m. for the purpose of discussing non-elected personnel matters. Rodriguez seconded the motion. Chairman Dodson polled the board and the motion passed with Wilkerson, Rodriguez, Morse, Ward and Dodson voting in favor, and no one voting against. The motion passed 5-0.

At 1:46 p.m. the open meeting reconvened.

Wilkerson moved to return to Executive Session until 2:01 p.m. for the purpose of discussing non-elected personnel matters. Morse seconded the motion. Chairman Dodson polled the board and the motion passed with Wilkerson, Rodriguez, Morse, Ward and Dodson voting in favor, and no one voting against. The motion passed 5-0.

At 2:01 p.m. the open meeting reconvened.

Ward moved to return to Executive Session until 2:11 p.m. for the purpose of discussing non-elected personnel matters. Rodriguez seconded the motion. Chairman Dodson polled the board and the motion passed with Wilkerson, Rodriguez, Morse, Ward and Dodson voting in favor, and no one voting against. The motion passed 5-0.

At 2:17 p.m. the open meeting reconvened.

**S. Affirmation or Revocation of Discipline:** This item was removed from the General Agenda.

**T. Adjournment:** Morse moved to adjourn the meeting. Rodriguez seconded the motion. Chairman Dodson polled the board and the motion passed with Wilkerson, Rodriguez, Morse, Ward and Dodson voting in favor, and no one voting against. The motion passed 5-0. The April 15, 2019 Law Board Meeting adjourned at 2:17 p.m.