

**RILEY COUNTY LAW ENFORCEMENT AGENCY
LAW BOARD MEETING
City Commission Meeting Room
1101 Poyntz Avenue
Manhattan, KS
October 15, 2012 12:00 p.m.
Minutes**

Members Present: Karen McCulloh Loren Pepperd
John Matta Richard Jankovich
Wynn Butler Barry Wilkerson (arrived at 12:12 p.m.)

Absent: Dave Lewis

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

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

II. Pledge of Allegiance: Led by Director Schoen

III. Consent Agenda:

- A. Approve September 17, 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*)

Jankovich moved to approve the consent agenda as presented. Pepperd seconded the motion. The motion passed 5-0.

IV. General Agenda:

E. Additions or Deletions: At the request of Commissioner Matta, enforcement of the soliciting ordinance was added to the general agenda following public comment.

F. Public Comment:

Calvin Sanders, Treasurer of the Fraternal Order of Police, Lodge #17: Calvin Sanders said that it has come to the attention of the Fraternal Order of Police (FOP) Lodge #17 that the Department is exploring 12 hour shift schedules for sworn officers. Supervisors have discussed the matter with officers on their shift. However, it is unclear to those officers how much of their feedback is actually being considered. A number of officers feel that switching to such a schedule would have an overwhelming impact not only on the officers and their families, but the community.

The FOP is presently conducting preliminary research and surveying lodge members regarding the matter. The FOP intends to provide a statement of their position to the Law Board and the Department at a future Law Board Meeting. The lodge would simply like to keep members of the Law Board and Department updated on the issue and how officers feel it will impact them. They welcome and encourage continued discussion on the topic among the Department, Law Board, FOP Lodge #17 and the community.

Schoen explained that the Department is in the very preliminary stages of discussion at this time. Various options are being considered and they are not limited to 12 hour shifts. Schoen previously met with the FOP Executive Board and patrol supervisors at which time they were invited to provide creative solutions to address current scheduling issues. They were invited to provide proposals ranging from 8, 10 and 12 hour shift schedules, or a combination thereof. Schoen said it would be his preference to receive a single, mutually agreed upon recommendation as opposed to numerous individual recommendations.

Schoen said that in keeping with the commitment made to the FOP at the time the Law Board elected to opt out from under the provisions of the Public Employer-Employee Relations Act, the Department moved items from FOP contract into policy. Items from FOP contract that were inserted into policy cannot be changed without the approval of the Law Board. Therefore, should the Department recommend any change to the shift schedule it would need to go before the Law Board for approval.

Jankovich inquired about RCPD engagement with Aggieville proprietors as they lead up to Fake Patty's Day.

Schoen responded that he and Lieutenant Mark French continue to reach out to the Aggieville Business Association (ABA) President to get the ball rolling, but they have not heard back. There is a commitment on the part of RCPD to get something organized again. Director Schoen and several members of RCPD staff are committed to attending the meetings once they are scheduled. They are simply waiting to find out what time works best for the ABA.

Pepperd asked Assistant City Manager Lauren Palmer if she has met with the ABA concerning Fake Patty's Day.

Palmer responded that she has not met with the ABA concerning Fake Patty's Day. The last time they met, the ball was left in the court of the ABA. The City informed the ABA on numerous occasions that if there was interest to do something outside the scope of current city ordinances they would need to bring their recommendation to the City and the City would do their best to work with them to try to facilitate the request. If the request were to require an ordinance change, she would first need to review the request then bring it back to the City Commission for consideration. To date there have been no proposals brought forward to the City to do anything different that is outside the scope of what is currently allowed through the ordinances by special event permit.

Pepperd wished to know when the next ABA Meeting will be held.

Schoen said that the next meeting should be in November. The ABA meets on a monthly basis and the patrol lieutenant assigned to the Aggieville area has been tasked with attending those meetings. Schoen recalled that the Aggieville Safety Committee disbanded because there was a perception

among some of the business owners that the Committee did not speak for them. At that time, the ball was left in the ABA's court to figure out what they want to do. He has been in contact with the ABA President to try to get the meetings arranged, but that has not come to fruition yet.

Palmer concurred with Director Schoen's comments.

G. No Soliciting Enforcement: Matta wished to know the Department's policy and procedure regarding enforcement of the soliciting ordinance. He was recently contacted by an apartment complex manager regarding the matter. Matta explained that there appears to be some confusion concerning what the property owner must do in order for law enforcement action to be taken. It is his understanding that there is no particular sign that a property owner has to obtain from the City, but rather any sign will do as long as it is clearly posted.

Doehling said that there is a Manhattan City Ordinance that deals specifically with canvassers, peddlers and solicitors. The ordinance states that it is unlawful for any person to solicit within the city without having first obtained a license. It is also unlawful for the solicitor to enter private property that is has a "No Solicitations" sign posted.

The Riley County Police Department frequently receives calls in which a solicitor has violated city ordinance. In those instances an officer responds to the area and attempts to locate the solicitor, which does not always prove successful. Once located, if it is determined that the individual does not have a license, he/she will likely be arrested. Those with a license who enter the private premises where a "No Solicitations" sign is clearly posted will be told by the officer to leave. The officer would then take note of the name of the individual and assuming they do not return the problem would be solved. If the individual were to return he/she would be arrested for criminal trespass.

Matta and McCulloh were in agreement that the subject should be addressed on the RCPD website on the frequently asked questions page.

Schoen explained that the RCPD website will be undergoing quite a few changes in the near future at which time the information can be incorporated on the FAQ page.

H. Executive Session: It was determined that an executive session was not needed.

I. Adjournment: Jankovich moved to adjourn the meeting. Wilkerson seconded the motion. The motion passed 6-0. The October 15, 2012 Law Board Meeting adjourned at 12:19 p.m.