

**RILEY COUNTY LAW ENFORCEMENT AGENCY
SPECIAL LAW BOARD MEETING
County Commission Chambers
115 N. 4th Street
Manhattan, KS
June 3, 2021 3:15 p.m.
Minutes**

Members Present:

Kathryn Focke	John Ford
Patricia Hudgins	Linda Morse
BeEtta Stoney (arrived at 3:34 p.m.)	Barry Wilkerson

Absent:

Assistant Director Kurt Moldrup	Captain Erin Freidline
Robert Ward	BeEtta Stoney

Staff Present:

Director Dennis Butler	Captain Brad Jager
Captain Josh Kyle	Captain Greg Steere
Captain Derek Woods	

Recorder:

Executive Assistant Nichole Glessner, Riley County Police Department (RCPD)

I. Establish Quorum: By Chairperson Morse at 3:15 p.m.

II. Pledge of Allegiance: Director Butler led the Riley County Law Enforcement Agency (Law Board) in the Pledge of Allegiance.

III. General Agenda:

A. Public Comment: None.

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

C. Board Member Comments: None.

D. 2022 Budget Development: Members of the Law Board were provided copies of the 2022 Special Law Board Meeting Budget memorandum as part of their packets. Captain Kyle briefed the Board on each of the budget options under consideration.

Captain Kyle explained that the four budget options (B1, B2, 3 & 4) presented to the Board include the base adjustment required to maintain insurance and other administrative costs necessary to sustain current staffing levels to include the restoration of salary step increases (merits) for eligible employees in 2022. The options also include a 1% Cost of Living Allowance (COLA) for all employees, addition of \$18,000 to the operations training budget, increase of \$53,000 to the liability insurance account, and the addition of one jail cook and one court security screener.

It was noted that Court Security Unit was created in 2017 at the request of local judges and the Riley County Attorney's Office. At that time, the request included four court security screeners. In 2018, one of the positions was removed as it was felt that the money could be better spent on a video clerk position; however, due to COVID-19, County Court is making plans to open a remote site for trials which will require the reinstatement of the removed court security screener position.

Captain Kyle explained that Option B1 involves maintaining the conversion of the part-time finance technician to a full-time payroll technician in 2022, which the board previously endorsed for 2021. This option represents a \$550,961 (2.48%) increase over the 2021 approved budget.

Option B2 involves creating a stand-alone payroll technician position and maintains the part-time finance technician position. This option represents a \$565,961 (2.55%) increase over the 2021 approved budget.

Captain Kyle addressed the American Rescue Plan Act (ARPA) of which the City of Manhattan is slated to receive \$13.9 million from the federal government and Riley County is slated to receive \$14.3 million over the next couple of years. According to documents released by the federal government, ARPA funds may be used to provide premium pay to eligible workers along with providing funds for government services affected by a reduction in revenue due to COVID-19. These funds are intended to be used in a manner similar to the CARES Act monies. Captain Kyle commented that the City and County may share their ARPA funds with the RCPD, but they are not required. The Law Board and RCPD would have to advocate for those funds. Items identified by the RCPD for possible ARPA-related expenses include monies to address unreimbursed emergency COVID-19 leave, pay adjustments for employees to compensate for the absence of COLAs and salary step increases in 2021, and funds for large asset acquisitions.

Captain Kyle discussed the Board of County Commissioner's decision to provide county employees with a 2% pay adjustment beginning July 2021. The pay adjustment will be added to employee's base pay moving into the 2022 budget. This action was made for a few reasons. The 2021 budget was approved in view of an emerging global pandemic; however, even when considering federal assistance, the local economy was not as impacted as severely as anticipated. In addition, ARPA funds are available to provide for the pay adjustment in 2021. In 2022 the cost to the taxpayers of this 2% pay adjustment is less than if regular COLAs and merits were granted in 2021. Under this plan, both county employees and the taxpayers will see a financial relief when compared to business as usual in regards to employee salaries.

Following the County's lead, the RCPD is recommending a half-year 2% pay adjustment for its employees in 2021 which equates to \$137,000. Should the City and County each agree to release ARPA funds for this purpose and the 80/20 formula from statute be applied, it would result in the City of Manhattan contributing \$109,600 and Riley County \$27,400. Use of ARPA funds are the sole discretion of the City and County. It is not currently known if ARPA funds require an application process; however, it is certain that the Law Board/RCPD must advocate for those funds.

If the 2% pay adjustment is added into employee's base pay for 2022, an additional \$310,673 would need to be added to current proposals. Taxpayers would feel a relief of approximately \$744,602 in 2022 when compared to if RCPD employees had received full merits and COLAs in 2021.

The below additional budget options were offered to the Law Board for consideration.

Option 3 (B1 Revised) Involves the conversion of the part-time finance technician to a full-time payroll technician in 2022, and a 2% pay adjustment from 2021 calculated in the 2022 budget. This option represents a \$861,634 (3.88%) increase over the 2021 approved budget.

Option 4 (B2 Revised) includes creating a stand-alone payroll technician position, maintains the part-time finance technician position, and includes a 2% pay adjustment from 2021 calculated in the 2022 budget. Creating a stand-alone payroll technician and maintaining the part-time finance technician would meet the Department's goal of enhancing the Human Resources section because it increases available personnel hours and creates a clear separation of duties between the Human Resources and Budget & Finance sections. This option represents a \$876,634 (3.95%) increase over the 2021 budget. The difference between Option 3 and Option 4 is \$15,000.

Director Butler stated that with regard to CARES Act distribution, the County developed a process for those wishing to apply for funding. It is his assumption that in the future there will be some sort of criteria or process established. It is through that process that the RCPD would to apply for the \$137,000 to fund a half-year 2% pay adjustment for employees in 2021.

Member Ford said that with respect to CARES Act funding, the County had a Budget and Finance Committee review applications as they were received. The County also had a consultant who understood the process and was involved in the application review. Though the application, review, and selection process for ARPA funds has not yet been established, he envisions it will be a similar plan of action. He commented that the County has three years to work through everything and there is not the same urgency as there was last year.

Director Butler said that if the City or County or both do not agree to do this, toward the end of the year the Law Board could decide to use unexpended personnel monies, if available, to fund half-year 2% pay adjustment for employees in 2021. If the funding source is identified, the Department will use that source. If the funding does not exist then the adjustment will not occur.

Chairperson Morse asked if RCPD Administration could project how much unexpended personnel funds will be available at the end of the year.

Director Butler responded that though he is not excited about it, he is confident that the Department will have unexpended personnel funds at the end of the year. Currently there are more position vacancies in the Patrol and Investigations Divisions than there have been throughout his career with the RCPD. There are a number of reasons for the staffing shortage; some are very normal and some are not. He is not certain when staffing will return to normal, but he is fairly certain that there will be unspent funds.

Jennifer Reifschneider, Accountant, Riley County Police Department, stated that the Department has close to \$400,000 in unexpended personnel funds as of May 2021.

Member Ford stated his assumption that it is the Departments goal to become fully staffed both in the Patrol and Corrections Divisions.

Director Butler stated that as of July 1, 2021 the Corrections Division will be switching to a twelve-hour work schedule to help deal with the staffing shortage. This change could potentially reduce overtime usage.

It is a little harder to control overtime usage in the Patrol and Investigations Divisions because the officers and detectives are obligated to a whole host of things such as work that keeps them past their shift, and having to come in on their days off to attend court and training. When there are fewer officers, typically overtime increases. Whether or not it would offset the unexpended personnel funds from vacancies, he could not say at this time.

Chairperson Morse recalled the Department having approximately \$900,000 in unexpended funds at the end of 2020. She stated she would like to see the Department budget tighter in an effort to reduce carryover. She voiced her preference for the Department to use year-end monies to cover the \$137,000 needed to fund a half-year 2% pay adjustment for employees in 2021.

Member Ford agreed with Chairperson Morse's recommendation to utilize year-end funds for the 2% pay adjustment for employees in 2021. He added that starting July 1, 2021, the County will provide employees a 1% increase over the year (2% for six months) which will be added to employee's base pay in 2022. He is not certain what the City will do since they are going to have a pay study conducted. It may not be beneficial for them to do what the County did. He felt it might be better for the RCPD to use year-end unexpended funds and see if ARPA funds can be used in a different way and offset that through other channels or breakeven.

Secretary Wilkerson commented he was in favor of the recommended pay adjustment for RCPD employees. He did not want to diminish the work of others, but stated that it has been a very difficult year for law enforcement. On occasion he has had the opportunity to be on scene with officers when recovering a body that has been in the sun for days in one hundred degree weather. It is not a job that a lot of people want to do. Over the last year, there have been a lot of attacks on the law enforcement profession. Riley County has been fortunate over the years of not having the kind of allegations of unlawful use of force and people getting injured. The RCPD is a department that is well trained with solid policies. That said, at the end of the day, policies are only as good as the people. Riley County has good officers and he would like to see that continue.

A consensus was reached among the Board to authorize the RCPD to proceed with the 2% pay adjustment starting July 1, 2021 utilizing unexpended personnel funds. Formal action in the form of a vote will be taken by the Board at the regularly scheduled June 21, 2021 Law Board Meeting.

Director Butler agreed to use unexpended personnel funds for the purpose stated above. He remarked that when submission guidelines for ARPA funds becomes available, the Department will make application.

Captain Kyle received guidance from the Board to add ARPA funding as a discussion topic for future Law Board Meetings. This will allow for regular updates to be provided as information becomes available.

E. 2022 Budget for Publication: Captain Kyle briefed the Board on Kansas Senate Bill 13 (SB-13). He stated that based on the best available information, the overwhelming majority of the Bill does not apply to the Law Board as it is not a taxing authority with one exception. One portion of SB-13 requires political subdivisions (of which the Law Board is one) to report the Revenue-Neutral Rate (RNR) within its published budget. This fact is important from a timeline perspective. By law, the official RNR is released from the county clerk no later than June 15, 2021. One option would be for the Law Board pass a "conditional budget" for publication and arrange for publication of the budget and notice of public hearing

when the RNR becomes available. Captain Kyle noted that once published, the budget can be decreased but not increased. Alternatively, the Board can wait for the RNR to become available and schedule a Special Law Board Meeting to approve the budget. The latter could create issues with the budget timeline specified in the statutes that govern the Law Board.

Michael Gillespie, Attorney for the Law Board, clarified the budget timeline as outlined in statute. He stated that Riley County Clerk Rich Vargo is waiting for a figure from the state to release the RNR. No matter the timing of the RNR, the Law Board has a very specific set of statutes that are not general like that of SB-13. His position has always been that the Law Board and police department follow their own statutes.

Secretary Wilkerson explained that the best way to proceed would be to approve a budget for publication now. The Department should have the RNR (assuming it is received when it is supposed to) in time for the June 21, 2021 regularly scheduled Law Board Meeting at which the Board can vote on a final budget.

Secretary Wilkerson moved to approve RCPD Budget Option 4 (B2 Revised) for publication which represents a \$876.634 (3.95%) increase over the 2021 approved budget. Member Stoney seconded the motion. Chairperson Morse polled the Board and the motion passed with Focke, Ford, Hudgins, Morse, Stoney and Wilkerson voting in favor, and no one voting against. The motion passed 6-0.

F. Executive Session: It was determined that an Executive Session was not needed.

G. Adjournment: Secretary Wilkerson moved to adjourn the meeting. Member Ford seconded the motion. Chairperson Morse polled the Board and the motion passed with Focke, Ford, Hudgins, Morse, Stoney and Wilkerson voting in favor, and no one voting against. The motion passed 6-0. The June 3, 2021 Special Law Board Meeting adjourned at 4:45 p.m.