

**RILEY COUNTY LAW ENFORCEMENT AGENCY  
LAW BOARD MEETING  
City Commission Meeting Room  
1101 Poyntz Avenue  
Manhattan, KS  
April 18, 2011 12:00 p.m.  
Minutes**

**Members Present:** Karen McCulloh Jim Sherow (left at 1:19 p.m.)  
Barry Wilkerson Jayme Morris-Hardeman  
Bruce Snead Loren Pepperd  
Dave Lewis

**Absent:** Assistant Director Doehling

**Staff Present:** Director Schoen Captain Nelson  
Captain Hooper Captain Moldrup  
Captain Grubbs Captain Hegarty

**I. Establish Quorum:** By Chairman McCulloh at 12:00 p.m.

**II. Pledge of Allegiance:** Led by Director Schoen.

**III. Consent Agenda:**

- A.** Approval of Minutes
  - a) March 17, 2011 Special Law Board Meeting/Budget Workshop
  - b) March 21, 2011 Law Board Meeting
  - c) March 29, 2011 Special Law Board Meeting/Budget Workshop
- B.** Approve 2011 Expenditures
  - a) 2011 Budget Expenditures
  - b) Juvenile Transports
  - c) Seizure Expenditures
- C.** County Inmate Medical, Facilities, Maintenance & Repairs Expenditures

Sherow moved to approve the consent agenda as presented. Snead seconded the motion. The motion passed 7-0.

**IV. General Agenda:**

**D. Additions or Deletions:** The amended agenda was made available to the public and copies were provided to the members of the Board. Director Schoen noted 2 additions to the 2011 expenditures; voucher 4092 to Phillips 66 Fleet Service, and voucher 4093 to Shawnee Mission Ford for the purchase of 1 Crown Victoria to replace a patrol unit that was totaled in a recent traffic accident. He also wished to add RCPD 2012 budget drafts 3b and 3c to the packet to be addressed during the 2012 RCPD budget discussion.

**E. Public Comment:** None.

**F. Police Training Officer Award Presentation:** Director Schoen recognized Officer Christopher Combs for his outstanding work in the RCPD Police Training Officer (PTO) Program. After the PTO Program was established it became apparent that much was being asked of the newest members to the Department. In recognition of their efforts, the PTO award was established for recruits whose performance exceeded the norm. Officer Combs was one of those recruits. The word “exemplary” denotes the highest attainable rating a recruit can receive during the program. Officer Combs’ overall performance in the PTO Program was exemplary. In recognition of his hard work, Director Schoen presented Officer Combs with an award pin to be placed within his PTO ribbon.

**G. Correctional Officer Week Proclamation:** Chairman McCulloh read the National Correctional Officers’ Week Proclamation proclaiming that all citizens of Manhattan and Riley County observe the week of May 1<sup>st</sup> - May 7<sup>th</sup>, 2011 as National Correctional Officers’ Week; in honor of the men and women who diligently supervise incarcerated individuals and effectively provide custody and care thus ensuring public safety.

**H. Police Officers Memorial Week Proclamation:** Chairman McCulloh read the Police Memorial Week Proclamation proclaiming that all citizens of Manhattan and Riley County observe Wednesday, May 18, 2011 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.

Members of the Law Board and the public were encouraged to attend the Riley County Police Department Law Enforcement Memorial Ceremony on Wednesday, May 18, 2011 at 11:00 a.m. at the Law Enforcement Center. A barbeque will be held following the ceremony in honor of all RCPD employees.

**I. Approval of General Orders:**

- a) GO 2011-001 Applicability and Change
- b) GO 2011-008 Employee Assistance Program (EAP)
- c) GO 2011-009 Inoculations-Health Risks and Privacy
- d) GO 2011-013 Coordination Responsibility

Director Schoen explained that the General Orders included in the packet are the first of many policy revisions and/or additions that the Board will see over the course of the year. In keeping with the commitment made to the Fraternal Order of Police (FOP) at the time the Board elected to opt out from under the provisions of the Public Employer-Employee Relations Act (PEERA), the Department has begun moving items from FOP contract and incorporating them into policy. A Policy Review Committee has been established to formulate and review all policy revisions prior to the Director’s review. Items from FOP contract that are inserted in policy cannot be changed without the approval of the Law Board; however, the Director has the authority to make minor policy changes during the course of a CALEA on-site to allow the Department to successfully complete the accreditation process.

**Dustin Weiszbrod, FOP President Lodge #17:** Dustin Weiszbrod thanked RCPD administration for devising a 2 step process for FOP contract to be incorporated into department policy. Weiszbrod is the current President of FOP Lodge 17 and a member of the RCPD Policy Review Committee. He stated that the Committee is working diligently on moving items from contract into policy.

Snead moved to approve the General Orders as presented. Wilkerson seconded the motion. The motion passed 7-0.

**J. Fake Patty's Day After-Action:** The Law Board previously requested a brief account of costs incurred by the Department as a result of Fake Patty's Day. Schoen reported that the total cost to the Department in 2011 was \$26,066.37. The total cost includes employee hourly pay, comp time, bicycle repair costs, various supplies, drink and food for the officers who worked the event. He cautioned that the total does not include the hours exempt employees spent working or planning for the event as they are salaried positions. Exempt positions include lieutenants, captains, the assistant director and director.

McCulloh asked for an estimate of what the costs would have been for those employees who worked the event had they not been exempt.

Director Schoen estimated that it would have cost the Department between \$3,000 and \$4,000 which would bring the total cost to approximately \$30,000. He added that planning for the event next year will be a little more extensive. Riley County Police Department Command Staff have discussed the possibility of getting assistance from outside agencies that have experience working with college students during similar events. The Department will begin making overtures to see what can be done.

Schoen reported that the Department experienced a few internal issues on Fake Patty's Day. The first issue had to do with the staffing level in the Dispatch Section. Following the event, it was realized that staffing in dispatch was insufficient given the volume of calls for service that were received. The second issue had to do with radio communications, specifically the radio frequency used by police officers versus dispatchers. Schoen said that both issues are relatively easy to fix for 2012.

Lastly, the Department appeared to be lacking somewhat with processing paperwork. Administration has discussed the possibility of having evidence and clerical personnel on-site next year to assist with evidence processing and data entry. Schoen said he recognizes that the event is growing each year and the Department will continue to plan as appropriate.

Schoen recently met with Emergency Service Directors Pat Collins, Jerry Snyder and Larry Couchman at which time they discussed overcrowding in Aggieville bars during Fake Patty's Day. It was suggested that something be done about the bars that continually allow overcrowding during the event. It was thought that perhaps a 3 strike rule could be implemented. For example, police officers get the bar down to capacity for the first offense, the second time officers empty the bar, and the third time the bar is closed for a 24 hour period. Emergency Service Directors are not sure that current city ordinances would permit such action, but Chief Snyder is going to look into the matter further. If it turns out that such action is not possible, Director Schoen will readdress the Commission concerning the matter and see what the City would be willing to consider.

Overall the various emergency services worked well together during the event. There were more participants in the event this year than in 2010. Schoen said that the common perception among the community and Emergency Service Directors is that the event this year was just as much a pain in the neck as it has been in previous years, but it was handled better.

Snead said that there is a significant cost to the community to have such an event. He asked if the Department has received feedback from other planning agencies regarding additional responses or changes in city ordinance.

Schoen said that at this time he has not. It is his position that the Aggieville Safety Meetings would be an appropriate place to get everyone together and continue discussions concerning Fake Patty's Day.

Lewis asked if a review was done by the business community to address how the event was handled and future planning.

Schoen said that he was not aware of a review done by the business community. In his experience, the Aggieville business community is fractured when it comes to Fake Patty's Day. He is not aware of any unity or location for local business leaders to gather and discuss the matter. If the Manhattan Chamber of Commerce or Aggieville Safety Committee were to take the matter up he is sure the businesses would be more than welcome to attend and provide input. Assistant City Manager Lauren Palmer typically organizes the Aggieville Safety Meetings. Schoen said he suspects that the City will be the one to drive the train. The RCPD would be more than happy to help.

McCulloh said there is a group called Healthy Manhattan that gathers periodically to talk about issues such as obesity and lack of exercise. There are some serious issues in Riley County that are not being addressed such as binge drinking. It should be said that the community is not very enthusiastic about the event. An event that benefits a few bar owners is not necessarily good for everyone else. Manhattan needs to step back and ask if they want to be known for this event.

Morris-Hardeman announced that Elaine Johannes, Chair of the Special Alcohol Fund Advisory Committee for the City of Manhattan provided a presentation to the City Commission on how other communities with universities handle similar events. It was discovered that the only way the events were stopped was if the bar owners refused to serve alcohol until 10:00 p.m. The bar owners had to make the decision. If the public wants the event to cease, they need to comment to the bar owners directly and let them know that it is not acceptable in the community. It is difficult to put a lid on an event that is organized on Facebook. There needs to be a concerted effort on the part of the community to voice to the bar owners that it is not an acceptable activity.

Snead complimented the agencies involved in planning for the event and responding to calls for service. He visited the Aggieville area during Fake Patty's Day to get a better understanding of its impact on the community. He witnessed police officers responding very well to the situations they encountered. Fundamentally Fake Patty's Day was a success because no one died from alcohol poisoning, or from being struck by a moving vehicle. Fortunately, the event ended without serious incident, but not without the burden experienced by emergency services and the neighborhoods surrounding Aggieville.

Snead said that the event is about binge drinking. This is a college community and it is understood that unique celebrations occur. Hopefully people will celebrate wisely. Snead met people from Mississippi, Connecticut, Florida, Texas and California who came to Manhattan specifically for the event. It is clear the event has the potential to stain Manhattan and Riley County with a single tragedy. A method to more effectively deal with Fake Patty's Day needs to be identified. He does not know that Board or the police department has the authority to create ordinances to effectively stop the event. He does know that everyone needs to remain diligent and continue to express

disapproval. When bar owners say that they continue to be involved with the event because it makes their year financially, that is an unsustainable business model and one that should not be supported. Efforts need to continue to find ways to control the event, minimize damage, and entertain any ordinances that will effectively enable emergency services personnel to do their job.

Sherow agreed with Snead. Sherow said that students on campus have a rather cavalier attitude about Fake Patty's Day. There is a lot of work that needs to be done on campus in the form of education.

Pepperd was also in Aggieville for a period during Fake Patty's Day. He complimented the police department for their efforts to control the event. The police department does better every year in handling the event. Fake Patty's Day is going to continue and eventually cease one day. Until that time, everyone has to do the best they can with the resources available.

Lewis stated that the Board seems to be in agreement that something needs to be done. He asked what steps should be taken at this time.

Wilkerson said that the City issues alcohol licenses and has leverage over the businesses that participate in the event.

Lewis would like to see a group of interested parties form in the next couple of months. The purpose of the group would be to begin planning on how to make things better and try to make sure that excessive costs do not continue in the future.

Schoen said that the police department has a rather limited perspective because they are only part of the puzzle. The same is true broadly speaking of emergency service directors. In the end, it is going to be about leverage. Last year it became apparent that the bar owners have no interest in complying with the desire to diminish the event because it affects their bottom line. The bar owners say they are selling a legal product and there is nothing that can be done. Schoen said there are regulatory things that the City can do. It will be a joint effort between emergency services, the university and City to try to mitigate the event. It is not possible to make the event go away entirely. It is highly unlikely that the bar owners will no longer sponsor the event. It might be time to deal with the issue of responsibility and force it to where the bars are not willing to accept it. What form that will take he does not know, but it can be the purpose of discussions between emergency services, the university and the City.

**K. Consolidated Dispatch:** Director Schoen provided a brief history of conversations that occurred at various public meetings with respect to consolidated dispatch. At the Joint City/County Meeting on February 17, 2011 Commissioner Morris-Hardeman first proposed a City/County funding split of 50/50 for the first year, 65/35 for the second year and an 80/20 split the third year. The goal of the compromise is to go toward the 80/20 split and eventually incorporate funding for consolidated dispatch into the Department budget. At that time, Commissioner Bob Strawn asked that the proposed funding compromise go before the Law Board and Board of County Commissioners (BOCC) for consideration.

At the February 22, 2011 Law Board Meeting the Board addressed the issue of consolidated dispatch and after some discussion Commissioner Morris-Hardeman made a motion and Commissioner Snead seconded the motion to adopt the proposed funding compromise as the position of the Law Board.

It was at the March BOCC Meeting that the Board of County Commissioners considered the funding compromise and decided to adopt it as their position.

At the April 5, 2011 City Commission Meeting the compromise was considered and the City Commission voted to continue discussions concerning consolidated dispatch funding with the BOCC in an effort to reach a resolution more fiscally amenable to the City.

Director Schoen met with Commissioners Sherow and McCulloh on April 15, 2011 to discuss the City's proposal. Commissioner Sherow intended to begin discussions among the Law Board with his recommendation.

Sherow said it was his understanding that many of the commissioners were interested in finding out what the affect of funding to city residents would be regardless of whether they are county or city property taxpayers. After lengthy discussion and a breakdown of some numbers there was some support from County side that perhaps a 75/25 City/County split might be an appropriate way to start funding for consolidated dispatch. The question is how to get there.

Sherow proposed that the Law Board phase funding of consolidated dispatch in over a 2 year period in an effort to get a better read on where the calls for service are coming from, and where the services are provided. He suggested a 50/50 City/County funding split for the first year, a 75/25 split for the second year, an evaluation of the calls for service in the city and county and go forward from there. He would like to incorporate consolidated dispatch into the RCPD budget as a grant from the City for the first 2 years without resorting to an inter-local agreement. Given the rather limited time frame he does not feel that an inter-local agreement is a realistic goal.

McCulloh clarified that the County would consider a 75/25 funding split for the first year. Following the first year she would like to have a clear account of the number of calls for service for the City and County. If the City wanted to go to an 80/20 split after that the County would be amenable to that. If not, the funding split could be based on the percentage of calls for each area, which she believes may be in the County's favor.

McCulloh said that the problem with having a grant and not an inter-local agreement is that the funding mechanism is not set in stone. Consolidated dispatch has been a topic of discussion for over a year now. In her opinion the City and County are talking about very minor amounts of money. The County is has bent over backward by accepting the phasing in of consolidated dispatch over a 2 year period. In reality consolidated dispatch is a Riley County Law Enforcement Agency activity that should be at an 80/20 split from the onset.

Snead said there is no question that the Board is in support of consolidated dispatch. The question is how to transition to provide funding in a way that is reasonable, fair and respectful of the budget conditions that the City and County face.

Wilkerson said regardless of how funding is split, roughly 74% of the county population resides in Manhattan. The amount that is taxed to each citizen in the city of Manhattan is not going to change whether the City collects the tax or the County.

Lewis stated that he has been pretty firm from the beginning about going directly to an 80/20 City/County funding split for consolidated dispatch. He applauds Commissioner Sherow's efforts and would be willing to pursue a 50/50 funding split for the first year and a 75/25 split for the second year. At that time he would like the Department to reevaluate where the calls for service are generated, and what services are provided to determine whether to continue the 75/25 split or move to an 80/20 split.

Pepperd said that typically consolidation it is a means to save money. In this instance consolidated dispatch is going to cost money. It will improve services, but will cost taxpayers more money and that is the bottom line.

Schoen noted that if the Board were to end up at a 75/25 split instead of 80/20, the impact on the taxpayers (difference of 5%) is approximately \$16,000 annually, which is a pretty minimal amount. He voiced his concern regarding the grant concept proposed by Sherow. If an inter-local agreement were to spell out the financial component, and leave floating what will happen in 2 years, he would say that is not a way to structure an agreement. In 2 years the issue would then become what constitutes a call for service. If they are to enter into an agreement, it needs to have a defined method by which everyone agrees to now that they are going to commit to the long term funding. Otherwise all they are doing is kicking the can down the road. In a couple of years they will be having the same discussion.

Schoen said he spoke with Attorney Michael Gillespie who assures him that an inter-local agreement could be completed in time for the May Law Board Meeting.

Gillespie explained that it would be fairly easy for him to draft an inter-local agreement. The inter-local agreement would need to have the funding sources outlined and identify where the authority is centralized. It appears that everyone is in agreement that the authority to run the operation will lie with the Director of the Riley County Police Department and ultimately the Law Board with an advisory committee of some sort. Once the Board is in agreement on how consolidated dispatch will be funded, he would be able to draft an inter-local agreement in fairly short order. He would not recommend to the Board that it launch consolidated dispatch without an inter-local agreement. There needs to be some certainty concerning the line of authority, and the other emergency management protocols need to be incorporated in the agreement. Once the agreement has been drafted it must be reviewed by the Kansas Attorney General who has 90 days to do so. Gillespie said that he can attempt to speed up that process if necessary.

Lewis cautioned that if the Board were to come to an understanding today, the decision may not be shared by the new City Commissioners who are to serve on the Law Board.

Sherow asked if the Board would be willing to consider entering into inter-local agreement binding them for 2 years, phasing in funding for consolidated dispatch at a 50/50 City/County split for the first year, 75/25 split for the second year with an evaluation of where the services are being provided. The inter-local agreement would indicate that authority will lie with the Director of the Riley County Police Department, also respecting the individual protocols of the different entities involved.

McCulloh asked if the Board would agree to a friendly amendment that funding take the form of an 80/20 City/County split in the third year unless there is clear evidence that the County has more than 20% of the calls for service.

Sherow agreed to the friendly amendment.

Lewis made a motion to have the Board move forward with the funding mechanism discussed, a 50/50 City County split for the first year, 75/25 split for City County in the second year, and an 80/20 split in the third and successive years pending review.

Pepperd seconded the motion.

Sherow offered a friendly amendment to create an inter local agreement to that effect that respects the protocols of the different entities and places authority for consolidated dispatch with the Director of the Riley County Police Department.

Lewis accepted the amendment. Pepperd seconded the motion. The motion passed 7-0.

**L. 2012 RCPD Budget Development:** The Board was provided RCPD Budget Drafts 3a, 3b and 3c for consideration. Budget draft 3a includes the addition of 1 communication center manager, 5 dispatchers, 1 systems administrator and 2 police officers. It also reflects a 2% Cost of Living Allowance (COLA) and 10% anticipated increase in health insurance. Adjustments to the insurance, other contractual services and workers comp insurance line items were made as previously requested by the Law Board. Budget draft 3a represents an 8.057% increase in the 2012 budget over the 2011 approved budget. The increase does not take in to account the applicable carryover for 2012. Budget Drafts 3b and 3c were rendered moot by virtue of the latest discussion concerning consolidated dispatch.

Schoen has scheduled meetings with the 3 newly elected City Commissioners to receive a tour of the facility and discuss items of interest such as the RCPD budget and consolidated dispatch. Schoen proposed scheduling a Special Law Board Meeting/Budget Workshop on Tuesday, May 10, 2011 at noon to bring the new members up to speed. The special meeting will also give the newly seated City representatives on the Law Board a chance to provide input on the budget in a public forum. If there are requested changes as a result of discussions at the Special Law Board Meeting, the Department will have time to follow-up on the request and bring information back to the Board at the regular May meeting.

The Board had no objections to scheduling a Special Law Board Meeting/Budget Workshop for Tuesday, May 10, 2011 at noon.

**M. Executive Session:** At 1:27 p.m. Lewis moved to adjourn into executive session for the purpose of discussing non-elected personnel matters not to exceed 20 minutes. Wilkerson seconded the motion. The motion passed 6-0.

At 1:47 p.m. the open meeting reconvened. Snead moved to resume the open meeting. Morris-Hardeman seconded the motion. The motion passed 6-0.

**N. Affirmation or Revocation of Discipline:** Snead moved to affirm the Director's disciplinary actions. Lewis seconded the motion. The motion passed 6-0.

**O. Adjournment:** The April 18, 2011 Law Board Meeting adjourned t 1:48 p.m.