

**RILEY COUNTY LAW ENFORCEMENT AGENCY
LAW BOARD MEETING
City Commission Meeting Room
1101 Poyntz Avenue
Manhattan, KS
November 19, 2012 12:00 p.m.
Minutes**

Members Present: Loren Pepperd John Matta
Richard Jankovich Dave Lewis
Wynn Butler Barry Wilkerson

Absent: Karen McCulloh

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

I. Establish Quorum: By Vice Chair Pepperd at 12:00 p.m.

II. Pledge of Allegiance: Led by Director Schoen

III. Consent Agenda:

- A. Approve October 15, 2012 Law Board Meeting Minutes
- B. Approve 2012 Expenditures
 - a) 2012 Budget Expenditures
 - b) Juvenile Transports
 - c) Seizure Expenditures
- C. County Inmate Medical, Facilities, Maintenance & Repairs Expenditures- (*Review*)
- D. Riley County Jail Average Daily Inmate Population- (*Review*)
- E. 3rd Quarter Reports- (*Review*)
 - a. 82.1.4 Crime Statistics
 - b. 61.1.1 Traffic Accident & Enforcement Analysis
 - c. 84.1.8 Seizure & Forfeiture Report

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

IV. General Agenda:

F. Additions or Deletions: None

G. Public Comment:

Brian Swearingen, Acting President of the Fraternal Order of Police, Lodge #17: Brian Swearingen informed the Board that the Fraternal Order of Police (FOP) Lodge #17 finished a preliminary survey of sworn employees at the Riley County Police Department regarding the prospect of 12 hour shifts. Eighty-four officers from the rank of lieutenant to officer were polled. Of

those polled, 49 were in opposition of a 12 hour shift schedule, 20 were in favor and 15 were indifferent. Swearingen provided the Board with a memo from the FOP detailing the survey that was conducted.

Lewis wished to thank Director Schoen, Attorney Michael Gillespie and County Commissioner Karen McCulloh for attending the Kansas Association of Counties Annual Conference on November 13, 2012 and providing their expertise on the topic of consolidated law enforcement.

H. National Certification Recognition: Director Schoen recognized Detective Dustin Weiszbrod and Crime Scene Investigator Alan Riniker for successfully completing the National Certification Course for Emergency Responses to Hazardous Material Incidents sponsored by the Federal Emergency Management Agency (FEMA). Schoen explained that most officers can work crime scenes, but are not trained or certified to work in hazardous material incidents. This certification allows the officers to handle both. Detective Weiszbrod and Alan Riniker are currently the only law enforcement personnel in Kansas to obtain this certification.

I. Nighttime Seatbelt Enforcement Program Grant: Captain Hegarty explained that the Nighttime Seatbelt Enforcement Program Grant offered by the Kansas Department of Transportation (KDOT) funds overtime expenses for officers to enforce seatbelt laws with the goal of improving traffic safety. There are no matching fund requirements. The grant amount is \$6,831.54. He requested approval from the Law Board to submit the grant application.

Butler indicated that although the grant funds overtime for the officers, there are other inherent costs associated with the special enforcement (e.g., fuel for patrol vehicles).

Hegarty responded that the fuel costs associated with the special enforcement would be minimal as the vehicles would remain fairly stationary. The increase in public awareness and safety would, in his opinion, offset the cost of fuel and other consumables.

Butler stated that the seatbelt law has been in effect for quite some time and the public knows it is the law. He wished to know if the Department has seen an increase in motor vehicle accidents in which vehicle occupants were not wearing a seatbelt. He also asked if there are statistics available that show there is something to gain from conducting the special enforcement.

Hegarty responded that the grant is a pass-through from the federal government to KDOT whose push is traffic safety. Wearing a seatbelt is one of the most important things a driver can do to decrease the likelihood of being injured in a motor vehicle accident. That is likely the reasoning behind the grant. The Riley County Police Department views the grant as money made available from the state to be used to increase public awareness and seatbelt usage. The Department does not have anything in the way of statistics to provide to the Board.

Butler expressed his concern with the motoring public possibly viewing the special enforcement as harassment. Further, he does not believe that it will enhance public safety. In fact, given the positioning of the officers conducting the enforcement it may have the opposite effect. He does not see the gain in participating in this particular project.

Matta concurred with Butler.

Jankovich moved to approve the 2013 Nighttime Seatbelt Enforcement Program Grant application. Lewis seconded the motion. A roll call vote was taken and the results are as follows:

Wilkerson	No	Butler	No
Pepperd	Yes	Matta	No
Lewis	Yes	Jankovich	No

The motion failed 2-4.

J. 2012 CALEA On-Site Update: Director Schoen announced that a team of assessors from the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA) will arrive Monday, December 3rd, 2012 to examine all aspects of the Riley County Police Department's policies and procedures, management, operations, and support services.

As part of the on-site assessment, Department employees and members of the community are invited to offer comments at a public information session scheduled for Wednesday, December 5, 2012 at 6:30 p.m. in the City Commission Meeting Room, 1101 Poyntz Avenue, Manhattan, KS. If for any reason an individual cannot speak at the public information session, but would still like to provide comments to the assessment team, they may do so by telephone. The public may call (785) 565-4183 on Tuesday, December 4, 2012 between the hours of 2:00 p.m. and 4:00 p.m.

Persons wishing to offer written comments about the Riley County Police Department's ability to meet the standards for accreditation may send their comments to the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA), 13575 Heathcote Boulevard, Gainesville, VA 20155 or www.calea.org.

K. Health Insurance Update: The Riley County Police Department is in the process of reviewing employee health insurance renewal options from a number of sources including the Department's current provider Preferred Health Systems. Director Schoen explained that that the Department budgeted for a 10% increase in health insurance for 2013. Administration has met with a number of insurance providers and explored plans from various vendors to include the State Health Insurance Plan and City's self-insurance plan. The Department has also looked at a self-insurance plan separate from the City.

Schoen said that in short, there are a number of possibilities available to the Department. The best case scenario is that the Department will contract with one of the vendors to obtain slightly better coverage for employees at a lower price than what is currently being paid. At this time, Administration is waiting to hear from the State to determine whether their plan is available to the Department or if statute will need to be rewritten to allow RCPD to join. That information will not be available until after their Committee meets on December 10, 2012. Schoen added that the time frame in which to get health insurance information before the Law Board was largely driven by when the Department could obtain quotes from the current insurance provider. In this case, Preferred Health Systems did not have that information available until November.

Schoen stated that in reviewing the action taken by the Law Board the last time the Department changed health insurance providers there was some debate as to whether a vote needed to be taken to approve the Department's health insurance plan, or whether the decision fell within the purview of the Director. The Board at that time felt comfortable allowing the Director to determine the best option for the employees and Department as long as it remained within the budget. Schoen noted

that he offered the information to the Board not in an attempt to sway their decision, but rather to offer some historical background on the matter. He deferred to the Board regarding how they would like to proceed.

Butler stated that he was under the impression the Department was going to take a hard look at potential savings by joining the City's self-insurance plan. He finds it strange that RCPD could find cheaper health insurance with better coverage than that of the City's plan.

Schoen stated that Administration previously met with City Staff and Harrington Health regarding the option of joining the City's self-insurance plan. According to Robert Langhofer, Vice President of Sales for Harrington Health, if the Department were to maintain the current level of coverage and bring employees under the same insurer as the City, there would be an increase of approximately \$6.00-\$7.00 per person. That is not an egregious amount since Preferred Health Systems indicated that the Department would see around a 7% increase for 2013. However, if the Department can find options other than joining the City's self-insurance plan that maintain or increase employee benefits at the same or lower cost, in terms of fiscal responsibility to the taxpayer, that would appear to be the way to go. Schoen said he understood the charge from the Board to be that the Department examine not just joining the City's self-insurance plan, but to look at all options available in order to be responsible with the taxpayers' dollars. That is why the Department took a broader approach in reviewing employee health insurance options.

Lauren Palmer, Assistant City Manager concurred with Director Schoen. The City and RCPD have discussed whether there would be a mutual benefit of reducing costs for RCPD while maintaining or growing the level of benefits to their employees, which ultimately results in a savings to the City and County. It was determined that at this time, the City could not offer the same product they are offering to City employees at the same cost to RCPD largely due to claims history. Palmer said that over the last 2-3 years RCPD has had a couple of high level claims that are driving a higher cost for them.

The other issue that Director Schoen mentioned briefly are logistical and coordination issues. The City is self-insured. Should RCPD join the City's health insurance plan would they be required to buy in at some lump sum amount to grow the City's health insurance fund to protect the City by bringing in several hundred more employees? That is something that would need to be discussed and negotiated. Additionally, there are logistics around how decisions will be made. The City has an Employee Committee and City Administration who ultimately construct the plan and make decisions about alterations in benefits and employee health premiums. The Riley County Police Department is an independent agency, and their administration and the Law Board will want some input and control in decisions that are made.

Palmer stated that there is a major body of work that would need to be done before the two entities could consolidate health insurance. The City and RCPD remain open minded about the possibility, but at this point for 2013 it does not look like there is an advantage to be gained that would justify the additional work. If RCPD has other alternatives that get them the savings they desire and level of employee benefits, from the City Administration perspective they would be supportive of that. Ultimately if RCPD is able to reduce their costs by going another direction that is the City's interest as well and they would support that.

The Board was divided as to whether a vote needed to be taken to approve the Department's health insurance plan, or whether the decision fell within the purview of the Director. After considerable

discussion among the Board the decision was made to schedule a Special Law Board Meeting the week following the Thanksgiving holiday. The purpose of the meeting will be to continue discussion of the Department's health insurance options. Director Schoen was asked to provide more information to the Board regarding the options available. Schoen offered to bring back to the Board a decision making tree to clarify how the Department would prioritize the available options.

L. Executive Session: At 1:05 p.m. Wilkerson moved to go in to executive session for the purpose of discussing attorney client privilege and non-elected personnel matters not to exceed 15 minutes. Lewis seconded the motion. The motion passed 6-0.

At 1:20 p.m. the open meeting reconvened.

M. Affirmation or Revocation of Discipline: Wilkerson moved to affirm the Director's disciplinary actions. Butler seconded the motion. The motion passed 6-0.

Lewis extended an invitation to members of the Law Board and RCPD to attend the renaming ceremony of the Law Enforcement Center in honor of Alvan D. Johnson. The ceremony will be held Friday, December 7, 2012 at 2:00 p.m. at 1001 S. Seth Child Road, Manhattan, KS.

N. Adjournment: Wilkerson moved to adjourn the meeting. Lewis seconded the motion. The motion passed 6-0. The November 19, 2012 Law Board Meeting adjourned at 1:22 p.m.