

**RILEY COUNTY LAW ENFORCEMENT AGENCY
LAW BOARD MEETING
City Commission Meeting Room
1101 Poyntz Avenue
Manhattan, KS
May 20, 2019 12:00 p.m.
Minutes**

Members Present:

Craig Beardsley
Linda Morse
Robert Ward

Mike Dodson
Marvin Rodriguez
Barry Wilkerson

Absent:

BeEtta Stoney
Captain Derek Woods

Assistant Director Kurt Moldrup

Staff Present:

Director Dennis Butler
Captain Erin Freidline
Captain Josh Kyle

Captain Rich Fink
Captain Tim Hegarty

Recorder:

Nichole Glessner

- 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. Approval of Minutes
 - a) March 29, 2019 Special Law Board Meeting
 - b) April 15, 2019 Law Board Meeting
 - 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. 1st Quarter Reports: Synopsis- (*Review*)
 - a) 82.1.4 Crime Statistics
 - b) 61.1.1 Traffic Accident & Enforcement Analysis
 - c) 84.1.8 Seizure & Forfeiture Report
 - G. Monthly Crime Report- (*Review*)

Morse stated that she appreciated the detail of the meeting minutes that were taken. She felt that the minutes accurately depicted what transpired during the meetings.

Wilkerson moved to approve the Consent Agenda as presented. Beardsley seconded the motion. Chairman Dodson polled the board and the motion passed with Wilkerson, Rodriguez, Morse, Ward, Beardsley, and Dodson voting in favor, and no one voting against. The motion passed 6-0.

IV. General Agenda:

H. Additions or Deletions: None.

I. Public Comment: None.

J. Fraternal Order of Police Lodge #17 Comments: None.

K. Board Member Comments: Ward requested an update on two recent shootings that occurred in Manhattan; one that transpired near Tuttle Creek Boulevard and Kimball Avenue and the other outside of the Kansas State University Foundation Building.

Director Butler informed the board that the Kansas State University Police Department (KSUPD) is handling the investigation into the shooting incident that occurred outside of the Kansas State University Foundation Building. The KSUPD has requested assistance from the Riley County Police Department (RCPD) and they are providing it. As far as he is aware, no arrests have been made; however, the investigation is ongoing. He deferred to Captain Hegarty for comment on the incident.

Captain Hegarty explained that the case involving the shooting near Tuttle Creek Boulevard and Kimball Avenue is presently in an inactive status. The department does not have any viable witnesses, or leads at this time. The victims are both recovering from their wounds. Absent any additional information from the public, there is not much more that can be done with the case.

Director Butler clarified that the night of the shooting, no one called 911 to report the incident. The incident was discovered because someone involved flagged down a passing fire truck. That is how the RCPD was notified. The department did not begin the investigation with cooperative witnesses, victims, or good leads other than the evidence that was recovered by police at the scene.

Morse informed everyone that a flood warning from the National Weather Service for the Kansas River and Wildcat Creek was issued Monday morning and will continue until further notice. It is likely that the police department will be very active with the flood in the months to come. She thanked the men and women of the RCPD for everything they do.

L. Law Board Meetings Hosted in the County: At the February 19, 2019 Law Board Meeting, members of the board expressed a desire to host a few Law Board Meetings outside the city of Manhattan (e.g., Leonardville, Ogden, Randolph and Riley). After taking into consideration topics to be discussed and the anticipated size of upcoming meeting agendas, the following regularly scheduled noon Law Board Meeting were offered by RCPD staff as potential dates to host said meetings outside of Manhattan.

- July 15, 2019
- August 19, 2019
- September 16, 2019
- October 21, 2019
- November 18, 2019
- December 16, 2019

Chairman Dodson noted that in 2018, the July Law Board Meeting was held in the City of Riley, and the October meeting was held in the City of Randolph, Kansas.

Morse did not object to the dates proposed as members of the board already have them blocked off on their calendars.

Following no objections from the rest of the board, Chairman Dodson requested RCPD staff make a prospective schedule to be approved at the June Law Board Meeting.

M. Addition of the City of Riley to the Radio Agreement: Riley County Counselor Clancy Holeman contacted Chairman Dodson regarding adding the City of Riley as a party to the Radio Communications Systems User Agreement between the Riley County, Kansas Board of County Commissioners (County), the City of Manhattan, Kansas (City), the Law Board, and Riley County Fire District #1. Chairman Dodson wished to know if the addition was acceptable to the board.

Morse asked if there will be a shared financial obligation with the City of Riley and if they are aware of the commitment.

Dodson responded that the City of Riley is aware of the financial obligations.

Morse moved to approve the addition of the City of Riley as a party to the Radio Communications Systems User Agreement. Ward seconded the motion. Chairman Dodson polled the board and the motion passed with Wilkerson, Rodriguez, Morse, Ward, Beardsley, and Dodson voting in favor, and no one voting against. The motion passed 6-0.

N. 2020 Budget for Publication: Director Butler provided opening remarks regarding the team approach that was taken with respect to the development of the proposed 2020 RCPD budget. He took a moment to clarify that at the recent City Commission Meeting he informed commissioners that the RCPD had calculated the 2018 carryover figure and the final budget funding request for 2020 would be just under \$600,000. He was off in his calculations and the funding request for 2020 is a little in excess \$602,000. He simply wished to make the board aware of the correction. He turned the budget presentation over to Captain Kyle.

Captain Kyle recalled that since the April Law Board Meeting the department was challenged with reducing the initial budget proposal by \$137,115 to \$693,801 which would have the same budget impact of a 1% Cost of Living Allowance (COLA). In order to accomplish this goal, reductions to other budget accounts were necessary. He clarified that the department intends to keep the 1.9% COLA for employees (based off of the consumer price index), but the equivalent of that funding (\$137,115) would come out of other accounts.

Captain Kyle explained that in order to reduce budgetary increases, only \$40,000 of the underfunding in the Legal and Accounting account will be addressed in 2020. The remaining \$60,000 would be absorbed by unused personnel funds. He stated that based on projections, the department believes \$185,000 is needed to establish an IT Reserve Fund to adequately address anticipated spike years in 2022 and 2023; however the department is proposing only \$145,000 be transferred to an IT Reserve

Fund in 2020. Reductions to overtime funding and adjustments to call pay were also proposed. He added that administration intends to hold to a realistic number and be accountable for the budget. If it is perceived that they may go considerably over budget in a particular account, they will approach the Law Board, provide explanation and seek approval to access unused personnel funds in order to continue to move forward.

Captain Kyle stated that following the last meeting, the department received the final carryover figure of \$91,713. Since the department has reduced the contribution to the IT Reserve Fund by \$40,000, if there is a surplus in funds toward the end of the year, RCPD administration intends to return to the board and seek authorization to use those funds to make up the \$40,000 needed to offset previously mentioned spike years.

Captain Kyle described the carryover process by which funds remaining at the end of the year are carried over to offset future budget obligations on the part of the city and county. He stated that the funds are *not* returned to the RCPD budget, but rather returned to the city and county at their respective 80/20 split.

Morse questioned the purpose of carryover funds. She stated that most agencies spend their authorized budget.

Captain Kyle responded that there are many different feelings and beliefs regarding carryover, how much carryover there should be and whether it should be held stable. There are a number of items that have been purchased by the RCPD that would not have occurred if it were not for unused personnel funds at the end of the year. Those purchases take away from carryover. On the other hand, it is great as an agency to be in a position to give back some money, which is almost exclusively from unused personnel funds. People tend to fall on one side or the other. Some feel that every penny should be returned as carryover. Others feel that that department is authorized a budgeted amount; therefore, the funds can be used as the administration sees fit, especially when underfunding is considered. The issue of underfunding and unused personnel funds has created an environment where it can be very difficult for administration to plan financially because they know they are going to go over in certain accounts that have gone over in past years.

Morse stated that during future budget discussions, the board may want to discuss whether carryover is absolutely necessary. She felt that the process could be more efficient. In her opinion, it seems like it is a bunch of shifting money and bureaucracy.

Director Butler commented that it takes accounting about three months to receive all outstanding invoices from vendors. On December 31st, administration does not know what they are obligated to pay until the end of March, which is fairly standard. The department does not want to be in a position where they are making expenditures to the penny based on the approved budget in case a mistake is made or an invoice is received that is different than what is anticipated. Administration needs to be diligent and have a little bit of a cushion so that they do not overspend the budget.

Captain Freidline discussed the IT Reserve Fund and associated draft policy. She explained that in the past, the RCPD utilized unused funds to address IT needs (e.g., replace switches, increase storage, make systems communicate with each other more efficiently). She stated that authorization from the

Law Board to establish an IT Reserve Fund to help maintain the department's computer network will be critical moving forward.

Captain Freidline explained that the IT Reserve Fund would exist to offset budget spikes which result from large IT related purchases needed to maintain a stable and secure computer network. The IT Reserve Fund is not intended to provide for new IT projects and use of the fund is subject to the approval of the Law Board. The monies to be designated for the reserve fund will be established at an amount sufficient to maintain ongoing large-scale IT operations over a rolling five year planning period. The balance of the fund will be reported to the Law Board on an annual basis and will not exceed 4% of the RCPD's annual budget.

Chairman Dodson thanked Captain Freidline for the information. He suggested that following formal adoption of the budget she return with the finalized policy for Law Board approval.

Morse commented that per statute, 15% of the budget can be devoted to an Emergency Reserve Fund. She wished to know if that is a separate fund, or if the department proposes having one fund with two subaccounts.

Director Butler stated that the RCPD Emergency Reserve Fund presently has a balance of approximately \$750,000. The purpose of the fund is to address an emergency that is an unforeseen expense, but critical in nature for which the department does not have adequate funding to address. The IT Reserve Fund, because the department can predict spikes in funding in 2022 and 2023, by definition is not an emergency. For that reason, the department did not feel it would be appropriate to dedicate money to the Emergency Reserve Fund to cover anticipated IT related expenses.

Captain Kyle added that the Emergency Reserve Fund was established following the flood of 1993 when the county recognized the need to have reserve funds in place to deal with things such as increased overtime as a result of an emergency.

Morse wished to know what large-scale IT purchases are on the horizon which would require use of the IT Reserve Fund.

Captain Freidline said that in 2022 many of the departments mobile data terminals will come up for renewal which will cost roughly \$100,000. Other anticipated expenditures include replacement of desktop and laptop computers, and an increase in storage costs needed to maintain the department's Computer-Aided Dispatch (CAD) and Records Management System (RMS). In addition, over \$300,000 will be needed to replace servers that are scheduled to go offline in 2023.

Members of the Law Board were provided copies of the RCPD 2020 Budget Narrative as part of their packets. Captain Kyle cautioned that the budget narrative will look different than proposals provided to the board up to this point. Previous discussions regarding certain accounts (e.g., overtime) included benefits. In the budget narrative, those costs have been broken out into their separate accounts. However, the ending values remain the same from the latest proposal.

Captain Kyle explained that when preparing the budget narrative, he and RCPD Accountant Jennifer Reifschneider reviewed each account, looked for trends, reviewed past year transactions to understand

the health nature of each account, and controlled for end of year, quasi-discretionary spending, one-time expenses and unusual occurrences. He stated that having done each of those, members of command staff are in the position to come before the board and state with strong certainty what the health of each account is and make recommendations.

Captain Kyle briefed the board on each of the budget accounts. Members of the Law Board reviewed the individual accounts and made the following comments. Only those accounts which generated discussion among the board are included in the minutes of the meeting.

Account 36: Kansas Police & Fire

Captain Kyle explained that the department experienced a rate reduction in account 36, Kansas Police & Fire (KP&F). Therefore, the department recommends budgeting \$1,781,292 for 2020, which is a \$22,185 reduction from the 2019 approved budget.

Account 37: KPERS

Captain Kyle stated that the department proposes budgeting \$540,802 for Account 37, Kansas Public Employees Retirement System (KPERS), which is a \$9,513 reduction from the 2019 approved budget.

Morse wished to know the cause for the rate reductions in the two retirement systems.

Captain Kyle explained that state legislature and retirement actuaries determine the department's rate for KP&F and KPERS contributions.

Captain Kyle stated that in summary, the department believes there is \$739,500 in underfunding of accounts. The current proposal addresses \$310,262 of that underfunding. It is estimated that \$429,238 of underfunding will remain in 2020 that will need to be addressed in upcoming budget cycles. The proposal minus the carryover results in a final obligation of \$602,088 to the city and county.

Chairman Dodson reminded the board that no later than June 14, 2019 the department must publish the 2020 budget of expenditures in the Manhattan Mercury. At the June 17, 2019 Law Board Meeting, a public hearing on the 2020 budget of expenditures will be held and the board must formally adopt the budget. He added that if approved today, this would be the "no greater than" budget amount that will be published in the Manhattan Mercury.

Ward moved to approve the RCPD 2020 budget as printed May 16, 2019 for publication. Wilkerson seconded the motion. Chairman Dodson polled the board and the motion passed with Wilkerson, Rodriguez, Morse, Ward, Beardsley, and Dodson voting in favor, and no one voting against. The motion passed 6-0.

Director Butler thought it important to recognize members of command staff, in particular Captain Kyle and Accountant Jennifer Reifschneider, for all of their hard work preparing the proposed 2020 budget. Everyone involved took the process seriously, did a great job adjusting to new ideas under different leadership, and attended a number of meetings outside of the regularly scheduled command staff meetings to prepare a budget that could be presented in a way that was easy for everyone to understand. It is his hope that the department achieved greater transparency in how the budget is prepared, what the needs are and what can be expected in the future. He said that he is always open to

suggestions from the Law Board and public moving forward so the department can continue on the path of transparency and return each year with a budget that will provide the resources that the police department needs to deliver the services that the board and citizens expect.

Chairman Dodson thanked all involved for their input into the budget process.

O. Executive Session: At 1:08 p.m. Wilkerson moved to recess into Executive Session until 1:30 p.m. for the purpose of discussing non-elected personnel matters. Beardsley seconded the motion. Chairman Dodson polled the board and the motion passed with Wilkerson, Rodriguez, Morse, Ward, Beardsley, and Dodson voting in favor, and no one voting against. The motion passed 6-0.

At 1:30 p.m. the open meeting reconvened.

Wilkerson moved to return to Executive Session until 1:45 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, Beardsley, and Dodson voting in favor, and no one voting against. The motion passed 6-0.

At 1:45 p.m. the open meeting reconvened.

Wilkerson moved to return to Executive Session until 2:00 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, Beardsley, and Dodson voting in favor, and no one voting against. The motion passed 6-0.

At 2:00 p.m. the open meeting reconvened.

P. Adjournment: Beardsley moved to adjourn the meeting. Morse seconded the motion. Chairman Dodson polled the board and the motion passed with Wilkerson, Rodriguez, Morse, Ward, Beardsley, and Dodson voting in favor, and no one voting against. The motion passed 6-0. The May 20, 2019 Law Board Meeting adjourned at 2:01 p.m.