

**RILEY COUNTY LAW ENFORCEMENT AGENCY
LAW BOARD MEETING
City Commission Meeting Room
1101 Poyntz Avenue
Manhattan, KS
May 16, 2011 12:00 p.m.
Minutes**

Members Present: Karen McCulloh Dave Lewis
Barry Wilkerson Wynn Butler
John Matta Loren Pepperd

Absent: Jim Sherow

Staff Present: Director Schoen Assistant Director Doehling
Captain Hooper Captain Moldrup
Captain Nelson Captain Hegarty
Lieutenant Woods

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

II. Pledge of Allegiance: Led by Director Schoen.

III. Consent Agenda:

- A. Approve April 18, 2011 Law Board Meeting Minutes
- B. Approve 2011 Expenditures
 - a) 2011 Budget Expenditures
 - b) Juvenile Transports
- C. County Inmate Medical, Facilities, Maintenance & Repairs Expenditures- (*Review*)
- D. 1st Quarter Reports- (*Review*)
 - a) 82.1.4 Crime Statistics
 - b) 61.1.1 Traffic Accident & Enforcement Analysis
 - c) 84.1.8 Seizure & Forfeiture Report
 - d) Jail Semi-Annual Health Department Inspection

Pepperd moved to approve the consent agenda as presented. Lewis seconded the motion. The motion passed 6-0.

IV. General Agenda:

E. Additions or Deletions: Director Schoen requested General Order 2011-011, FOP Lodge and Respective Membership Rights be removed from the general agenda. He noted that there are some inconsistencies in this and other areas of Department policy that require further review.

Lewis moved to adopt the agenda as amended. Wilkerson seconded the motion. The motion passed 6-0.

F. Public Comment: None.

G. Law Board Member Recognition: Immediate past Law Board members Jayme Morris-Hardeman and Bruce Snead were recognized for their dedication and years of service to the citizens of Riley County, Kansas and men and women of RCPD.

Morris-Hardeman and Snead expressed their sincere appreciation for being given the opportunity to serve on the Riley County Law Enforcement Agency Law Board.

H. KACP Award Recipients: A Joint Kansas Law Enforcement Conference and Banquet co-sponsored by the Kansas Peace Officers Association, the Kansas Association of Chiefs of Police and the Kansas Sheriff's Association was held in Topeka in May 2011. Of the 112 nominations that were received, 37 individual awards and 3 unit citations were presented at the banquet on May 6th.

Director Schoen explained that the Bronze Award is an award that recognizes outstanding achievement above and beyond normal law enforcement responsibilities and duties. The Silver Award is an award for extraordinary action which directly contributed to the significant prolonging or actual saving of a life. The following RCPD employees were recognized at the banquet for their achievements in 2010:

Officer Wade Chermis	Silver Award Recipient
Officer Christopher Combs	Silver Award Recipient
Officer Mark Cusimano	Recipient of 2 Silver Awards
Officer Adam Peterson	Bronze and Silver Award Recipient
Officer Andrew Spade	Silver Award Recipient
Sergeant Patrick Tiede	Silver Award Recipient

I. Approval of General Orders:

- a) GO 2011-002 Authority to Carry and Use Weapons
- b) GO 2011-019 Civilian Pre-Service and In-Service Employee Training
- c) GO 2011-024 Promotion Lists

Assistant Director Doehling informed the Board that will see many more policy revisions and/or additions over the next few months. These proposed changes are 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). Items from FOP contract to be inserted into Department policy require Law Board approval.

Wilkerson moved to approve General Orders 2011-002, 2011-019 and 2011-024 as presented. Matta seconded the motion. The motion passed 6-0.

J. Community Advisory Board Update: Riley County Police Department Community Advisory Board (CAB) Chairman Clay Taylor briefed the Law Board on CAB activities for the 1st quarter of 2011. He explained that the primary purpose of the CAB continues to be to serve as a liaison between the community and Riley County Police Department and serve as a sounding board for the Department regarding the concerns and issues of the community. Members of the Board for 2011 include himself, Trent Armbrust, Dick Seaton, Jerry Boettcher, Michelle Jones, Natalie Rauth, Mo Hosni, Steve Hargrave, Kathleen Greene, Heather Lansdowne and Jeff Denney

The CAB is in its second year of operation as a progression from the Ad Hoc Committee. First quarter activities include setting goals for 2011, and attend Leonardville, Randolph and Riley

Commission meetings. Representatives from the CAB have also attended Kansas State University Governing Body Association meetings, Aggieville Safety meetings and later this month they will make an appearance on the KMAN radio program In-focus.

Community Advisory Board meetings are held the first Monday of each month from 11:30 a.m. to 1:00 p.m. at Paddy O'Quigleys in the Clarion Hotel. The meetings are typically luncheon meetings. The Law Board and public are welcome to attend as guest speakers or simply to observe. Recent guest speakers have included Mayor Jim Sherow, Commissioner Karen McCulloh and representatives from the Martin Luther King Memorial Committee.

At the meetings the CAB has discussed various topics of interest such as the RCPD budget, consolidated dispatch, Fake Patty's Day, public satisfaction surveys, mobile device ban, and the dissemination of a welcome letter to incoming KSU students. They are also in the process of completing the CAB website which the public can access and provide input.

Taylor said with respect to the RCPD budget, it is his opinion that taxation is the price of a civilized society. He encouraged the Law Board to continue to work with the Department and vote to approve a budget that addresses the need for additional police officers due to the growing community.

K. Operation Impact Assessment Report: In early 2010 the Department implemented Operation Impact which is a general initiative to reduce crime in Riley County, Kansas by identifying crime rate hot spots and concentrating crime reduction efforts in those targeted areas. The Department began working closely with Kansas State University researchers Dr. L. Susan Williams and Dr. Don Kurtz to evaluate the effectiveness of the crime-reduction initiatives implemented by the Department. Initial efforts focused on 3 general categories of burglary: residential, commercial, and automotive. Data from 2005-2010 was included in order to establish a baseline and trends over time, with further attention to patterns identified with specific geographic patrol areas. The primary objective of the study was to assess burglary activity over time, with specific attention to the impact areas. Dr. Williams and Dr. Kurtz briefed the Board on the results of their analysis.

Williams and Kurtz reported that during their analysis they found the impact zone burglaries declining significantly, especially compared to other high crime zones in Manhattan. While they cannot make a definitive statement about the exact cause of the decline, the impact zones decreased significantly while others did not. It is their opinion that patrol initiatives in the impact zone appear to be working.

A review of the Departments Repeat Offender Program (ROP) was also conducted. This program is designed to identify high risk criminal offenders and incapacitate them from committing further crimes. Dr. Williams and Dr. Kurtz analysis revealed that the ROP program also appears to be working to the degree that it was designed.

Williams said the proactive policing strategies designed to target specific problems appear to be working and the programs could likely be expanded upon. Riley County Police Department staff, Dr. Williams and Dr. Kurtz will be looking for grants through the Department of Justice to assist with funding that will expand their analysis. Williams said they plan to include community involvement to a greater extent in the future as well.

McCulloh stated that there have been significant budgetary cuts to the mental health system. She asked if their analysis took into account individuals with mental illnesses.

Williams said not officially. Looking forward they plan to do qualitative interviews with the repeat offenders. That is something they can investigate during future analysis.

Kurtz explained that the majority of the data was taken from police arrest reports. There was not a lot of information regarding individual diagnosis in those reports.

Williams said that it is highly unusual for a police department to be so open outside individuals regarding their practices and data. She is happy to have developed a long standing relationship with the Department and she looks forward to continuing to work with RCPD staff.

McCulloh thanked Dr. Williams and Dr. Kurtz for their thorough analysis.

L. Consolidated Dispatch Inter-local Agreement: At the April 18, 2011 Law Board Meeting Attorney Michael Gillespie was asked to draft an inter-local agreement between the Law Board, Board of County Commissioners and City of Manhattan for consolidated dispatch. Copies of the draft agreement were provided to the Board for review as part of their packets.

Gillespie explained that a vote is needed from the Board authorizing him to begin circulating the inter-local agreement to the City and County. Once the Law Board, City Commission and County Commission come to a consensus document, each entity will need to pass individual resolutions authorizing the agreement to be signed. The agreement will then be forwarded to the Kansas Attorney General for approval. The Attorney General has 90 days to approve or disapprove the agreement. If the 90 days pass with no action taken, the agreement is deemed approved and returned to be registered with the Register of Deeds.

Pepperd asked if the agreement would be brought back to the Law Board should the City and County recommend revisions be made to the document.

Gillespie said that is correct. If changes were recommended he would bring the agreement back to the Board.

Lewis moved to authorize the Gillespie to forward the the inter-local agreement to the respective City and County counsel for review. Pepperd seconded the motion. The motion passed 6-0.

M. Approve 2012 Budget for Publication: Director Schoen explained that during the May 10, 2011 Special Law Board Meeting/Budget Workshop the Department proposed a budget with an overall increase of 8.057% which did not take in to account 2010 carryover funds. As a result of requests from individual Board members, and given the desire of some to see a reduction to the budget to the tune of 2%, four additional budget drafts were developed for consideration. A summary of each budget draft was provided.

Riley County Police Department 2012 budget draft 4a includes the addition of 1 communication center manager, 5 dispatchers, 1 system administrator and a 2% Cost of Living Allowance (COLA) for employees. Draft 4a represents a 7.343% increase over the 2011 approved budget, or an increase of approximately 3.343% when the carryover is applied. This option is a 0.714% reduction from draft 3a.

Draft 4b includes the addition of 1 communication center manager, 5 dispatchers, 1 system administrator, 2 police officers and no COLA. Draft 4b represents a 6.560% increase over the 2011 approved budget, or an increase of approximately 2.560% when the carryover is applied. This option is a 1.497% reduction from draft 3a.

Draft 4c includes the addition of 1 communication center manager, 5 dispatchers, 1 system administrator and no COLA. Draft 4c represents a 5.876% increase over the 2011 approved budget, or an increase of approximately 1.876% when the carryover is applied. This option is a 2.181% reduction from draft 3a.

Draft 4d includes the addition of 1 communication center manager, 5 dispatchers, 1 system administrator, 1 police officer and a 1% COLA. Draft 4d represents a 6.954% increase over the 2011 approved budget, or an increase of approximately 2.954% when the carryover is applied. This option is a 1.103% reduction from draft 3a.

Schoen said he does not offer any of the above budget options in the way of a recommendation. He remains convinced that draft 3a is appropriate.

Lewis inquired about the impact consolidated dispatch will have on the Manhattan Fire Department (MFD) budget.

Schoen said that ultimately it will result in a net increase to the City.

Lauren Palmer, Assistant City Manager: Palmer said that 1 position will be eliminated from MFD through the transfer. The dollar amount is not enough to offset the 50% sharing in the cost, but there are savings there.

Lewis requested Chairman McCulloh once again provide a brief history regarding the COLA for RCPD employees.

McCulloh explained that in November 2010 the Law Board voted to remove itself from under the provisions of the Public Employer-Employee Relations Act (PEERA). The Board did not enter into the decision lightly. At that time, the Board assured the FOP that they would do everything in their power to ensure employees received an adequate pay and COLA, especially since employees received a -0.3% COLA in 2010 and a 0% COLA in 2011.

McCulloh said that a COLA is the only way to show senior employees who are topped out on the salary schedule that their work is appreciated, and they are valued employees. The Department has put an immense amount of money into training and recertifying those employees. If the Department does not offer comparable salaries, individuals will go elsewhere to find employment.

A number of years ago, RCPD contracted with McGrath & Associates to conduct a salary and benefits study aimed to bring RCPD salaries up to the established average market rate (50th percentile). The study did not aim to bring salaries up to the 100th percentile. McCulloh said it is important for the Board to follow up on the yearly steps and COLA otherwise employee salaries fall behind.

Pepperd said that the Law Board promised the FOP that they would look into the matter. He went on to state that everyone the community is hurting financially. Taxpayers have to pay more and more each year. At some point the taxpayers are not going to be able to afford to pay more.

McCulloh said according to the most recent County report, the mil levy for the County per capita is 104th out of 105 counties. Riley County is paying a lot less per capita than most other counties.

Butler expressed his preference for draft 4d. He feels that RCPD has done an excellent job in making use of the resources they have available. In reality, roughly 88% of RCPD employees will receive a step increase in 2012. He feels that budget draft 4d would be appropriate as it allows for a modest COLA for those who would not receive a step increase. This option also adds 1 police officer to assist in crime reduction efforts. Butler said staffing studies are great, but they should not drive the budget process. The Board needs to look at the local area and determine what they can afford.

Dustin Weiszbrod, FOP President Lodge #17: Dustin Weiszbrod thanked RCPD Administration in conjunction with the newly formed 2011 RCPD Budget Committee for presenting what the FOP believes is a responsible budget (draft 3a). While draft 3a does not represent all that the Department or FOP would like to see in 2012, it does represent many compromises. Further cuts to draft 3a would result in a reduction in personnel and services, not paper.

As a historical reference, the FOP and Law Board have turned to the Bureau of Labor Statistics Consumer Price Index for all Urban (CPI-U) in the Midwest region when figuring COLA adjustments. In 2010, RCPD employees received a -0.3% COLA based on the 2009 average CPI-U which resulted in a reduction in pay for all employees. In 2011, despite efforts in negotiations between the FOP and RCPD, employees received a 0% COLA. On May 13, 2011 the Bureau of Labor Statistics released the CPI-U for the Midwest region. In that release they noted that the CPI-U rose 3.3% over the past 12 months, totaling this as the largest over the year increase since October 2008. Further, the energy index which includes motor fuel and household fuels was up 20.0% since last April. The index for food rose 3.3%. Even excluding food and energy, the CPI-U increased 1.2% over the year. Weiszbrod said as the Board deliberates over the various budget options it is his hope that they take into account the past couple years in which employees received no upward adjustments in COLA.

Draft 3a is the result of ongoing cooperation within the Department, including employees assigned to the newly formed Budget Committee. Last year the Law Board voted to opt out from under the provisions of PEERA, ending a long history of collective bargaining between employees and the Department. Since that time the employees, FOP, and Department have continued to work collectively in the areas of policy and budget in the newly formed committees. They will continue to work together in all areas to bring before the Law Board a collective voice in Department matters. The FOP supports budget draft 3a and asks that the Board join in their support by approving it for publication.

Wilkerson reminded the Board that they have already made reductions to the proposed RCPD budget. The initial budget recommendation from the Department called for the addition of 4 police officers. The Board reduced that to 2 additional officers. There are several senior employees who give 100% every day, who will not receive a step increase in 2012. Certainly if anyone deserves an increase it is those individuals. He recommended the Board consider draft 3a for publication. He feels that the option is fair to RCPD employees and the taxpayers.

Wilkerson moved to approved Riley County Police Department 2012 draft 3a for publication. McCulloh seconded the motion.

Matta said RCPD employees do a great job. Employees who have topped out on the salary chart deserve raises, but he is looking at the budget from the standpoint of the citizens who have not received a raise for a number of years. Family and company budgets have to be tightened. Citizens are asking why they have to tighten their belts and government does not. Matta said he was willing to compromise and vote in favor of draft 4d.

Butler and Pepperd echoed the comments made by Matta and voiced their preference for draft 4d.

Lewis said he feels it is somewhat disrespectful to offer employees a 0% or 1% COLA in light of the fact that they have received a negative COLA in the recent past. He said he is concerned that the Department will continue to fall behind with regard to salaries. Lewis stated his continued support of draft 3a.

Pepperd asked if the negative COLA resulted in a reduction in pay or if their salaries remained the same.

Schoen said that employees received a 0.3% reduction in pay.

It was requested that a roll call vote be taken on the motion made by Wilkerson to approve draft 3a for publication. The results are as follows:

Wilkerson: Yes	Lewis: Yes
McCulloh: Yes	Matta: No
Butler: No	Pepperd: No

The motion failed 3-3.

Matta moved to approved Riley County Police Department 2012 draft 4d for publication. Pepperd seconded the motion. A roll call vote was taken and the results are as follows:

Wilkerson: No	Lewis: No
McCulloh: No	Matta: Yes
Butler: Yes	Pepperd: Yes

The motion failed 3-3.

A Special Law Board Meeting was tentatively scheduled for the evening of May 18, 2011 for the purpose of continuing budget discussions. An announcement will be made to the Board, public and media once the meeting time and location have been confirmed.

N. Executive Session: At 1:53 p.m. Lewis moved to go into executive session for the purpose of discussing attorney client privilege not to exceed 10 minutes. Wilkerson seconded the motion. The motion passed 6-0.

At 2:03 p.m. the open meeting reconvened. Lewis moved to resume the open meeting. Matta seconded the motion. The motion passed 6-0.

O. Adjournment: Lewis moved to adjourn the meeting. Matta seconded the motion. The motion passed 6-0. The May 16, 2011 Law Board Meeting adjourned at 2:03 p.m.