

**RILEY COUNTY LAW ENFORCEMENT AGENCY
LAW BOARD MEETING
City Commission Meeting Room
1101 Poyntz Ave.
Manhattan, KS
December 20, 2021 12:00 p.m.
Minutes**

Members Present: Chairperson Linda Morse Vice Chairperson Robert Ward
Secretary Barry Wilkerson Member John Ford
Member Patricia Hudgins (Left at 1:55 p.m.) Member BeEtta Stoney (Attended Virtually)

Absent: Member Kathryn Focke Captain Erin Freidline
Captain Josh Kyle

Staff Present: Director Dennis Butler Assistant Director Kurt Moldrup
Captain Brad Jager Captain Greg Steere
Captain Derek Woods

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

I. Establish Quorum: By Chairperson Morse 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 November 15, 2021 Law Board Meeting Minutes
- B. Approve 2021 Expenditures/Credits
- C. Juvenile Transport Reimbursement
- D. RCPD Related County Expenditures (*Review*)
- E. Riley County Jail Average Daily Inmate Population- (*Review*)
- F. Reports- (*Review*)
 - 1. Monthly
 - a) Monthly Crime Report

Vice Chairperson Ward inquired about Voucher #12050 payable to Hali Rowland for Public Information Officer (PIO) consultant services. Given that the RCPD has a fulltime PIO, he wished to know if the Department will continue the contract for service.

Director Butler explained that the agreement between the RCPD and Mrs. Rowland (former RCPD PIO) is month-to-month. He explained that PIO duties and social media strategy are two different things. Prior to Mrs. Rowland's departure, she did a lot of both. Mrs. Rowland left due to the transfer of her husband shortly after the passing of George Floyd in Minneapolis. At that time, Director Butler and staff felt strongly that they needed to continue her services which include providing social media analytics and watch for algorithms on content that would impact the RCPD. While it is not as acute as it used to be, the

Department still relies on her for that. In addition, Mrs. Rowland is behind a lot of the proactive content that is produced for social media. Director Butler added that when speaking about PIO duties, he is talking about the day-to-day contact with the media, handling media inquiries, and putting out media releases. He feels strongly that the Department needs to have both done well. He is not certain when the contract with Mrs. Rowland will end. For now, he believes the contract is needed to remain engaged with the community in a positive way, answer questions from the public, and stay ahead of the curve on certain issues.

Vice Chairperson Ward confirmed that since it is a month-to-month agreement the Department could terminate it at any time.

Director Butler said that is correct.

Vice Chairperson Ward sought clarification on Voucher #12226 payable to Insight Public Sector Inc. for Veeam backup and support.

Captain Jager responded that it is licensing for software that is used by the Department.

Chairperson Morse referred to Voucher #12209 payable to Bulk Amo in the amount of \$70,233.51. In her estimation, the amount seemed a bit high for routine ammunition. She wished to know if this was a large purchase to replenish and/or store ammunition for later use.

Director Butler explained that roughly one year ago, the Department placed an order for ammunition to be used for regular qualification programs. When checking on the status of the order, the representatives could not provide a definitive answer regarding when it would be received. A couple of months ago, a request was made to Director Butler to purchase ammo that would last multiple years and not leave the Department subject to supply chain and competition issues. Director Butler recently learned that the previous order came in unexpectedly. He noted that law enforcement is often at the low end of the totem pole when it comes to ammunition acquisition compared to the U.S. military, which is a higher priority. In this case, he made the decision to make several years of purchases so that the Department does not run into supply chain issues moving forward because it is unknown when it is going to end.

Member Stoney inquired about an expense listed on the Fund Summary of Revenue/Expense Report generated by Riley County. She asked Director Butler to explain the Department 171 RCPD Operations #2220 Building Space Rental entry.

Director Butler responded that it is the annual lease agreement for the Aggieville Substation.

Vice Chairperson Ward moved to approve the Consent Agenda as presented. Secretary Wilkerson seconded the motion. Chairperson Morse polled the Board and the motion passed with Ford, Hudgins, Morse, Stoney, Ward and Wilkerson voting in favor, and no one voting against. The motion passed 6-0.

IV. General Agenda:

G. Additions or Deletions: Director Butler requested the removal of item K. Community Advisory Board Update, as the Chair of the CAB had fallen ill and was not able to attend the meeting.

Secretary Wilkerson moved to approve the agenda as revised. Member Ford seconded the motion. Chairperson Morse polled the Board and the motion passed with Ford, Hudgins, Morse, Stoney, Ward and Wilkerson voting in favor, and no one voting against. The motion passed 6-0.

H. Public Comment: None.

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

J. Board Member Comments: None.

K. Community Advisory Board Update: This item was removed from the General Agenda.

L. Community Advisory Board Recognition: On behalf of the Law Board, Riley County Police Department and Community Advisory Board (CAB), Director Butler and Assistant Director Moldrup presented Tim Sigle with a plaque in recognition of his dedication and service to the citizens of Riley County, Kansas and men and women of the RCPD. Director Butler stated that Sigle participated on the CAB from 2017-2021. He served as Vice Chair from 2019-2020 and most recently concluded his service as the Chair in 2021. He will be leaving the CAB at the end of the year.

M. RCLEA 2022 Meeting Resolution: Vice Chairperson Ward moved to approve Resolution 22-02, Riley County Law Enforcement Agency (RCLEA) Meeting Schedule as presented. Member Hudgins seconded the motion. Chairperson Morse polled the Board and the motion passed with Ford, Hudgins, Morse, Stoney, Ward and Wilkerson voting in favor, and no one voting against. The motion passed 6-0.

N. Aggieville Substation Lease Agreement Renewal: Each year, Riley County Counselor Clancy Holeman contacts GJL Real Estate Limited Partnership (Lessor) to renew the agreement with Riley County (Lessee) on behalf of the RCPD. The agreement provides rental space to the Lessee to be used as the RCPD Aggieville Substation in the amount of \$875.00 per month. The term of the lease is for one year. Assistant Director Moldrup commented briefly on the shooting that took place in Aggieville on December 12, 2021 which highlighted the importance of having a substation in that location.

Member Ford took a moment to thank Mr. Riffel for the generous terms of the lease agreement and stable rate that has been extended to the County for the rental space. He went on to state that Mr. Riffle understands the purpose of the Aggieville Substation and its benefit to the community.

O. Jail Services Agreement/Turnkey Corrections: Provided to the Law Board as part of their packets was an amendment to the Jail Services Agreement entered into on December 18, 2017 by and between the Law Board, RCPD and Turnkey Corrections. The amendment will, if approved, provide additional inmate services and extend the term of the original agreement for a period of four years. Director Butler informed the Board that the only increase in cost to the RCPD for the additional services is a \$1.00 per month per inmate (cost based on the average daily inmate population for each month).

Chairperson Morse inquired about the monthly cost associated with the original Jail Services Agreement.

Director Butler and Captain Woods explained that when entering into the original agreement for jail services, they attempted to make it as cost neutral as possible where the inmates pay for the services they use. It may not always work out to be cost neutral, but it is fairly close.

P. Genesis Health Clubs Corporate Partnership Program: Director Butler explained that in December 2019, the RCPD entered into a two-year contract with Genesis Health Clubs Corporate Partnership Program to provide fitness facility amenities to accommodate employees. This occurred following the elimination of the rather modest exercise room at the RCPD to expand the evidence room. At that time, the Law Board asked that Requests for Proposals (RFPs) be sent out to area fitness centers when the contract with Genesis expired.

In August 2021, the RCPD disseminated RFPs to several fitness centers in Riley County to gather cost and amenities comparisons. Employees were surveyed to determine if they wanted to continue this benefit. The survey was sent out by the human resources manager and the results were analyzed. The survey revealed that 90% of employees supported continuing the benefit in some form. Responses varied when employees were asked if they would like to continue with Genesis. A number of employees who were not in favor of continuing a contract with Genesis communicated their preference to receive a stipend under which they could choose whatever facility they wanted. Director Butler stated that since the program is administered through the Cafeteria Plan, IRS rules would not allow the Department to give employees a stipend for this purpose. Further, it would be quite burdensome administratively to track and ensure that the stipend is being used for its intended purpose. Therefore, the decision was made to continue to administer the program through the Cafeteria Plan.

The RFPs and employee surveys were evaluated by the RCPD Multi-Purpose Committee (MPC) and the group was tasked with providing a recommendation. Director Butler reported that eight fitness facilities responded to the RFP. The annual fees quoted ranged from \$42,000 to \$280,98. It is important to note that each facility offered different options/services; therefore, it was not an apples to apples comparison. Following their evaluation, the human resources manager and MPC recommended the Department remain with Genesis. Director Butler reviewed their recommendation and came to the same conclusion.

Director Butler said that during discussions with Genesis, it was stated that should the RCPD enter into a twelve month contract instead of month-to-month contract, Genesis would keep the monthly pricing the same. It would cost the RCPD \$37,500 annually for 220 employees instead of \$42,000. Finally, notification letters were sent to facilities not selected and asked them if they had materials for their businesses that they would like the RCPD to share with current and new employees during orientation. To date, the RCPD has not received any responses.

Chairperson Morse thanked Director Butler and staff for their efforts to address the Law Board's request to send out RFPs to area fitness facilities. It is a fair way to handle the process.

Member Ford asked if it is possible to receive copies of the proposal information submitted by the eight facilities.

Director Butler said that discussions were held internally regarding whether or not to include the information in the report to the Law Board. The decision was made not to include the information because

he did not know if the businesses wanted the quotes publicized freely. If a Kansas Open Records Act (KORA) request is made for the information the Department would provide it.

Member Ford expressed his less than favorable opinion of Genesis with regard to taxing purposes for both the City and County. He said that while the issues have nothing to do with the RCPD, in the future he would like to review that particular entity and make sure that the needs are being met of everybody who has a fiscal vested interest. He said that he has other outlying reasons he would like to research and look at it a little bit differently moving forward.

Q. General Order 2020-133 Promotion Process: Director Butler discussed proposed modifications to RCPD Policy 34.1.2 Promotion Process. The policy as revised would require the promotion announcement to outline all of the steps of the process along with provisions for appeal. Candidates may appeal the evaluation results or protest that the promotion process as stated in the promotion announcement was not followed. However, candidates may not appeal the structure of the promotional process, nor the Director's final promotion decision.

The other significant change to the policy is the educational requirement imposed for the rank of captain. As of 08/01/2021, captains holding this rank are not required to earn a Bachelor degree to retain their rank. Lieutenants appointed to this rank after 08/01/2021 must earn a Bachelor degree by 01/01/2026 or revert to their previous rank and grade.

Member Ford observed that it is tough for anyone to attend college. To be gainfully employed while attending college would likely prove more difficult. He wondered if five years would be enough time for those working fulltime to complete their college education and earn a degree.

Director Butler stated that notion was factored into the decision to allow up to five years to earn a degree. He went on to state that many employees hired at the RCPD have some amount of college experience and schools are much more flexible with adult learners. That coupled with the quality online options available, staff felt like five years would be sufficient time.

Vice Chairperson Ward moved to approve General Order 2020-133 Promotion Process as presented. Member Ford seconded the motion. Chairperson Morse polled the Board and the motion passed with Ford, Hudgins, Morse, Stoney, Ward and Wilkerson voting in favor, and no one voting against. The motion passed 6-0.

R. American Rescue Plan Act Update: At the September Law Board Meeting, the Board authorized Chairperson Morse to sign letters endorsing the Departments application for American Rescue Plan Act (ARPA) funds to both the Board of County Commissioners and Manhattan City Commission. Those the letters have been provided to the persons responsible for developing commission meeting agendas for both entities. Director Butler reported that to date, the RCPD has not received a response.

Chairperson Morse voiced her preference to broach the topic again with the City and County, perhaps in the form of another letter.

Director Butler said that there have been no specific guiding criteria released by the federal government regarding the appropriate use of ARPA funds, which is something to keep in mind.

Member Ford agreed with the statement made by Director Butler and suggested the Law Board hold off on drafting another letter until clarification and direction is received from the federal government. He is hopeful that information will be provided by summer.

Director Butler recalled a bill passed by Senate which is with the House of Representatives that would extend the timeline to encumber and use ARPA funds. Presently, the deadline is 2024. The bill would extend the deadline to 2026.

Member Ford said that both governing bodies are working with a consultant that has specific knowledge on this subject. The consultant could offer some guidance and clarification along the way.

S. Executive Session: At 12:45 p.m. Vice Chairperson Ward moved to recess into Executive Session until 1:15 p.m. to discuss non-elected personnel matters.

Vice Chairperson amended his original motion to recess into Executive Session until 1:00 p.m. to discuss non-elected personnel matters with Law Board Attorney Michael Gillespie present. Secretary Wilkerson seconded the motion. Chairperson Morse polled the Board and the motion passed with Ford, Hudgins, Morse, Stoney, Ward and Wilkerson voting in favor, and no one voting against. The motion passed 6-0.

At 1:00 p.m. the open meeting reconvened.

Secretary Wilkerson moved to authorize the Chair to execute a 30-day extension to the Employment Agreement between the Riley County Law Enforcement Agency and Director Dennis P. Butler ending January 31, 2022. Vice Chairperson Ward seconded the motion. Chairperson Morse polled the Board and the motion passed with Ford, Hudgins, Morse, Ward and Wilkerson voting in favor, and no one voting against. The motion passed 5-0 (Stoney was not present for the vote).

At 1:01 p.m. Vice Chairperson Ward moved to recess into Executive Session until 1:31 p.m. to discuss non-elected personnel matters with Attorney Michael Gillespie present. Secretary Wilkerson seconded the motion. Chairperson Morse polled the Board and the motion passed with Ford, Hudgins, Morse, Ward and Wilkerson voting in favor, and no one voting against. The motion passed 5-0 (Stoney was not present for the vote).

At 1:31 p.m. the open meeting reconvened.

At 1:31 p.m. Secretary Wilkerson moved to recess into Executive Session until 1:46 p.m. to discuss non-elected personnel matters. Member Ford seconded the motion. Chairperson Morse polled the Board and the motion passed with Ford, Hudgins, Morse, Ward and Wilkerson voting in favor, and no one voting against. The motion passed 5-0 (Stoney was not present for the vote).

At 1:47 p.m. the open meeting reconvened.

At 1:47 p.m. Secretary Wilkerson moved to recess into Executive Session until 2:02 p.m. to discuss non-elected personnel matters. Member Ford seconded the motion. Chairperson Morse polled the Board and the motion passed with Ford, Hudgins, Morse, Ward and Wilkerson voting in favor, and no one voting against. The motion passed 5-0 (Stoney was not present for the vote).

At 2:02 p.m. the open meeting reconvened.

T. Authorize the Chair to execute an extension to the Employment Agreement between the Riley County Law Enforcement Agency and Director Dennis P. Butler, for the month of January 2022: Motion detailed above under agenda item S. Executive Session.

U. Adjournment: Member Ford moved to adjourn the meeting. Vice Chairperson Ward seconded the motion. Chairperson Morse polled the Board and the motion passed with Ford, Morse, Ward and Wilkerson voting in favor, and no one voting against. The motion passed 4-0 (Stoney and Hudgins were not present for the vote). The December 20, 2021 Law Board Meeting adjourned at 2:02 p.m.