

**RILEY COUNTY LAW ENFORCEMENT AGENCY  
SPECIAL LAW BOARD MEETING  
County Commission Chambers  
115 N. 4<sup>th</sup> Street  
May 29, 2020 12:00 p.m.  
Minutes**

**Members Present:** Craig Beardsley          Wynn Butler  
Linda Morse                                  Marvin Rodriguez  
Robert Ward                                 Barry Wilkerson

**Absent:** BeEtta Stoney

**Staff Present:** Director Dennis Butler                                  Assistant Director Kurt Moldrup  
Captain Rich Fink    Captain Erin Freidline  
Captain Tim Hegarty    Captain Josh Kyle  
Captain Derek Woods

**Recorder:** Nichole Glessner

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

**I. Pledge of Allegiance:** Chairman Rodriguez led the Riley County Law Enforcement Agency (Law Board) in the Pledge of Allegiance.

**III. General Agenda:**

**A. Public Comment:** Joe Knopp, Resident, Manhattan, openly objected to increases in spending as they relate to the Riley County Police Department (RCPD) budget. In 2016, Mr. Knopp approached the Board to oppose the spending of \$400,000 for courthouse security at both at the District and Municipal Courts. He stated his belief that the money spent over the last four years was not needed. Instead of focusing on how much the budget will need to be incrementally decreased to reach a zero budget, he asked the Board to look at department programs to determine if they are really necessary. He said that COVID-19 is a larger risk to the health and safety of the public and economy than having officers sit in a courthouse waiting for people to come through the doors.

Mr. Knopp commented on the number of RCPD training facilities that appear to be in the works. He explained that the RCPD contracted with Genesis Health Clubs for the use of a training facility. The department is seeking another training facility to be located in the parking garage of a high-retail, high-occupancy space in Aggieville. In addition, there will be a third facility at the new firing range. He said that a room is a room and submitted that the department could use the large meeting rooms in any of the three new recreation centers in Manhattan.

Mr. Knopp provided the Board with an analysis of Riley County Law Board spending from 2016-2020. He noted that over the last four years, the RCPD budget has increased approximately 12.3%. Meanwhile, the population in Riley County has only increased 3.6%. Cost of living increased 5.7%. He

suggested that the demographic more likely to create crime are those 19-25 years of age. During the reported time period, student enrollment at Kansas State University decreased 10% and is anticipated to continue to decline.

Mr. Knopp agreed that the community wants a well-trained, great law enforcement agency. He does not know what matrix should be used to compare the RCPD to other law enforcement agencies; however, it should not be a race to see who can outspend. He asked if the community had adequate and proper law enforcement in 2016, why are the taxpayers we spending 12% more for it this year when the cost of living, population and other factors haven't gone up that much.

The Board thanked Mr. Knopp for his comments.

**B. Fraternal Order of Police Lodge #17 Comments:** Brian Johnson, President, Fraternal Order of Police (FOP) Lodge #17, thanked the Board for the opportunity to share not only the viewpoint of the FOP, but also that of the members of the RCPD. Johnson assured the Board that everyone at the RCPD recognizes and understands that these are difficult times in the community.

Johnson explained that the RCPD is funded solely through property taxes. He noted that the delinquency rate for property taxes was estimated to be roughly 7%; however, it was already predicted to be at a 5% loss before the pandemic occurred. Also, the county valuations actually increased by 1%. Although the property taxes were going to be down 2% from what was expected, the difference wasn't as great as might be feared.

In regards to the RCPD budget, Johnson said the department initially asked for a 4% increase, but after the pandemic hit, the Law Board asked for a 0% increase. He pointed out the Director, who the Law Board entrusted to run the department, did in fact return with a 0% increase. The Director carefully examined the budget and made cuts that would allow the department to still offer compensation to the employees. Johnson said maintaining compensation for the department's employees was critical to keeping and attracting quality employees.

Johnson discussed the quality work that all members of the department do on a regular basis. This included the horrendous crimes that are investigated and the criminals housed in the jail prior to prosecution. Johnson said he believed the Law Board recognized that the RCPD is the best agency in the area and that it is due to the quality of people. He said this quality comes from the RCPD's ability to utilize fair and impartial policing initiatives and its ability to attract quality people and train them accordingly. He said this works because the department members buy-in to these initiatives. However, the department risks losing that buy-in, especially if the compensation that employees were told would be there when they accepted the job is taken away.

Johnson noted the massive increase in unemployment due to the pandemic, but pointed out that RCPD had not seen an increase in applications. He said this demonstrates how hard it is to attract quality people to such a difficult job as police officer or corrections officer. He said things would only get worse if people know they may not be supported financially. Johnson asked the Law Board to not make their decision based on the optics they feel may exist, but to consider the optics of sacrificing the financial stability of first responders during a pandemic crisis. He said if the budget remained flat, as

was presented, then the Law Board should feel comfortable that the financially responsible thing was done.

In closing, Johnson pointed out that only a third of department members would receive a merit raise in RCPD Budget Draft 3a. He said it is inaccurate to say these members would get a raise; rather, they received what the salary schedule told them they would get when they applied for the job and were hired. Budget Draft 3a had a reduced Cost of Living Allowance (COLA) that added a very small expense to each citizen of Riley County. Johnson again recognized the decision was complex and asked the Law Board to represent the RCPD and its efforts to support the community.

**C. Board Member Comments:** Morse commented that it is a stressful time for everyone locally and across the country. There is a need to be conscious of that and work with one another as a community. There are some people who feel that no one can infringe on their rights. There are others in the community who want to look after the greater good. There are businesses that want to set ground rules as people enter their establishment that other people are reacting to. She encouraged everyone to be kind to one another, wear a mask, and continue to practice social distancing during these stressful times.

**D. RCPD Financials/County Report:** Following the May 18, 2020 Law Board Meeting, Member Morse requested information from Director Butler that illustrated previous year expenditures by the County for needs at the RCPD that are not part of the 80/20 budget split. The document, provided by Tami Robison, Budget Finance Officer, Riley County, was included in the Law Board Packet for Board review.

Morse thanked Director Butler and Chairman Rodriguez for including the information in the packet.

**E. 2021 Budget Discussion:** Prior to offering opening remarks regarding the 2021 budget discussion, Director Butler provided a statement that will be released as an open letter to Riley County in response to the death of George Floyd in Minneapolis, Minnesota.

Director Butler stated that he does not claim to know how everyone in Riley County feels after watching the horrific video of George Floyd in the last months of his life, but he had the same gut reaction as when Walter Scott was murdered by a police officer in South Carolina and when Ahmed Aubrey was murdered in Georgia by vigilantes and then law enforcement and prosecutors were slow to do their jobs. He said that there are more examples he could cite, but he wanted to share the reaction that he had.

Director Butler assured those listening that the RCPD does not teach the arrest tactic shown in Minneapolis nor is it tolerated. The Riley County Police Department has a very extensive review process for every use of force and response to resistance. In addition, officers inform individuals when use of force is going to be used.

Director Butler said that he does not believe it is reasonable for people, especially minority citizens, to wonder if an incident like this could happen in Riley County or if they should trust members of the RCPD to not abuse their authority in a similar fashion. He said it is easy for him to say that the public should trust the RCPD, but what matters most is what the department does every day in their service to

the community. He asked that the public trust that members of the RCPD work hard every day to earn and maintain the confidence of the community; however, employees know that it can evaporate in an instance. Those at the RCPD know that, and never want what has happened in other places to happen locally. The department tries to prevent that by the kind of people that are hired, how they are trained, and the expectations of how they are to treat people, including each other.

“If we treat our officers well, they are more likely to do the same in their service to others,” Director Butler said. He went on to state that when he applied for the position of Director of the Riley County Police Department, he told the employees that they will make mistakes and they will get through them. However, he cannot and he will not tolerate willful or malicious mistreatment of citizens, arrestees, inmates, or each other. Again, these are only words. He asked that members of the community judge the RCPD by what they do and know that they understand the pain many have experienced from watching the people who are sworn to protect them do the opposite.

Chairman Rodriguez thanked Director Butler for his comments.

Morse also thanked Director Butler for providing the statement and said that she appreciates his position and leadership.

Director Butler provided members of the Law Board with a brief overview of the 2021 budget options being presented for consideration. He explained that Budget Draft 3a was approved by the Law Board at the May 18, 2020 regularly scheduled meeting that mistakenly did not have the 2018 \$91,000 in carryover funds subtracted from the 2020 approved budget. His intent with that option was to not increase the tax obligation to taxpayers. Although, the Board approved it on May 18, 2020, he does not recommend this option for final approval because it does not meet the flat budget criteria that the Board had laid out.

Director Butler explained that 2021 Budget Draft 4a corrects the above-mentioned mistake. There is no COLA for employees, but preserves merit or step increases for eligible employees. This option meets the flat budget criteria in terms of no increase in the tax obligation. He stated that it would be his recommendation that the Board formally adopt this option for 2021.

The final option, 2021 Budget Draft 5a, does not fund a COLA nor merit increases for eligible employees. Director Butler stated that this option was prepared in response to new criteria expressed by some Board members at the May 18, 2020 Law Board Meeting regarding their intent of what a flat budget meant to them, which was no COLA nor merits for RCPD employees.

Director Butler said that at the last meeting, there were questions regarding the discussion of why carryover (which are unexpended budget funds) was discussed so early in this year’s budget process. He reiterated that carryover is nothing new. It has always worked in establishing the mil levy to fund the RCPD annual budget.

Director Butler commented that staff used all of the legitimate financial tools available to them to craft the 2021 budget options. He believes staff were innovative, imaginative and thoughtful as they built the budget options. The financial tools were available this year due to proper planning, effective management and responsive employees who made good choices regarding their healthcare when

provided an additional option and the opportunity to take advantage of it. For two years, the department has not been hit with a healthcare plan increase. He said that he has read news reports about other organizations whose healthcare premiums have escalated. He understands this will eventually impact the RCPD as well. He is not as optimistic it will be flat for a third year in a row, but it is not by accident that it has been flat. Therefore, it is not his intent to count on the self-insured health insurance or Worker's Compensation funds again during the 2022 budget proposal.

Director Butler said that successful training and retraining the caliber of employees needed for this profession (e.g., police officer, corrections officer, dispatcher) has become more challenging over the years. After the individual is hired, trained and certified, they are valuable and highly sought-after commodities. The Riley County Police Department has a good reputation around the state of hiring and training good officers. Recent events during the past couple of months illustrate how important it is to get the hiring decision right and when it is not done right, the department moves to separate the individuals from these professions. He urged the Law Board to support the minority of the RCPD workforce who would be eligible for merit increases during 2021.

Members of the Law Board were provided copies of the 2021 RCPD Budget Presentation as part of their packets. Captain Kyle called to the Board's attention a typo on page twenty of the packet and provided those in attendance with a corrected document. He noted that the tax obligation for 2021 should be \$22,101,740 rather than \$22,201,740.

Captain Kyle reminded the Board that no later than June 5, 2020 the department must publish the proposed 2021 budget of expenditures in the Manhattan Mercury. At the June 15, 2020 Law Board Meeting, the Board will need to conduct a public hearing on the 2021 budget of expenditures and formally adopt the budget. He recalled that at the May 18, 2020 Law Board Meeting, the Board voted to approve 2021 Budget Draft 3a. He said that should the Board approve a different option at this meeting, that would become the published budget.

Captain Kyle presented examples from previous RCPD budgets and described in detail how the carryover of unexpended year-end funds has always reduced the tax funding (mil levy) after the Law Board approval process. He explained that when carryover is low and stable, generally speaking the experience to the taxpayers is the same as the approved budget.

Captain Kyle said when talking about a desire for a flat budget it is important to understand what the target is. The question was posed as to whether the target is a flat approved budget, flat tax obligation to the taxpayers, or something else such as merits and COLA for a sense of fairness or some other economic or political reasons.

Three budget options were presented to the Board for consideration. The chart below provides an overview of each option.

	Option 3a		Option 4a		Option 5a	
2020 Approved \$22,193,453	Voted		No COLA		No COLA/No Merits	
<b>-470K</b>	-470,000	-2.12%	-470,000	-2.12%	-470,000	-2.12%
<b>COLA</b>	\$99,164	0.45%	\$0	0.00%	\$0	0.00%
<b>Merits and Longevity</b>	\$122,715	0.55%	\$122,715	0.55%	\$0	0.00%
<b>Health Fund (Add'l)</b>	\$0	0.00%	\$0	0.00%	-12,850	-0.05%
<b>2021 Approved</b>	\$22,428,179	1.06%	\$22,329,018	0.61%	\$22,193,453	0.00%
<b>Tax Obligation Change</b>	\$91,713	0.41%	-\$7,460	-0.03%	-\$143,012	-0.65%
<b>Appropriated Budget</b>	\$22,193,453	0.00%	\$22,094,280	-0.45%	\$21,958,728	-1.06%

Captain Kyle said it is important to note that when removing merits from consideration it affects the most junior members of the department. The more senior members of the department are “topped out” on the salary chart and therefore, not eligible to receive merits. Elimination of merits and longevity pay for junior employees equates to \$122,715 or .55% of the 2020 approved budget. Captain Kyle added that if merits were eliminated from consideration, the Board would need to determine whether or not they are simply frozen for the year, or they will be reestablished once things look a little better economically.

Beardsley expressed his preference for 2021 Budget Draft 5a. He stated that he does have some concerns with how this will impact the more junior employees of the RCPD. However, the Board has to consider the potential downward trend in property taxes in the upcoming years. Governmental entities are going to suffer through reduced taxes from sales taxes. In his opinion, merits for 2021 would be frozen and not made up in future years. He said that he understands that this is an unpopular decision, but it is what the times require be done for the taxpayers of Riley County.

Wynn Butler agreed with the comments made by Beardsley. He thanked Captain Kyle for the excellent presentation. He said that when considering the budget, it boils down to two things: tax obligation and translation to the mil levy. The mil levy for both the City and County are heavily influenced by the RCPD budget. In addition, there is a desire for consistency in COLA for the RCPD, City and County employees. He was also in favor of 2021 Budget Draft 5a and freezing COLA, merits and longevity pay for employees during said year. He said that the Board has to go with the lowest possible budget otherwise an unrealistic burden is put upon City and County management, and the taxpayers.

Chairman Rodriguez agreed with previous Board member comments. He expressed a desire for consistency between the RCPD, City and County.

Ward voiced his preference for 2021 Budget Draft 4a. He said speaking from experience it is important to preserve merits and longevity pay. Further, it is important to show loyalty somewhat to first responders and the police department.

Morse said that the RCPD and Law Board are unique. Once the RCPD budget is set, the City and County are obligated to pay a certain dollar amount no matter what happens in the economy. In her opinion, 2021 Budget Draft 5a is the truly flat budget. She added that commissioners are going to have to call upon each of their organizations to be as creative as possible during this and future budget years. She said that the City of Manhattan Parks and Recreation programs have been suspended and the pool has been closed for the summer. The City has taken drastic measures to bring their budget down.

Morse said that she is supportive of the RCPD and the proactive work they do. The department jumps on problems to keep them from becoming larger issues in the community. That kind of proactive approach is absolutely necessary. However, she does not see making up the 2021 COLA and merits in future years.

Wynn Butler moved to approve RCPD 2021 Budget Draft 5a for publication. Beardsley seconded the motion. A roll call vote was taken and the results are as follows:

Butler	Yes	Morse	Yes
Beardsley	Yes	Wilkerson	Yes
Rodriguez	Yes	Ward	No

The motion passed 5-1.

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

**G. Adjournment:** Ward moved to adjourn the meeting. Beardsley seconded the motion. Chairman Rodriguez polled the Board and the motion passed Beardsley, Butler, Morse, Rodriguez, Ward, and Wilkerson voting in favor, and no one voting against. The motion passed 6-0. The May 29, 2020 Special Law Board Meeting adjourned at 1:25 p.m.