AGENDA
CITY OF ROELAND PARK, KANSAS
CITY COUNCIL MEETING
ROELAND PARK
Roeland Park City Hall 4600 W 51st Street, Roeland Park, KS 66205
December 7, 2020 6:00 PM

- Mike Kelly, Mayor
- Trisha Brauer, Council Member
- Benjamin Dickens, Council Member
- Jan Faidley, Council Member
- Jennifer Hill, Council Member
- Jim Kelly, Council Member
- Tom Madigan, Council Member
- Claudia McCormack, Council Member
- Michael Rebne, Council Member
- Keith Moody, City Administrator
- Jennifer Jones-Lacy, Asst. Admin.
- Kelley Nielsen, City Clerk
- John Morris, Police Chief
- Donnie Scharff, Public Works Director

Admin	Finance	Safety	Public Works
Brauer	McCormack	Rebne	Kelly
Hill	Madigan	Faidley	Dickens

Pledge of Allegiance

A. Instructions on Logging into Meeting Remotely

Roll Call

Modification of Agenda

I. Citizens Comments

Members of the public are welcome to use this time to make comments about City matters that do not appear on the agenda, or about items that will be considered as part of the consent agenda. Comments about items that appear on the agenda will be taken as each item is considered. Citizens Are Requested To Keep Their Comments Under 5 Minutes. If a large number of people wish to speak, this time may be shortened by the Mayor (Chair) so that the number of persons wishing to speak may be accommodated within the time available. Please turn all cellular telephones and other noise-making devices off or to "silent mode" before the meeting begins.

II. Consent Agenda

Consent agenda items have been studied by the Governing Body and will be acted on in a single motion. If a Council member requests a separate discussion on an item, it can be removed from the consent agenda and placed on new business for further consideration.

A. Appropriations Ordinance #963

B. Council Minutes November 16, 2020

III. **Business From the Floor**

A. **Applications / Presentations**

IV. **Mayor's Report**

V. **Workshop and Committee Reports**

VI. **Reports of City Liaisons**

A. Ad Hoc Police Policy Review Committee- Report on Chapter 3, 4 (Continued)

VII. **Ordinances and Resolutions:**

VIII. **New Business**

A. Approve 2021 CARS Agreement with Johnson County
B. Approve Task Order for Bidding and Construction Admin Services of 2021 CARS Project
C. Approve Winter Season Street Light Banners
D. Cost Recovery Policy Discussion for Parks and Recreation Fees
E. Agreement with JOCO for COVID Health Order Enforcement
F. Appointments and Reappointments

IX. **Unfinished Business**

X. **Workshop Items:**

XI. **Reports of City Officials:**

A. COVID Report

Welcome to this meeting of the City Council of Roeland Park. Below are the Procedural Rules of Council

The City Council encourages citizen participation in local governance processes. To that end, and in compliance with the Kansas Open meetings Act (KSA 45-215), you are invited to participate in this meeting. The following rules have been established to facilitate the transaction of business during the meeting. Please take a moment to review these rules before the meeting begins.

A. **Audience Decorum.** Members of the audience shall not engage in disorderly or boisterous conduct, including but not limited to; the utterance of loud, obnoxious, threatening, or abusive language; clapping; cheering; whistling; stomping; or any other acts that disrupt, impede, or otherwise render the orderly conduct of the City Council meeting unfeasible. Any member(s) of the audience engaging in such conduct shall, at the discretion of the Mayor (Chair) or a majority of the Council Members, be declared out of order and shall be subject to reprimand and/or removal

from that meeting. Please turn all cellular telephones and other noise-making devices off or to "silent mode" before the meeting begins.

B. **Public Comment Request to Speak Form.** The request form's purpose is to have a record for the City Clerk. Members of the public may address the City Council during Public Comments and/or before consideration of any agenda item; however, no person shall address the Council without first being recognized by the Mayor (Chair). Any person wishing to speak, whether during Public Comments or on an agenda item, shall first complete a Public Comment or Request to Speak form and submit this form to the City Clerk before the Mayor (Chair) calls for Public Comments or calls the particular agenda item

1. **Public Comment on Non-Agenda Items.** The Agenda shall provide for public comment about matters that are within the jurisdiction of the City but are not specifically listed on the Agenda. A member of the public who wishes to speak under Public Comments must fill out a Public Comment Request to Speak form and submit it to the City Clerk before the Mayor (Chair) calls for Public Comments.

2. **Public Comment on Agenda Items.** Public comment will be accepted on Agenda items. A member of the public, who wishes to speak on an Agenda item, including items on the Consent Agenda, must fill out a Request to Speak form and submit it to the City Clerk before the Mayor (Chair) calls the Agenda item.

C. **Purpose.** The purpose of addressing the City Council is to communicate formally with the Council regarding matters that relate to Council business or citizen concerns within the subject matter jurisdiction of the City Council. Persons addressing the City Council on an agenda item shall confine their remarks to the matter under consideration by the Council.

D. **Speaker Decorum.** Each person addressing the City Council, shall do so in an orderly, respectful, dignified manner and shall not engage in conduct or language that disturbs, or otherwise impedes the orderly conduct of the Council meeting. Any person, who so disrupts the meeting shall, at the discretion of the Mayor (Chair) or a majority of the Council Members present, be subject to removal from that meeting.

E. **Time Limit.** In the interest of fairness to other persons wishing to speak and to other individuals or groups having business before the City Council, each speaker shall limit comments to five minutes. If a large number of people wish to speak, this time may be shortened by the Mayor (Chair) so that the number of persons wishing to speak may be

accommodated within the time available.

F. **Speak Only Once.** Second opportunities for the public to speak on the same issue will not be permitted unless mandated by state or local law. No speaker will be allowed to yield part or all of his/her time to another, and no speaker will be credited with time requested but not used by another.

G. **Addressing the Council.** Comment and testimony are to be directed to the Mayor (Chair). Dialogue between and inquiries from citizens at the lectern and individual Council Members, members of staff, or the seated audience is not permitted. Council Members seeking to clarify testimony or gain additional information should direct their questions through the Mayor (Chair). Always speak from the microphone to ensure that all remarks are accurately and properly recorded. Only one speaker should be at the microphone at a time. Speakers are requested to state their full name, address and group affiliation, if any, before delivering any remarks.

H. Agendas and minutes can be accessed at www.roelandpark.org or by contacting the City Clerk

The City Council welcomes your participation and appreciates your cooperation. If you would like additional information about the City Council or its proceedings, please contact the City Clerk at (913) 722.2600.

Item Number: **Pledge of Allegiance- -A.**
Committee Meeting Date: **12/7/2020**

City of Roeland Park

Action Item Summary

Date:
Submitted By:
Committee/Department:
Title: **Instructions on Logging into Meeting Remotely**
Item Type:

Recommendation:

See instructions to log in below.

Details:

The City Council Meeting will be held remotely. Below are instructions for joining the meeting by phone, online or both.

Roeland Park City Council Meeting and Workshop

Please join my meeting from your computer, tablet or smartphone.
https://www.gotomeet.me/RoelandParkCouncil/roeland-park-city-council-meeting-and-workshop

You can also dial in using your phone.
United States (Toll Free): 1 877 568 4106

Access Code: 719-374-005

New to GoToMeeting? Get the app now and be ready when your first meeting starts:
https://global.gotomeeting.com/install/719374005

Please use these tips while listening in:

1) Please be sure to mute yourself.

2) We recommend logging in a couple minutes early to test the app. The meeting will be recorded.

3) If you're able to, joining the meeting through the online portal is best so you can see the screen and listen in. If you have trouble with audio, you can call in as well as use the web-based meeting app.

4) We will allow public comment at the beginning of the Council Meeting. If you would like to make a public comment, please log or call into the meeting five minutes early so we can get your name and call on you when it's time to make a public comment. If you are logged in online, you can also make your request to speak known using the chat function in the app.

5) Unless called upon or requesting to speak, we ask that audience members abstain from speaking or adding commentary to the chat function so we can maintain an orderly and efficient meeting.

Financial Impact

Amount of Request:	
Budgeted Item?	Budgeted Amount:
Line Item Code/Description:	

Additional Information

How does item relate to Strategic Plan?

How does item benefit Community for all Ages?

Item Number: **Consent Agenda- II.-A.**
Committee Meeting Date: **12/7/2020**

City of Roeland Park

Action Item Summary

Date:
Submitted By:
Committee/Department:
Title: **Appropriations Ordinance #963**
Item Type:

Recommendation:

Details:

Financial Impact

Amount of Request:	
Budgeted Item?	Budgeted Amount:
Line Item Code/Description:	

Additional Information

How does item relate to Strategic Plan?

How does item benefit Community for all Ages?

ATTACHMENTS:

Description	Type
Appropriations Ordinance #963	Cover Memo

The City of Roeland Park, Kansas

4600 West Fifty-First Street
Roeland Park, Kansas 66205
City Hall (913) 722-2600 – Fax (913) 722-3713

Friday, December 4, 2020

Appropriation Ordinance - 12/07/2020 - #963

An Ordinance making Appropriation for the payment of certain claims. Be it ordained by the Governing Body of the City of Roeland Park, Kansas:

Section 1: That in order to pay the claims hereinafter stated which have been properly audited and approved, there is hereby appropriated out of the respective funds in the City Treasury the sum required for each claim.

Section 2: This Ordinance shall take effect and be in force from and after its passage. Passed and approved this 7th day of December, 2020.

Attest:

City Clerk

Mayor

Total Appropriation Ordinance	**$**	**417,799.70**

Appropriation Ordinance - 12/07/2020 - #963

Vendor	Dept	Acct #	Description	Invoice Description	Check /EFT Date	Amount	Chk #	Check Amount
Vendor	**Dept**	**Account**	**Account Description**	**Reference**	**Date**	**Distribution Amount**	**Check #**	**Check Amount**
Adorama, Inc.	360	5315.360	Machinery & Auto Equipment	27500112	11/18/20	738.00	71461	867.95
Adorama, Inc.	360	5315.360	Machinery & Auto Equipment	27502356	11/18/20	129.95		
ADP, LLC	101	5214.101	Other Contracted Services	568530918	12/02/20	252.48	71481	252.48
Advance Auto Parts	106	5260.106	Vehicle Maintenance	5128032222838	12/02/20	8.36	71482	83.27
Advance Auto Parts	106	5260.106	Vehicle Maintenance	5128032823064	12/02/20	9.59		
Advance Auto Parts	115	5302.115	Motor Fuels & Lubricants	5128031822618	12/02/20	41.37		
Advance Auto Parts	115	5302.115	Motor Fuels & Lubricants	5128032823064	12/02/20	6.42		
Advance Auto Parts	106	5306.106	Materials	5128031822618	12/02/20	17.53		
Airgas USA, LLC	106	5318.106	Tools	9975105643	11/18/20	22.36	71462	22.36
All Copy Products, Inc.	102	5214.102	Other Contracted Services	70286523	12/02/20	322.50	71483	645.00
All Copy Products, Inc.	105	5214.105	Other Contracted Services	70286523	12/02/20	322.50		
American Fidelity Assurance Co.	101	2052.101	Supplemental Inusrance Payable	2086541	12/02/20	416.66	71484	416.66
American Fidelity Assurance	101	2052.101	Supplemental Inusrance Payable	D238622	12/02/20	1,061.64	71485	1,061.64
AT&T	101	5202.101	Telephone	3241 11/21/20	12/02/20	24.77	71486	24.77
Batteries Plus Bulbs	101	5301.101	Office Supplies	P33633095	12/02/20	6.00	71487	6.00
Bob Allen Ford, Inc.	102	5210.102	Maintenance & Repair Building	FOCS378173	12/02/20	69.95	71488	69.95
Breeden Holdings, LLC	106	5211.106	Maintenace & Repair Equipment	1060049	11/18/20	302.80	71463	302.80
Breeden Holdings, LLC		5260.102	Vehicle Maintenance	1060489	12/02/20	125.00	71489	195.00
Breeden Holdings, LLC	102	5260.102	Vehicle Maintenance	1060497	12/02/20	35.00		
Breeden Holdings, LLC	102	5260.102	Vehicle Maintenance	1060511	12/02/20	35.00		
Kansas City Board of Public Utiliti	101	5222.101	Traffic Signal Expense	8346 11/24/20	12/02/20	32.48	71490	32.48
C & C Group	101	5307.101	Other Commodities	37026	12/02/20	732.50	71491	15,732.50
C & C Group	101	5307.101	Other Commodities	37368	12/02/20	15,000.00		
Dawn Chamberlain	107	5133.107	Wellness Incentive	10/11/20 Dicks	12/02/20	50.00	71492	50.00
Constellation Newenergy- Gas Div	220	5289.220	Natural Gas	3041726	11/18/20	7.76	71465	7.76
Custom Rods Interiors, LLC	102	5260.102	Vehicle Maintenance	860188	12/02/20	50.00	71493	50.00
Dimensional Innovations Inc.	370	5457.370	CARS 2020 - Roe	U1322	12/02/20	10,500.00	71494	10,500.00
ETC Institute	101	5214.101	Other Contracted Services	28340	12/02/20	868.75	71495	868.75
Evergy	101	5201.101	Electric	11/20/20 Multi	12/02/20	1,475.76	71496	1,967.63
Evergy	106	5201.106	Electric	11/20/20 Multi	12/02/20	491.87		
Farris Wheel Studios, LLC	101	5217.101	Public Art	1124	12/02/20	1,600.00	32606	1,600.00
Galls, LLC	102	5308.102	Clothing & Uniforms	16837716	11/18/20	129.99	71466	129.99
Gather Media and Communication	101	5209.101	Professional Services	84	12/02/20	1,250.00	71498	1,250.00
GBA Architects Engineers	370	5457.370	CARS 2020 - Roe	60193	12/02/20	44,074.10	71499	44,074.10
Goodyear Auto Service	102	5260.102	Vehicle Maintenance	193731	12/02/20	467.48	71500	467.48
Gunter Construction	300	5468.300	2020 Stormwater-57th and Roeland	12/2 Pmnt #2	12/02/20	137,329.38	71501	137,329.38
Hampel Oil, Inc.	106	5302.106	Motor Fuels & Lubricants	91360702	11/18/20	776.99	71467	776.99
Tracy Hansett	115	5271.115	Composte Bin Rebate Program	12/2/20 Ck Req	12/02/20	75.00	71502	75.00
Wade Holtkamp	107	5133.107	Wellness Incentive	11/18/20 Amazon	12/02/20	50.00	71503	50.00

Kansas City First Aid	101	5301.101	Office Supplies	6724	12/02/20	42.95	71504	42.95
Kansas Gas Service	101	5289.101	Natural Gas	11/9/20 Multiple	11/18/20	184.21	71468	504.41
Kansas Gas Service	106	5289.106	Natural Gas	11/9/20 Multiple	11/18/20	252.71		
Kansas Gas Service	220	5289.220	Natural Gas	11/9/20 Multiple	11/18/20	67.49		
Kustom Signals, Inc.	360	5315.360	Machinery & Auto Equipment	578895	11/18/20	463.00	71469	463.00
League of Kansas Municipalities	105	5206.105	Travel Expense & Training	202391	12/02/20	99.00	71505	99.00
The Legal Record	101	5204.101	Legal Printing	L88231	12/02/20	11.17	71506	73.33
The Legal Record	101	5204.101	Legal Printing	L88448	12/02/20	26.13		
The Legal Record	101	5204.101	Legal Printing	L88449	12/02/20	36.03		
Lippert Mechanical Service Corp	106	5210.106	Maintenace & Repair Building	SI2071387	12/02/20	300.00	71507	300.00
Mauer Law Firm PC	101	5215.101	City Attorney	11/24/20	12/02/20	9,120.00	71508	9,120.00
Venessa Maxwell-Lopez	103	5209.103	Professional Services	11/13/20	12/02/20	150.00	71509	150.00
MEI Total Elevator Solutions	101	5210.101	Maintenance & Repair Building	883251	12/02/20	499.50	71510	499.50
Missouri Organic	115	5235.115	Disposal Fees	16521	12/02/20	40.00	71511	2,590.00
Missouri Organic	115	5235.115	Disposal Fees	16567	12/02/20	75.00		
Missouri Organic	115	5235.115	Disposal Fees	16612	12/02/20	75.00		
Missouri Organic	115	5235.115	Disposal Fees	16677	12/02/20	150.00		
Missouri Organic	115	5235.115	Disposal Fees	16721	12/02/20	75.00		
Missouri Organic	115	5235.115	Disposal Fees	16804	12/02/20	300.00		
Missouri Organic	115	5235.115	Disposal Fees	16855	12/02/20	225.00		
Missouri Organic	115	5235.115	Disposal Fees	16949	12/02/20	675.00		
Missouri Organic	115	5235.115	Disposal Fees	17146	12/02/20	600.00		
Missouri Organic	115	5235.115	Disposal Fees	17227	12/02/20	375.00		
Municode	101	5214.101	Other Contracted Services	350058	11/18/20	160.65	71470	160.65
Pitney Bowes Global FInancial Ser	101	5205.101	Postage & Mailing Permits	7903 11/20/20	12/02/20	402.50	71512	402.50
Principal Life Insurance Co.	107	5130.107	City Paid Life/ST Disability	10001 11/16/20	12/02/20	870.90	71513	870.90
T2 Holdings, LLC	102	5214.102	Other Contracted Services	100270970	11/18/20	23.62	71471	47.25
T2 Holdings, LLC	105	5214.105	Other Contracted Services	100270970	11/18/20	23.63		
Wex Bank	104	5302.104	Motor Fuels & Lubricants	68585979	11/16/20	53.25	32600	418.99
Wex Bank	106	5302.106	Motor Fuels & Lubricants	68585979	11/16/20	365.74		
Rejis Commission	102	5214.102	Other Contracted Services	449665	12/02/20	22.50	71514	229.22
Rejis Commission	102	5214.102	Other Contracted Services	449963	12/02/20	206.72		
Riteway Maintenance & Supply, LI	101	5214.101	Other Contracted Services	20927	12/02/20	930.00	71515	930.00
RTA	300	5468.300	2020 Stormwater-57th and Roeland	T20200085121	11/18/20	55.00	32601	55.00
George Schlegel	101	5230.101	Art Commissioner	Recurring Check	12/01/20	100.00	71480	100.00
SFS Architecture	450	5442.450	Building Improvement	13853	12/02/20	12,357.59	71516	12,357.59
Staples	101	5301.101	Office Supplies	8060238484	11/18/20	48.65	71472	304.73
Staples	101	5304.101	Janitorial Supplies	8060238484	11/18/20	256.08		
Staples	101	5301.101	Office Supplies	8060386237	12/02/20	166.68	71517	262.62
Staples	101	5304.101	Janitorial Supplies	8060386237	12/02/20	95.94		
Strasser True Value	300	5470.300	Park Maint/Infrastructure	369736	11/18/20	33.43	71473	33.43
Terminix Processing Center	106	5214.106	Other Contracted Services	402499435	12/02/20	68.00	71518	68.00
US BANK	101	4795.101	Miscellaneous	10/26/20 Jones	11/16/20	305.34	32599	4,170.09
US BANK	510	5203.510	Printing & Advertising	10/26/20 Jones	11/16/20	104.00		

US BANK	102	5206.102	Travel Expense & Training	10/26/20 Morris	11/16/20	72.23		
US BANK	105	5206.105	Travel Expense & Training	10/26/20 Nielson	11/16/20	250.00		
US BANK	105	5206.105	Travel Expense & Training	10/26/20 Nielson	11/16/20	50.00		
US BANK	106	5206.106	Travel Expense & Training	10/26/20 Scharff	11/16/20	10.00		
US BANK	101	5210.101	Maintenance & Repair Building	10/26/20 Mootz	11/16/20	95.94		
US BANK	106	5211.106	Maintenace & Repair Equipment	10/26/20 Vanden	11/16/20	90.86		
US BANK	101	5256.101	Committee Funds	10/26/20 Jones	11/16/20	94.92		
US BANK	101	5256.101	Committee Funds	10/26/20 Vanden	11/16/20	62.96		
US BANK	102	5260.102	Vehicle Maintenance	10/26/20 Morris	11/16/20	66.91		
US BANK	102	5260.102	Vehicle Maintenance	10/26/20 Morris	11/16/20	87.60		
US BANK	102	5260.102	Vehicle Maintenance	10/26/20 Morris	11/16/20	262.80		
US BANK	110	5262.110	Grounds Maintenance	10/26/20 Scharff	11/16/20	180.00		
US BANK	110	5262.110	Grounds Maintenance	10/26/20 Vanden	11/16/20	98.52		
US BANK	101	5283.101	RP Community Foundation Grant Ex	10/26/20 Scharff	11/16/20	365.00		
US BANK	101	5305.101		10/26/20 Jones	11/16/20	531.00		
US BANK	101	5305.101	Dues, Subscriptions, & Books	10/26/20 Jones	11/16/20	35.00		
US BANK	103	5305.103	Dues, Subscriptions, & Books	10/26/20 Jones	11/16/20	210.67		
US BANK	106	5306.106	Materials	10/26/20 Vanden	11/16/20	153.96		
US BANK	290	5307.290	Other Commodities	10/26/20 Mootz	11/16/20	12.25		
US BANK	109	5317.109	Special Law Enforcement Expenses	10/26/20 Morris	11/16/20	472.18		
US BANK	300	5468.300	2020 Stormwater-57th and Roeland	10/26/20 Vanden	11/16/20	557.95		
Chris Verbrugge	107	5133.107	Wellness Incentive	11/18/20 Running	12/02/20	50.00	71519	50.00
Verizon Wireless	102	5202.102	Telephone	9867681226	12/02/20	321.95	71520	441.98
Verizon Wireless	104	5202.104	Telephone	9867681226	12/02/20	80.02		
Verizon Wireless	106	5202.106	Telephone	9867681227	12/02/20	40.01		
Watchmen Security Services, LLC	106	5210.106	Maintenace & Repair Building	51880	12/02/20	25.00	71521	25.00
Water District No 1 of Johnson Co	101	5287.101	Water	11/18/20 Multi	12/02/20	57.85	71522	562.76
Water District No 1 of Johnson Co	106	5287.106	Water	11/18/20 Multi	12/02/20	158.45		
Water District No 1 of Johnson Co	106	5287.106	Water	1229 11/20/20	12/02/20	346.46		
WCA Waste Corporation	115	5235.115	Disposal Fees	990000739205	11/18/20	113.19	71474	448.09
WCA Waste Corporation	115	5235.115	Disposal Fees	990000739806	11/18/20	334.90		
Wholesale Batteries, Inc.	106	5211.106	Maintenace & Repair Equipment	428030	11/18/20	255.40	71475	255.40
Winter Illuminations	101	5237.101	Community Events	114323	12/02/20	4,800.00	71523	4,800.00
The Work Zone, Inc.	106	5259.106	Traffic Control Signs	57624	11/18/20	120.00	71476	120.00
Royal Construction Services LLC	300	5473.300			12/03/20	140,703.55	32604	140,703.55
KPERS	101	2040.101	KPERS Accrued Employee	11/12/20	11/19/20	2,453.19		2,453.19
KPERS	101	2050.101	Insurance Withholding Payable	11/12/20	11/19/20	193.06		193.06
KPERS	107	5123.107	KPERS City Contribution	11/12/20	11/19/20	3,804.10		3,804.10
KP&F	101	2045.101	KP&F Employee Withholding Payab	11/12/20	11/19/20	2,176.83		2,176.83
KP&F	101	2050.101	Insurance Withholding Payable	11/12/20	11/19/20	70.97		70.97
KP&F	107	5131.107	KP&F City Contribution	11/12/20	11/19/20	6,676.67		6,676.67
Miller Management Systems, LLC	101	5214.101	Other Contracted Services	Recurring EFT	11/20/20	1,855.00		1,855.00

417,799.70

Item Number: **Consent Agenda- II.-B.**
Committee Meeting Date: **12/7/2020**

City of Roeland Park

Action Item Summary

Date:
Submitted By:
Committee/Department:
Title: **Council Minutes November 16, 2020**
Item Type:

Recommendation:

Details:

Financial Impact

Amount of Request:	
Budgeted Item?	Budgeted Amount:
Line Item Code/Description:	

Additional Information

How does item relate to Strategic Plan?

How does item benefit Community for all Ages?

ATTACHMENTS:

Description	Type
Council Minutes November 16, 2020	Cover Memo

CITY OF ROELAND PARK, KANSAS
CITY COUNCIL MEETING MINUTES
Roeland Park City Hall
4600 W 51st Street, Roeland Park, KS 66205
Monday, November 16, 2020 6:00 P.M.

- Mike Kelly, Mayor
- Trisha Brauer, Council Member
- Benjamin Dickens, Council Member
- Jan Faidley, Council Member
- Jennifer Hill, Council Member
- Jim Kelly, Council Member
- Tom Madigan, Council Member
- Claudia McCormack, Council Member
- Michael Rebne, Council Member
- Keith Moody, City Administrator
- Jennifer Jones-Lacy, Asst. Admin.
- Kelley Nielsen, City Clerk
- John Morris, Police Chief
- Donnie Scharff, Public Works Director

Admin	**Finance**	**Safety**	**Public Works**
Brauer	McCormack	Rebne	Kelly
Hill	Madigan	Faidley	Dickens

(Roeland Park Council Meeting Called to Order at 6:00 p.m.)

Pledge of Allegiance

Mayor Kelly called the City Council meeting to order and led everyone in the Pledge of Allegiance.

Roll Call

City Clerk Nielsen called the roll. CMBR Kelly was absent. Staff members present were City Administrator Moody, Assistant City Administrator Jones-Lacy, Public Works Director Scharff, Police Chief Morris, City Clerk Nielsen, and City Attorney Steve Mauer.

Modification of Agenda

There were no modifications made to the agenda.

Public Hearing
Public Hearing and Action On 2020 Budget Amendment

Ms. Jones-Lacy said it is a state requirement to hold a public hearing to be able to increase budget authority when needed. The amendment is related to four funds that include closing the Special Highway Fund that will be combined with the Special Street and Highway Fund; the Special Infrastructure Fund that had the combined projects of Phase 1 and 2 for R Park; TIF 2D which is being reimbursed for its portion of the Roe 2020; and TIF 2C to satisfy the debt service requirement.

MOTION: CMBR HILL MOVED AND CMBR REBNE SECONDED TO APPROVE THE 2020 BUDGET AMENDMENT. (MOTION CARRIED 7-0)

I. Citizens Comments

Charles Downing (3535 W. 47th Pl) Mr. Downing spoke as a member of the Safe and Welcoming Roeland Park committee. He thanked the Governing Body and City staff in their work to protect residents during the pandemic. He also spoke in support of the Safe and Welcoming ordinance but noted the amendments

their committee is recommending making it clearer when the City will and will not help government authorities.

Andrea Klingner (3712 W. 52nd Terr) Ms. Klingner also spoke in support of the ordinance but feels the draft falls short of their objective. She asked for an amendment on judicial warrant and exclusions.

Stephanie Iser (5714 Cedar) Ms. Iser also supports a Safe and Welcoming ordinance and asked for clarification on the need for judicial warrants and other changes recommended in the amendment.

Angela Fitzpatrick (5245 Reinhardt) Ms. Fitzpatrick spoke in support of the proposed revisions from the Safe and Welcoming committee and strongly urged the Governing Body to pass the ordinance.

II. Consent Agenda

A. Appropriations Ordinance #962
B. Council Minutes November 2, 2020
C. 2021 Cereal Malt Beverage Renewals

MOTION: CMBR REBNE MOVED AND CMBR MADIGAN SECONDED TO APPROVE THE CONSENT AGENDA AS PRESENTED. (MOTION CARRIED 7-0.)

III. Business from the Floor

A. Applications/Presentations
   1. Arts Advisory Committee - Request for Direction on Art Purchase

Michael Poppa made a request from the Governing Body to approve spending $3,325 for the purchase and installation of "Damsel in Blue" at City Hall on the southwest corner. The project will need a concrete base and electricity to light it up, but it not included in the art purchase price.

CMBR Rebne asked if the electricity would be generated by the solar panels. Mayor Kelly said they get credited for the solar they generate and the source of electricity to the art piece would make an impact on the source of electricity.

CMBR Brauer asked if they had a quote for the concrete base and electricity to the structure. Mr. Poppa said they are working to put that together and the funds would come out of the Arts Committee's budget.

MOTION: CMBR MADIGAN MOVED AND CMBR HILL SECONDED TO APPROVE THE PURCHASE AND PLACEMENT OF "DAMSEL IN BLUE." (MOTION CARRIED 7-0)

IV. Mayor's Report

Mayor Kelly wanted to raise the alarm to the greatest crisis moment for their community during the pandemic and the increase in cases throughout the area. He said they are implementing new emergency safety measures and urged everyone to wear a mask in public, adhere to social distancing guidelines, wash your hands, and not to gather in groups larger than ten. He said we all need to work together for the general interest of health.

V. Workshop and Committee Reports

No report was given.

VI. Reports of City Liaisons

A. MARC - Bike & Pedestrian (Jan Faidley)

CMBR Faidley reported the Vision Zero Summit is continuing online through November 19th. The goal is to reduce traffic-related deaths to zero.

The Bike Ped committee also met virtually on November 12th. The discussion included an on-shoulder bike traffic project on Highway 68 in Miami County. They also discussed the alternatives to crossing the Kansas River as KDOT has determined it is not feasible to add bike/ped lanes to the 18th Street Bridge over the river. They will continue to investigate other options with KDOT for this area.

B. Aquatics Advisory Committee - Minutes Attached

VII. Unfinished Business

There were no ordinances or resolutions presented.

VIII. New Business

A. 2021 IT Service Agreement with Johnson County

CMBR Faidley asked how long the City has been working with DTI and Johnson County on their technology. Ms. Jones-Lacy said their use has ebbed and flowed. As a city, they do rely exclusively on DTI. She said their service has gotten better over the years and their back end support is very good. The City gets their fiber and internet service from the county and there is no fee for using that service. It does save Roeland Park approximately $16,000 per year and they also do not need to pay a designated IT staff person.

CMBR Madigan asked when they switched to the county fiber network. Ms. Jones-Lacy said the switch was around 2015-2016. It was an extension from the Community Center to City Hall. CMBR Madigan asked if calls can be transferred to the Parks & Rec Department. Mr. Nichols said he has an extension and calls can be transferred to him from City Hall.

MOTION: CMBR DICKENS MOVED AND CMBR HILL SECONDED TO APPROVE THE RENEWAL OF THE INFORMATION TECHNOLOGY SERVICE AGREEMENT WITH JOHNSON COUNTY. (MOTION CARRIED 7-0)

IX. Ordinances and Resolutions:

A. Ordinance 1003 - Restricting On-Street Parking Near Buena Vista and Catalina Crosswalk

Mayor Kelly read a question from CMBR Kelly who asked that the ordinance be amended to limit on-street parking south of 54th Terrace. City Administrator Moody said they could prohibit parking on Buena Vista between Shawnee Mission Parkway and 54th. If it is signed no parking that would prevent that.

CMBR Madigan added that the crosswalks need to be painted more brightly around the City.

CMBR Rebne said they also need to reinforce bike/ped safety in the community. He has also received thanks from citizens on the temporary no parking signs noting that is a good measure they have taken.

CMBR Hill saw the middle of the road sign on Buena Vista and she said it is having the calming effect they wanted. She too has received resident thanks for what they have done at the intersection.

MOTION: CMBR REBNE MOVED CMBR DICKENS SECONDED TO APPROVE ORDINANCE 1003 - RESTRICTING ON-STREET PARKING NEAR BUENA VISTA AND CATALINA CROSSWALK. (MOTION 7-0)

B. Resolution 686 - Aquatics Fees

CMBR Hill asked if the pool needs to be shut down after it is opened, would residents get refunds. Tony Nichols, Parks & Rec Superintendent said he would have to come to the Governing Body for a resolution on any issuance of refunds for passes.

CMBR Faidley said she likes the chart on pricing and the trial of a twilight rate. She said the pool is not about making money but is providing an amenity in the community.

MOTION: CMBR MADIGAN MOVED AND CMBR BRAUER SECONDED TO APPROVE RESOLUTION 686 - AQUATICS FEES. (MOTION CARRIED 7-0)

C. Resolution 685 - Adopting Updated Johnson County Multi-Hazard Mitigation Plan

CMBR Rebne asked for an explanation on this plan. Police Chief Morris said it falls under the Emergency Management Plan for the county. It is the standard adopted plan required by the state to say they will cooperate under emergency systems pertaining to hazardous materials.

CMBR Faidley asked if every community is participating. Police Chief Morris responded that all communities in Johnson County participate.

MOTION: CMBR HILL MOVED AND CMBR MCCORMACK SECONDED TO APPROVE RESOLUTION 685 - ADOPTING UPDATED JOHNSON COUNTY MULTI-HAZARD MITIGATION PLAN. (MOTION CARRIED 7-0)

D. Ordinance 1004 – Implementing Sales Tax and Certifying Election Results

Mayor Kelly thanked Roeland Park voters noting an over 70 percent turnout. He thanked them for their trust with the additional resources saying they will work to make sure they are spent wisely and will work to build the best City in Kansas.

CMBR Madigan said this ordinance is for the 27D fund, but the ordinance language does not show where the money is going. He read in the ballot specific end and start dates and that the ordinance changes what the voters wanted.

Mayor Kelly asked City Attorney Mauer for clarification on the start and stop dates. Mr. Mauer said by Kansas statute the Kansas Department of Revenue has the responsibility of how they will implement and collect the tax.

CMBR Faidley asked if the sunset date is mandated by the Kansas Department of Revenue. Mr. Mauer said yes and that they are delaying the implementation and there is a letter in the packet stating how the new tax will be implemented.

CMBR Madigan asked for someone to address where the money would go. Ms. Jones-Lacy said it will go to 27D, the Special Infrastructure Fund.

CMBR Hill said that after passing the sales ballot they cannot end the previous tax until they start the new tax in 90 days. They are not keeping both and it is being pushed back 90 days at the direction of the Kansas Department of Revenue.

MOTION: CMBR HILL MOVED AND CMBR BRAUER SECONDED TO APPROVE ORDINANCE 1004 - SALES TAX AND CERTIFYING ELECTION RESULTS. (MOTION CARRIED 7-0)

X. Workshop Items:

There were no Workshop items presented.

XI. Reports of City Officials:

A. COVID Report

Chris Verbrugge, City Intern, stated safety measures and emergency orders have been extended as we continue to face an unprecedented pandemic. Further information is in the agenda packet.

CMBR Faidley asked if they could get the report before the meeting to review in advance.

B. Public Works Report

Public Works Director Scharff said the leaf program is going well, progressing nicely, and on schedule. The west side of the City is completed.

The 2020 stormwater project is nearly complete. All the pipe is in and they are wrapping up restoration and should be finished next week.

They also did a Roe 2020 walk-through and everything south of 51st is mostly complete.

Mayor Kelly asked for a status update on R Park. Mr. Nichols said it is nearly complete with a few items to be finished at the pavilion.

XII. Adjourn

MOTION: CMBR DICKENS MOVED AND CMBR REBNE SECONDED TO ADJOURN. (MOTION CARRIED 7-0)

(Roeland Park City Council Meeting Adjourned at 7:04 p.m.)

_____ _____

Kelley Nielsen, City Clerk Mike Kelly, Mayor

Item Number: **Reports of City Liaisons- VI.-A.**
Committee Meeting Date: **12/7/2020**

City of Roeland Park

Action Item Summary

Date:	12/1/2020
Submitted By:	Sergeant Cliff Chaffee
Committee/Department:	Ad-Hoc Police Policy Review Committee
Title:	**Ad Hoc Police Policy Review Committee- Report on Chapter 3, 4 (Continued)**
Item Type:	Other

Recommendation:

Details:

Attached are the sections of the Police Policy reviewed and recommended for implementation by the Ad Hoc Police Policy Review Committee at their 12/28/20 meeting.

Lisa Bruner, Chair of the Committee will provide an overview of the key discussions on these policies. This is an opportunity for Council to inquire about the policies.

The Police Department will complete training on the policies prior to them being implemented.

Financial Impact

Amount of Request:	
Budgeted Item?	Budgeted Amount:
Line Item Code/Description:	

Additional Information

How does item relate to Strategic Plan?

How does item benefit Community for all Ages?

ATTACHMENTS:

Description	Type
_309 - Officer Response to Calls	Cover Memo
_311 - Domestic Violence and Stalking	Cover Memo
_312 - Search and Seizure	Cover Memo
_315 - Discriminatory Harassment	Cover Memo
_316 - Missing Persons	Cover Memo
_317 - Public Alerts	Cover Memo
_318 - Victim and Witness Assistance	Cover Memo
_319 - Hate Crimes	Cover Memo
_321 - Information Technology Use	Cover Memo
_325 - Subpoenas and Court Appearances	Cover Memo
_331 - Death Investigation	Cover Memo
_332 - Private Person's Arrest	Cover Memo
_335 - Biological Samples	Cover Memo
_337 - Public Safety Video Surveillance System	Cover Memo
_338 - Child and Dependent Adult Safety	Cover Memo
_339 - Service Animals	Cover Memo
_341 - Native American Graves Protection and Repatr	Cover Memo
_342 - Off Duty Law Enforcement Actions	Cover Memo
_400 - Patrol	Cover Memo
_402 - Briefing	Cover Memo

Officer Response to Calls

309.1 PURPOSE AND SCOPE

This policy provides officers with guidelines for the safe and appropriate vehicular response to emergency and non-emergency incidents or requests for assistance, whether these are dispatched or self-initiated.

309.2 POLICY

It is the policy of this department to appropriately respond to emergency and non-emergency calls for service or requests for assistance, whether these are dispatched or self-initiated.

309.3 RESPONSE TO CALLS

Officers responding to non-emergency calls shall proceed accordingly, unless they are sent or redirected to a higher priority call, and shall obey all traffic laws.

309.3.1 EMERGENCY CALLS

Officers responding to an emergency call shall proceed immediately and shall continuously operate the emergency vehicle lighting and siren as required by law.

Officers should only respond to a call as an emergency response when so dispatched or when circumstances reasonably indicate an emergency response is required. This includes, but is not limited to:

(a) When in pursuit or apprehending a violator or suspected violator.

(b) When responding to a reported emergency involving possible personal injury, death or significant property damage.

(c) When immediate assistance is requested by an officer or other law enforcement agency.

(d) When authorized by a supervisor.

If an officer believes an emergency response to any call is appropriate, the officer shall immediately notify the communications operator.

Officers not responding to a call as an emergency response shall observe all traffic laws and proceed without the use of emergency lights and siren.

309.4 REQUESTING EMERGENCY ASSISTANCE

When requesting emergency assistance, the involved department member should reasonably believe there is an imminent threat to the safety of him/herself or another person, or that assistance is needed to prevent imminent serious harm to the public.

If circumstances permit, the requesting member should provide the following information:

- Identifying call sign

Copyright Lexipol, LLC 2020/11/10, All Rights Reserved.
Published with permission by Roeland Park Police Department

- Location of the emergency situation
- Suspect information, including weapons
- Reason for the request and type of emergency
- The number of officers or resources required
- Hazards and any known or potential dangers for responding officers

In any event where a situation has stabilized and emergency response is not required, the requesting member shall immediately notify the on-duty supervisor.

309.5 SAFETY CONSIDERATIONS

Officers responding to an emergency call shall proceed immediately as appropriate and shall continuously operate the emergency vehicle lighting and siren as required by law (K.S.A. § 8-1506).

Responding with emergency lights and siren does not relieve the operator of an emergency vehicle of the duty to continue to drive with due regard for the safety of all persons and property, and does not protect the operator from the consequences of reckless disregard for the safety of others. However the officer may, when responding to a call with an emergency response, and provided there is no endangerment or unnecessary risk to persons and property:

- Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation.
- Exceed the speed limit.
- Disregard regulations governing direction of movement or turning in specified directions.
- Proceed through toll booths on roads or bridges without stopping for payment of tolls after slowing down as necessary for safe operation and the picking up or returning of toll cards.

309.5.1 NUMBER OF OFFICERS ASSIGNED

Only the number of officers that are reasonably necessary should be assigned to respond to an emergency call or request for assistance.

An emergency response involving more than one police vehicle should be coordinated by Dispatch to avoid any unanticipated intersecting of response routes. The communications operator shall notify the Shift Sergeant or field supervisor, who will make a determination regarding the appropriateness of the response and reduce or enhance the response as warranted.

309.5.2 MOTORCYCLES

An officer operating a police motorcycle should not be assigned to an emergency response. However, an officer operating a police motorcycle in an emergency response should be replaced

Copyright Lexipol, LLC 2020/11/10, All Rights Reserved.
Published with permission by Roeland Park Police Department

by an authorized emergency vehicle equipped with emergency lights and siren as soon as practicable.

309.6 EMERGENCY EQUIPMENT

Vehicles not equipped with emergency lights and siren are prohibited from initiating or joining in an emergency response. Officers in such vehicles may provide support to pursuing vehicles as long as the vehicles are operated in compliance with all traffic laws. Those officers should terminate their involvement in any emergency response immediately upon arrival of a sufficient number of emergency law enforcement vehicles.

If the emergency equipment on the vehicle should fail to operate, the officer must terminate the emergency response and continue accordingly. The officer shall notify the Shift Sergeant, field supervisor or the communications operator of the equipment failure so that another officer may be assigned to the emergency response.

309.7 OFFICER RESPONSIBILITIES

The decision to initiate or continue an emergency response is at the discretion of the officer. If, in the officer's judgment, the weather, traffic and road conditions do not permit such a response without unreasonable risk, the officer may elect to respond to the call without the use of emergency lights and siren at the legal speed limit. In such an event, the officer should immediately notify the communications operator. An officer shall also discontinue an emergency response when directed by a supervisor or as otherwise appropriate.

Upon receiving authorization or determining that an emergency response is appropriate, whenever practicable, an officer shall immediately give the location from which he/she is responding.

The first officer arriving at the emergency call should determine whether to increase or reduce the level of the response of additional officers and shall notify the communications operator of his/her determination. Any subsequent change in the appropriate response level should be communicated to the communications operator by the officer in charge of the scene unless a supervisor assumes this responsibility.

309.8 DISPATCH

When information reasonably indicates that the public is threatened with serious injury or death, or an officer requests emergency assistance and immediate law enforcement response is needed, the communications operator shall assign an emergency response and ensure acknowledgement and response of handling and assisting officers. In all other circumstances, the communications operator shall obtain authorization from the Shift Sergeant or a field supervisor prior to assigning an emergency response.

309.8.1 RESPONSIBILITIES

Upon notification or assignment of an emergency response, the communications operator is responsible for:

Copyright Lexipol, LLC 2020/11/10, All Rights Reserved.
Published with permission by Roeland Park Police Department

(a) Confirming the location from which the officer is responding or requesting assistance.

(b) Attempting to assign the closest available assisting officers to the location of the emergency call.

(c) Continuing to obtain and broadcast information as necessary concerning the response and monitoring the situation until it is stabilized or terminated.

(d) Notifying and coordinating allied emergency services (e.g., fire, emergency medical services).

(e) Notifying the Shift Sergeant as soon as practicable.

(f) Controlling all radio communications during the emergency and coordinating assistance under the direction of the Shift Sergeant or field supervisor.

309.9 SUPERVISOR RESPONSIBILITIES

Upon being notified that an emergency response has been initiated or requested, the Shift Sergeant or the field supervisor shall verify that:

(a) The proper response has been initiated.

(b) No more than those officers reasonably necessary under the circumstances are involved in the response.

(c) Affected outside jurisdictions are being notified as practicable.

The field supervisor shall monitor the response until it has been stabilized or terminated and assert control by directing officers into or out of the response, if necessary. If, in the supervisor's judgment, the circumstances require additional officers to be assigned an emergency response, the supervisor may do so.

It is the supervisor's responsibility to terminate an emergency response that, in his/her judgment is inappropriate due to the circumstances.

When making the decision to authorize an emergency response, the Shift Sergeant or the field supervisor should consider the following:

- The type of call or crime involved
- The type and circumstances of the request
- The necessity of a timely response
- Weather, traffic and road conditions
- The location of the responding officers and the location of the incident

Copyright Lexipol, LLC 2020/11/10, All Rights Reserved.
Published with permission by Roeland Park Police Department

Domestic Violence and Stalking

311.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to deter, prevent and reduce domestic violence and stalking through vigorous enforcement and to address domestic violence and stalking as serious crimes against society. The policy specifically addresses the commitment of the Roeland Park Police Department to take enforcement action when appropriate, to provide assistance to victims and to guide officers in the investigation of domestic violence and stalking as required by K.S.A. § 22-2307 and K.S.A. § 22-2310.

311.1.1 DEFINITIONS

Definitions related to this policy include:

Court order - All forms of orders related to domestic violence, that have been issued by a court of this state or another, whether civil or criminal, regardless of whether service has been made.

Domestic violence - The act or threatened act of violence or any crime, including a violation of a municipal ordinance, when it is committed against a family or household member or against a person with whom the offender has or had a dating relationship. Family or household member means: (K.S.A. § 21-5111):

(a) Persons who are 18 years of age or older and who are spouses or former spouses.

(b) Parents or stepparents.

(c) Children and stepchildren.

(d) Persons residing together or who have resided together in the past.

(e) Persons who have a child in common regardless of whether they have been married or have lived together at any time.

(f) A pregnant woman and the alleged parent of the child regardless of whether they have been married or have lived together at any time.

Stalking - Engaging in conduct targeted at a specific person knowing that the conduct will cause the targeted individual, or a reasonable person in the circumstances of the targeted individual, to fear for their own safety or the safety of an immediate family member. Stalking also includes engaging in similar conduct when a protective order has been issued prohibiting contact with the targeted person (K.S.A. § 21-5427).

311.2 POLICY

The Roeland Park Police Department's response to incidents of domestic violence, stalking and violations of related court orders shall stress enforcement of the law to protect the victim and shall communicate the philosophy that domestic violence and stalking are criminal behaviors. It is also the policy of this department to facilitate victims' and offenders' access to appropriate civil remedies and community resources whenever feasible.

Copyright Lexipol, LLC 2020/11/23, All Rights Reserved.
Published with permission by Roeland Park Police Department

311.3 OFFICER SAFETY

The investigation of domestic violence and stalking cases often place officers in emotionally charged and sometimes highly dangerous environments. No provision of this policy is intended to supersede the responsibility of all officers to exercise due caution and reasonable care in providing for the safety of any officers and parties involved.

311.4 INVESTIGATIONS

The following guidelines should be followed by officers when investigating domestic violence or stalking cases (K.S.A. § 22-2307; K.S.A. § 22-2310):

(a) Calls of reported, threatened, imminent, or ongoing domestic violence or stalking and the violation of any court order are of extreme importance and should be considered among the highest response priorities. This includes incomplete 9-1-1 calls.

(b) When practicable, officers should obtain and document statements from the victim, the suspect, and any witnesses, including children, in or around the household or location of occurrence.

(c) Officers should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other children who may not have been in the house at that particular time should also be obtained for follow-up.

(d) When practicable and legally permitted, video or audio record all significant statements and observations.

(e) All injuries should be photographed, regardless of severity, taking care to preserve the victim's personal privacy. Where practicable, photographs should be taken by a person of the same sex. Victims whose injuries are not visible at the time of the incident should be asked to contact the Investigation Unit in the event that the injuries later become visible.

(f) Officers should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.

(g) If the suspect is no longer at the scene, officers should make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement, and make an arrest or seek an arrest warrant if appropriate.

(h) Seize any firearms or other dangerous weapons in the home, if appropriate and legally permitted, for safekeeping or as evidence.

(i) When completing an incident or arrest report for violation of a court order, officers should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order, and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting officer should attach a copy of the order to the incident or arrest report.

(j) Officers shall take appropriate enforcement action when there is probable cause to believe an offense has occurred (K.S.A. § 22-2307; K.S.A. § 22-2310). Factors that should not be used as sole justification for declining to take enforcement action include:

Copyright Lexipol, LLC 2020/11/23, All Rights Reserved.
Published with permission by Roeland Park Police Department

1. Whether the suspect lives on the premises with the victim.
2. Claims by the suspect that the victim provoked or perpetuated the violence.
3. The potential financial or child custody consequences of arrest.
4. The physical or emotional state of either party.
5. Use of drugs or alcohol by either party.
6. Denial that the offense occurred where evidence indicates otherwise.
7. A request by the victim not to arrest the suspect.
8. Location of the incident (public/private).
9. Speculation that the complainant may not follow through with the prosecution.
10. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or marital status of the victim or suspect.
11. The social status, community status, or professional position of the victim or suspect.

(k) Officers should not make any statement that would discourage a person from reporting any act of domestic violence or stalking, or threaten, suggest, or otherwise indicate the possible arrest of all parties to discourage future requests for intervention by law enforcement.

(l) Officers should ensure all family or household members are accounted for and receive any needed medical attention.

(m) If the incident appears to involve a law enforcement officer from any agency, officers should notify Dispatch that a supervisor is needed.

(n) If a language barrier exists, officers shall follow the procedures in the Limited English Proficiency Services Policy.

311.4.1 IF A SUSPECT IS ARRESTED

If a suspect is arrested, officers should:

(a) Advise the victim that there is no guarantee the suspect will remain in custody.

(b) Provide the victim's contact information to the jail staff to enable notification of the victim upon the suspect's release from jail.

(c) Advise the victim whether any type of court order will be in effect when the suspect is released from jail.

311.4.2 IF NO ARREST IS MADE

If no arrest is made, the officer should:

(a) Advise the parties of any options, including but not limited to:

1. Voluntary separation of the parties.

Copyright Lexipol, LLC 2020/11/23, All Rights Reserved.
Published with permission by Roeland Park Police Department

2. Appropriate resource referrals (e.g., counselors, friends, relatives, shelter homes, victim witness assistance).

(b) Document the resolution in a report.

311.5 VICTIM ASSISTANCE

Because victims may be traumatized or confused, officers should be aware that a victim's behavior and actions may be affected.

(a) Victims shall be provided with the department domestic violence or stalking information handout, even if the incident may not rise to the level of a crime (K.S.A. § 22-2307; K.S.A. § 22-2310).

(b) Victims shall also be alerted to any available victim advocates, shelters and community resources.

(c) When an involved person requests law enforcement assistance while removing essential items of personal property, officers should stand by for a reasonable amount of time.

(d) If the victim has sustained injury or complains of pain, officers should seek medical assistance for the victim as soon as practicable.

(e) Officers should ask the victim whether he/she has a safe place to stay and assist in arranging transportation to an alternate shelter if the victim expresses a concern for his/her safety or if the officer determines that a need exists.

(f) Officers should make reasonable efforts to ensure that any children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.

(g) If appropriate or when mandated by a court order, officers should seek or assist the victim in obtaining an emergency court order or serving any court order.

311.6 DISPATCHER ASSISTANCE

All calls of domestic violence or stalking, including incomplete 9-1-1 calls, should be dispatched as soon as practicable.

Dispatchers are not required to verify the validity of a court order before responding to a request for assistance. Officers should request that communications operators check whether any of the involved persons are subject to the terms of a court order.

311.6.1 DISPATCHER RESPONSIBILITIES

A communications operator receiving a report of domestic violence or stalking should (K.S.A. § 22-2307):

(a) Dispatch a minimum of two officers whenever possible.

(b) Assign a priority response to the call.

Copyright Lexipol, LLC 2020/11/23, All Rights Reserved.
Published with permission by Roeland Park Police Department

(c) Attempt to elicit information from the caller that may help officers assess and investigate the situation.

(d) If requested by an investigating officer or supervisor, preserve documentation of the facts and circumstances of the call, including 9-1-1 tapes, for use in potential administrative and criminal investigations.

(e) Notify a supervisor if a law enforcement officer is involved in the domestic violence or stalking call, regardless of the involved law enforcement officer's jurisdiction.

Domestic violence or stalking calls should not be cancelled. Information regarding requests for cancellation should be relayed to the responding officers.

The Dispatch Supervisor shall ensure that contact information for local domestic violence agencies is maintained and available to communications operators.

311.7 FOREIGN COURT ORDERS

Various types of orders may be issued in domestic violence or stalking cases. Any foreign court order properly issued by a court of another state, Indian tribe or territory shall be enforced by officers as if it were the order of a court in this state. An order should be considered properly issued when it reasonably appears that the issuing court has jurisdiction over the parties and reasonable notice and opportunity to respond was given to the party against whom the order was issued (18 USC § 2265). An otherwise valid out-of-state court order shall be enforced, regardless of whether the order has been properly registered with this state.

If an otherwise valid foreign protective order cannot be enforced because the respondent has not been notified or served with the order, officers shall inform the respondent of the order, make a reasonable effort to serve the order upon the respondent and allow the respondent a reasonable opportunity to comply with the order before enforcing the order (K.S.A. § 60-31b04).

311.8 VERIFICATION OF COURT ORDERS

Determining the validity of a court order, particularly an order from another jurisdiction, can be challenging. Therefore, in determining whether there is probable cause to make an arrest for a violation of any court order, officers should carefully review the actual order when available, and, where appropriate and practicable (K.S.A. § 22-2307; K.S.A. § 22-2310):

(a) Ask the subject of the order about his/her notice or receipt of the order, knowledge of its terms and efforts to respond to the order.

(b) Check available records or databases that may show the status or conditions of the order.

(c) Contact the issuing court to verify the validity of the order.

(d) Contact a law enforcement official from the jurisdiction where the order was issued to verify information.

Copyright Lexipol, LLC 2020/11/23, All Rights Reserved.
Published with permission by Roeland Park Police Department

Officers should document in an appropriate report their efforts to verify the validity of an order, regardless of whether an arrest is made. Officers should contact a supervisor for clarification when needed.

311.9 STANDARDS FOR ARRESTS

Officers investigating a domestic violence or stalking report should consider the following:

(a) When there is probable cause to believe that an offense involving domestic violence or stalking has been committed, the officer shall arrest the person without undue delay (K.S.A. § 22-2307; K.S.A. § 22-2310).

(b) Officers should arrest a person who is in violation of a domestic violence protective court order if the violation involves a crime of domestic violence or stalking.

(c) Officers receiving complaints of domestic violence or stalking from two or more opposing persons shall evaluate each complaint separately to determine if there is probable cause that each person committed a crime or offense and his/her actions were not an act of defense of a person or property (K.S.A. § 22-2307).

(d) Officers are not required to arrest either party involved in an alleged act of domestic violence when the officers determine there is no probable cause to believe that a crime or offense has been committed (K.S.A. § 22-2307).

(e) Officers are not required to arrest both parties involved in an alleged act of domestic violence when both claim to have been victims of such domestic violence (K.S.A. § 22-2307).

311.10 REPORTS AND RECORDS

Officers shall complete a Kansas Standard Offense Report (KSOR) on all domestic violence and stalking incidents regardless of whether an arrest is made (K.S.A. § 22-2307; K.S.A. § 22-2310). If there is no probable cause to support arrest or to believe that a crime of domestic violence or stalking occurred, the report should include information supporting such a conclusion. If an arrest is made, a lethality assessment should attempt to be completed by officers with the victim(s) (if cooperative) and submitted with all reports as per Johnson County District Attorney guidelines.

The Records Section shall forward a copy of the KSOR to the Kansas Bureau of Investigation and should also forward a copy to the appropriate prosecutor’s office (K.S.A. § 22-2307; K.S.A. § 22-2310).

311.11 TRAINING

Training on domestic violence calls shall be provided to officers in accordance with K.S.A. § 22-2307.

Copyright Lexipol, LLC 2020/11/23, All Rights Reserved.
Published with permission by Roeland Park Police Department

Search and Seizure

312.1 PURPOSE AND SCOPE

Both the federal and state constitutions provide every individual with the right to be free from unreasonable searches and seizures. This policy provides general guidelines for Roeland Park Police Department personnel to consider when dealing with search and seizure issues.

312.2 POLICY

It is the policy of the Roeland Park Police Department to respect the fundamental privacy rights of individuals. Members of this department will conduct searches in strict observance of the constitutional rights of persons being searched. All seizures by this department will comply with relevant federal and state law governing the seizure of persons and property.

The Department will provide relevant and current training to officers as guidance for the application of current law, local community standards and prosecutorial considerations regarding specific search and seizure situations, as appropriate.

312.3 SEARCHES

The U.S. Constitution generally provides that a valid warrant is required in order for a search to be valid. There are, however, several exceptions to the rule that permit a warrantless search.

Examples of law enforcement activities that are exceptions to the general warrant requirement include, but are not limited to, searches pursuant to the following:

- Valid consent
- Incident to a lawful arrest
- Legitimate community caretaking interests
- Vehicle searches under certain circumstances
- Exigent circumstances

Certain other activities are recognized by federal and state courts and by certain statutes as legitimate law enforcement activities that also do not require a warrant. Such activities may include seizure and examination of abandoned property and observations of activities and property located on open public areas.

Because case law regarding search and seizure is constantly changing and subject to interpretation by the courts, each member of this department is expected to act in each situation according to current training and his/her familiarity with clearly established rights as determined by case law.

Whenever practicable, officers are encouraged to contact a supervisor to resolve questions regarding search and seizure issues prior to electing a course of action.

Copyright Lexipol, LLC 2020/10/15, All Rights Reserved.
Published with permission by Roeland Park Police Department

312.4 SEARCH PROTOCOL

Although conditions will vary and officer safety and other exigencies must be considered in every search situation, the following guidelines should be followed whenever circumstances permit:

(a) Members of this department will strive to conduct searches with dignity and courtesy.

(b) Officers should explain to the person being searched the reason for the search and how the search will be conducted.

(c) Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition.

(d) In order to minimize the need for forcible entry, an attempt should be made to obtain keys, combinations or access codes when a search of locked property is anticipated.

(e) Whenever practicable, a search should not be conducted by a lone officer. A cover officer should be positioned to ensure safety and should not be involved in the search.

(f) When the person to be searched is of the opposite sex as the searching officer, a reasonable effort should be made to summon an officer of the same sex as the subject to conduct the search. When it is not practicable to summon an officer of the same sex as the subject, the following guidelines should be followed:

1. Another officer or a supervisor should witness the search.
2. The officer should not search areas of the body covered by tight-fitting clothing, sheer clothing or clothing that could not reasonably conceal a weapon.

312.5 DOCUMENTATION

Officers are responsible for documenting any search and ensuring that any required reports are sufficient including, at minimum, documentation of the following:

- Reason for the search
- Any efforts used to minimize the intrusiveness of any search (e.g., asking for consent or keys)
- What, if any, injuries or damage occurred
- All steps taken to secure property
- The results of the search including a description of any property or contraband seized
- If the person searched is the opposite sex, any efforts to summon an officer of the same sex as the person being searched and the identification of any witness officer

Supervisors shall review reports to ensure the reports are accurate, that actions are properly documented and that current legal requirements and department policy have been met.

Copyright Lexipol, LLC 2020/10/15, All Rights Reserved.
Published with permission by Roeland Park Police Department

Discriminatory Harassment

315.1 PURPOSE AND SCOPE

The purpose of this policy is to prevent department members from being subjected to discriminatory harassment, including sexual harassment and retaliation. Nothing in this policy is intended to create a legal or employment right or duty that is not created by law.

315.2 POLICY

The Roeland Park Police Department is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation. The Department will not tolerate discrimination against a member in hiring, promotion, discharge, compensation, fringe benefits and other privileges of employment. The Department will take preventive and corrective action to address any behavior that violates this policy or the rights and privileges it is designed to protect.

The nondiscrimination policies of the Department may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but still could subject a member to discipline.

315.3 DEFINITIONS

Definitions related to this policy include:

315.3.1 DISCRIMINATION

The Department prohibits all forms of discrimination, including any employment-related action by a member that adversely affects an applicant or member and is based on actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

Discriminatory harassment, including sexual harassment, is verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual's protected class. It has the effect of interfering with an individual's work performance or creating a hostile or abusive work environment.

Conduct that may, under certain circumstances, constitute discriminatory harassment can include making derogatory comments; making crude and offensive statements or remarks; making slurs or off-color jokes; stereotyping; engaging in threatening acts; making indecent gestures, pictures, cartoons, posters, or material; making inappropriate physical contact; or using written material or department equipment and/or systems to transmit or receive offensive material, statements, or pictures. Such conduct is contrary to department policy and to a work environment that is free of discrimination.

Copyright Lexipol, LLC 2020/10/15, All Rights Reserved.
Published with permission by Roeland Park Police Department

315.3.2 RETALIATION

Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because the person has engaged in protected activity, filed a charge of discrimination, participated in an investigation, or opposed a discriminatory practice. Retaliation will not be tolerated.

315.3.3 SEXUAL HARASSMENT

The Department prohibits all forms of discrimination and discriminatory harassment, including sexual harassment. It is unlawful to harass an applicant or a member because of that person's sex.

Sexual harassment includes but is not limited to unwelcome sexual advances, requests for sexual favors, or other verbal, visual, or physical conduct of a sexual nature when:

(a) Submission to such conduct is made either explicitly or implicitly as a term or condition of employment, position, or compensation.

(b) Submission to, or rejection of, such conduct is used as the basis for any employment decisions affecting the member.

(c) Such conduct has the purpose or effect of substantially interfering with a member's work performance or creating an intimidating, hostile, or offensive work environment.

315.3.4 ADDITIONAL CONSIDERATIONS

Discrimination and discriminatory harassment do not include actions that are in accordance with established rules, principles, or standards, including:

(a) Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission and the Kansas Human Rights Commission guidelines.

(b) Bona fide requests or demands by a supervisor that the member improve the member's work quality or output, that the member report to the job site on time, that the member comply with city or department rules or regulations, or any other appropriate work-related communication between supervisor and member.

315.4 RESPONSIBILITIES

This policy applies to all department members, who shall follow the intent of these guidelines in a manner that reflects department policy, professional standards, and the best interest of the Department and its mission.

Members are encouraged to promptly report any discriminatory, retaliatory, or harassing conduct or known violations of this policy to a supervisor. Any member who is not comfortable with reporting violations of this policy to the member's immediate supervisor may bypass the chain of command and make the report to a higher-ranking supervisor or manager. Complaints may also be filed with the Chief of Police, the City Clerk, or the City Administrator.

Any member who believes, in good faith, that the member has been discriminated against, harassed, or subjected to retaliation, or who has observed harassment, discrimination, or

Copyright Lexipol, LLC 2020/10/15, All Rights Reserved.
Published with permission by Roeland Park Police Department

retaliation, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

Supervisors and managers receiving information regarding alleged violations of this policy shall determine if there is any basis for the allegation and shall proceed with a resolution as stated below.

315.4.1 QUESTIONS OR CLARIFICATION
Members with questions regarding what constitutes discrimination, sexual harassment, or retaliation are encouraged to contact a supervisor, a manager, the Chief of Police, the City Clerk, or the City Administrator for further information, direction, or clarification.

315.4.2 SUPERVISOR RESPONSIBILITIES
The responsibilities of supervisors and managers shall include but are not limited to:

(a) Continually monitoring the work environment and striving to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.

(b) Taking prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment, or retaliation.

(c) Ensuring that their subordinates understand their responsibilities under this policy.

(d) Ensuring that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.

(e) Making a timely determination regarding the substance of any allegation based upon all available facts.

(f) Notifying the Chief of Police or the City Clerk in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment, or retaliation no later than the next business day.

315.4.3 SUPERVISOR’S ROLE
Supervisors and managers shall be aware of the following:

(a) Behavior of supervisors and managers should represent the values of the Department and professional standards.

(b) False or mistaken accusations of discrimination, harassment, or retaliation can have negative effects on the careers of innocent members.

Nothing in this section shall be construed to prevent supervisors or managers from discharging supervisory or management responsibilities, such as determining duty assignments, evaluating or counseling members, or issuing discipline in a manner that is consistent with established procedures.

315.5 INVESTIGATION OF COMPLAINTS

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved member should take prompt and reasonable steps to mitigate or eliminate

Copyright Lexipol, LLC 2020/10/15, All Rights Reserved.
Published with permission by Roeland Park Police Department

any continuing abusive or hostile work environment. It is the policy of the Department that all complaints of discrimination, retaliation, or harassment shall be fully documented, and promptly and thoroughly investigated.

315.5.1 SUPERVISOR RESOLUTION

Members who believe they are experiencing discrimination, harassment, or retaliation should be encouraged to inform the individual that the behavior is unwelcome, offensive, unprofessional, or inappropriate. However, if the member feels uncomfortable or threatened or has difficulty expressing the member's concern, or if this does not resolve the concern, assistance should be sought from a supervisor or manager who is a rank higher than the alleged transgressor.

315.5.2 FORMAL INVESTIGATION

If the complaint cannot be satisfactorily resolved through the supervisory resolution process, a formal investigation will be conducted.

The person assigned to investigate the complaint will have full authority to investigate all aspects of the complaint. Investigative authority includes access to records and the cooperation of any members involved. No influence will be used to suppress any complaint and no member will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint, or for offering testimony or evidence in an investigation.

Formal investigation of the complaint will be confidential to the extent possible and will include but is not limited to details of the specific incident, frequency and dates of occurrences, and names of any witnesses. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

Members who believe they have been discriminated against, harassed, or retaliated against because of their protected status are encouraged to follow the chain of command but may also file a complaint directly with the Chief of Police, the City Clerk, or the City Administrator.

315.5.3 ALTERNATIVE COMPLAINT PROCESS

No provision of this policy shall be construed to prevent any member from seeking legal redress outside the Department. Members who believe that they have been harassed, discriminated against, or retaliated against are entitled to bring complaints of employment discrimination to federal, state, and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges. Members are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

315.6 DOCUMENTATION OF COMPLAINTS

All complaints or allegations shall be thoroughly documented on the appropriate forms and in a manner designated by the Chief of Police. The outcome of all reports shall be:

(a) Approved by the Chief of Police, the City Administrator, or the City Clerk, depending on the ranks of the involved parties.

(b) Maintained in accordance with the established records retention schedule.

Copyright Lexipol, LLC 2020/10/15, All Rights Reserved.
Published with permission by Roeland Park Police Department

315.6.1 NOTIFICATION OF DISPOSITION

The complainant and/or victim will be notified in writing of the disposition of the investigation and the actions taken to remedy or address the circumstances giving rise to the complaint.

315.7 TRAINING

All new members shall be provided with a copy of this policy as part of their orientation. The policy shall be reviewed with each new member. The member shall certify by signing the prescribed form that the member has been advised of this policy, is aware of and understands its contents, and agrees to abide by its provisions during the member's term with the Department.

All members shall receive annual training on the requirements of this policy and shall certify by signing the prescribed form that they have reviewed the policy, understand its contents, and agree that they will continue to abide by its provisions.

Copyright Lexipol, LLC 2020/10/15, All Rights Reserved.
Published with permission by Roeland Park Police Department

Missing Persons

316.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

316.1.1 DEFINITIONS

Definitions related to this policy include:

High risk - Includes persons who (K.S.A. § 75-712c(e)(3)):

(a) Are 13 years of age or younger.

(b) Regardless of age, are believed or determined to be experiencing one or more of the following circumstances:

1. Out of the zone of safety for his/her chronological age and developmental stage.
2. Mentally or behaviorally disabled.
3. Intoxicant dependent, including alcohol, prescribed medication and/or illegal substances, and the dependency is potentially life-threatening.
4. Absent from home for more than 24 hours before being reported to law enforcement as missing.
5. In a life-threatening situation, such as an abduction or suspicious or known dangerous circumstances.
6. In the company of others who could endanger his/her welfare.
7. Absent in a way that is inconsistent with established patterns of behavior and cannot be readily explained. Most children have an established and reasonably predictable routine.
8. Involved in a situation that would cause a reasonable person to conclude the person should be considered at risk (facts or circumstances indicate the person may be at risk of bodily harm or death).
9. Have been missing more than 30 days.
10. Have been designated as a high-risk missing person by another law enforcement agency.

Missing person - Any person who is reported missing to law enforcement when that person's location is unknown (K.A.R. 10-20-1).

Missing person networks - Databases or computer networks that are available to law enforcement and are suitable for obtaining information related to missing person investigations. This includes the Kansas Bureau of Investigation (KBI) Missing/Unidentified Person Clearinghouse and the National Crime Information Center (NCIC).

Copyright Lexipol, LLC 2020/11/05, All Rights Reserved.
Published with permission by Roeland Park Police Department

316.2 POLICY

The Roeland Park Police Department does not consider any report of a missing person to be routine and assumes that the missing person is in need of immediate assistance until an investigation reveals otherwise. Priority shall be given to missing person cases over property-related cases. Members will initiate an investigation into all reports of missing persons, regardless of the length of time the person has been missing.

316.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS

The Investigation Unit supervisor shall ensure the following forms and kits are developed and available:

- Missing person report form
- Missing person investigation checklist that provides investigation guidelines and resources that could be helpful in the early hours of a missing person investigation
- Missing person school notification form
- Medical records release form
- Biological sample collection kits

316.4 ACCEPTANCE OF REPORTS

Any member encountering an individual who wishes to report a missing person or runaway shall render assistance without delay (K.S.A. § 75-712c(a)(1)).

This can be accomplished by accepting the report via telephone or in-person and initiating the investigation. Those members who do not take such reports or who are unable to give immediate assistance shall promptly dispatch or alert a member who can take the report.

A report shall be accepted in all cases and regardless of where the person was last seen, where the person resides or any question of jurisdiction.

316.5 INITIAL INVESTIGATION

Officers or other members conducting the initial investigation of a missing person should take the following investigative actions, as applicable (K.S.A. § 75-712c(a)(4)):

(a) Respond to a dispatched call as soon as practicable.

(b) Interview the reporting party and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be high risk (K.S.A. § 75-712c(e)(1)).

1. Provide the reporting party with contact information and information concerning the National Center for Missing and Exploited Children (NCMEC) and the National Center for Missing Adults (K.S.A. § 75-712c(b)).

2. Advise the reporting party to immediately notify the Department in the event the missing person returns or is located (K.S.A. § 75-712c(d)).

Copyright Lexipol, LLC 2020/11/05, All Rights Reserved.
Published with permission by Roeland Park Police Department

(c) Notify a supervisor immediately if there is evidence that a missing person is either high risk or may qualify for a public alert, or both (see the Public Alerts Policy).

(d) Broadcast an alert if the person is under 18 years of age or there is evidence that the missing person is high risk. The alert should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is under 18 years of age or may be high risk.

(e) Ensure that entries are made into the appropriate missing person networks (K.S.A. § 75-712b; K.S.A. § 75-712c(a)(3); K.S.A. § 75-712c(e)(4)):

1. Immediately, when the missing person is high risk.
2. In all other cases, as soon as practicable, but not later than two hours from the time of the initial report.

(f) Complete the appropriate report forms accurately and completely and initiate a search as applicable under the facts.

(g) Collect and/or review:

1. A photograph and fingerprint card of the missing person, if available.
2. A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).
3. Any documents that may assist in the investigation, such as court orders regarding custody.
4. Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).

(h) When circumstances permit and if appropriate, attempt to determine the missing person's location through his/her telecommunications carrier.

(i) Contact the appropriate agency if the report relates to a missing person report previously made to another agency and that agency is actively investigating the report. When this is not practicable, the information should be documented in an appropriate report for transmission to the appropriate agency. If the information relates to a high-risk missing person, the member should notify a supervisor and proceed with reasonable steps to locate the missing person.

316.6 REPORT PROCEDURES AND ROUTING

Members should complete all missing person reports and forms promptly and advise the appropriate supervisor as soon as a missing person report is ready for review.

316.6.1 SUPERVISOR RESPONSIBILITIES

The responsibilities of the supervisor shall include, but are not limited to:

(a) Reviewing and approving missing person reports upon receipt.

1. The reports should be promptly sent to the Records Section.

(b) Ensuring resources are deployed as appropriate.

Copyright Lexipol, LLC 2020/11/05, All Rights Reserved.
Published with permission by Roeland Park Police Department

(c) Initiating a command post as needed.

(d) Ensuring applicable notifications and public alerts are made and documented.

(e) Ensuring that records have been entered into the appropriate missing person networks (K.S.A. § 75-712c(a)(3)).

(f) Taking reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies.

1. If the case falls within the jurisdiction of another agency, the supervisor should facilitate transfer of the case to the agency of jurisdiction.

(g) Reevaluating new information, including whether the missing person is subsequently high-risk (K.S.A. § 75-712c(e)(2)).

316.6.2 RECORDS SECTION RESPONSIBILITIES

The responsibilities of the Records Section receiving member shall include, but are not limited to:

(a) As soon as reasonable under the circumstances, notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's residence in cases where the missing person is a resident of another jurisdiction.

(b) Notifying and forwarding a copy of the report to the agency of jurisdiction where the missing person was last seen.

(c) Notifying and forwarding a copy of the report to the agency of jurisdiction for the missing person's intended or possible destination, if known.

(d) Forwarding a copy of the report to the Investigation Unit.

(e) Coordinating with the NCIC Terminal Contractor for Kansas to have the missing person record in the NCIC computer networks updated with additional information obtained from missing person investigations (34 USC § 41308).

316.7 INVESTIGATION UNIT FOLLOW-UP

In addition to completing or continuing any actions listed above, the investigator assigned to a missing person investigation:

(a) Should ensure that the missing person's school is appropriately notified if the missing person is a juvenile (K.S.A. § 72-53,106(d)).

1. The notice shall be in writing and should also include a photograph.

2. The investigator should meet with school officials as appropriate to stress the importance of including the notice in the child's student file, along with the investigator's contact information if the school receives a call requesting the transfer of the missing child's files to another school.

(b) Shall recontact the reporting party and/or other witnesses within 30 days of the initial report and within 30 days thereafter to keep them informed, as appropriate, and to determine if any additional information has become available. Investigators shall also (K.S.A. § 75-712c(c); K.A.R. 10-20-2):

Copyright Lexipol, LLC 2020/11/05, All Rights Reserved.
Published with permission by Roeland Park Police Department

1. Provide follow-up forms to the reporting party from the NCIC or KBI.
2. Attempt to obtain a DNA sample from family members.

(c) Should consider contacting other agencies involved in the case to determine if any additional information is available.

(d) Shall verify and update the KBI Missing/Unidentified Person Clearinghouse, NCIC and any other applicable missing person networks within 30 days of the original entry into the networks and every 30 days thereafter until the missing person is located (34 USC § 41308; K.S.A. § 75-712c(c)).

(e) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 30 days.

(f) Shall maintain a close liaison with state and local child welfare systems and NCMEC if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or childcare institution (34 USC § 41308).

(g) Should make appropriate inquiry with the Medical Examiner.

(h) Should obtain and forward medical and dental records, photos, X-rays and biological samples, as applicable.

(i) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not been obtained previously and forward the photograph to the KBI Missing/ Unidentified Person Clearinghouse and enter the photograph into applicable missing person networks (34 USC § 41308).

(j) Should consider making appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs).

(k) Should assign responsibility to monitor the case and upon obtaining any new information concerning the missing person at any time, evaluate whether such person may be a high-risk missing person (K.S.A. § 75-712c(e)(2)).

(l) In the case of a high-risk missing person or a person who has been missing for an extended time, should consult with a supervisor regarding seeking federal assistance from the FBI and the U.S. Marshals Service (28 USC § 566).

316.8 WHEN A MISSING PERSON IS FOUND

When any person reported missing is found, the assigned investigator shall document the location of the missing person in the appropriate report, notify the relatives and/or reporting party, as appropriate, and other involved agencies and refer the case for additional investigation if warranted.

The Police Clerk should ensure that, upon receipt of information that a missing person has been located, the following occurs:

(a) Notification is made to the KBI and any other agency involved in the case.

(b) The missing child's school is notified.

Copyright Lexipol, LLC 2020/11/05, All Rights Reserved.
Published with permission by Roeland Park Police Department

(c) Entries are made in the applicable missing person networks.

(d) When a person is high risk, the fact that the person has been found should be reported within 24 hours to the KBI and any other agency involved in the case.

(e) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation.

316.8.1 UNIDENTIFIED PERSONS

Members investigating a case of an unidentified person who is deceased or a living person who cannot assist in identifying him/herself should (K.S.A. § 75-712g):

(a) Obtain a complete description of the person.

(b) Enter the unidentified person's description into the NCIC Unidentified Person File and the KBI Missing/Unidentified Person Clearinghouse (K.S.A. § 75-712b(b)).

(c) Use available resources, such as those related to missing persons, to identify the person.

316.8.2 VICTIMS OF DOMESTIC VIOLENCE/SEXUAL ASSAULTS

When there is reason to believe that a missing person (including an emancipated minor) is staying at or made contact with a domestic violence or sexual assault program, notification that the missing person was found shall not be provided to relatives and/or the reporting party unless the missing person expressly consents to the release of the information (K.S.A. § 75-712c(d)).

316.9 CASE CLOSURE

The Investigation Unit supervisor may authorize the closure of a missing person case after considering the following:

(a) Closure is appropriate when the missing person is confirmed returned or evidence matches an unidentified person or body.

(b) If the missing person is a resident of City of Roeland Park, Kansas or this department is the lead agency, the case should be kept under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.

(c) If this department is not the lead agency, the case can be made inactive if all investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks, as appropriate.

(d) A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal or civil warrant.

Copyright Lexipol, LLC 2020/11/05, All Rights Reserved.
Published with permission by Roeland Park Police Department

316.10 TRAINING

Subject to available resources, the Training Sergeant should ensure that members of this department whose duties include missing person investigations and reports receive training that includes:

(a) The initial investigation:

1. Assessments and interviews
2. Use of current resources, such as Mobile Audio/Video (MAV)
3. Confirming missing status and custody status of minors
4. Evaluating the need for a heightened response
5. Identifying the zone of safety based on chronological age and developmental stage

(b) Briefing of department members at the scene.

(c) Identifying NCIC Missing Person File categories (e.g., disability, endangered, involuntary, juvenile and catastrophe).

(d) Verifying the accuracy of all descriptive information.

(e) Initiating a neighborhood investigation.

(f) Investigating any relevant recent family dynamics.

(g) Addressing conflicting information.

(h) Key investigative and coordination steps.

(i) Managing a missing person case.

(j) Additional resources and specialized services.

(k) Update procedures for case information and descriptions.

(l) Preserving scenes.

(m) Internet and technology issues (e.g., Internet use, cell phone use).

(n) Media relations.

In addition, members should participate in KBI Missing/Unidentified Person Clearinghouse training (K.S.A. § 75-712d(b)).

Copyright Lexipol, LLC 2020/11/05, All Rights Reserved.
Published with permission by Roeland Park Police Department

Public Alerts

317.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for alerting the public to important information and soliciting public aid when appropriate.

317.2 POLICY

Public alerts may be employed using the Emergency Alert System (EAS), local radio, television and press organizations and other groups to notify the public of incidents, or enlist the aid of the public, when the exchange of information may enhance the safety of the community. Various types of alerts may be available based upon each situation and the alert system's individual criteria.

317.3 RESPONSIBILITIES

317.3.1 MEMBER RESPONSIBILITIES

Members of the Roeland Park Police Department should notify their supervisors, Shift Sergeant or Investigation Unit supervisor as soon as practicable upon learning of a situation where public notification, a warning or enlisting the help of the media and the public could assist in locating a missing person, apprehending a dangerous person or gathering information.

317.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor apprised of the need for a public alert is responsible for making the appropriate notifications based upon the circumstances of each situation. The supervisor shall promptly notify the Chief of Police, the shift supervisor, and the Public Information Officer when any public alert is generated.

The supervisor in charge of the investigation to which the alert relates is responsible for the following:

(a) Updating alerts

(b) Canceling alerts

(c) Ensuring all appropriate reports are completed

(d) Preparing an after-action evaluation of the investigation to be forwarded to the Chief of Police

317.4 AMBER™ ALERTS

AMBER™ Alerts are used to provide a statewide system for the rapid dissemination of information regarding abducted children.

317.4.1 CRITERIA

The following criteria must be met to issue an AMBER Alert:

(a) The child is 17 years of age or younger, or has a proven mental or physical disability.

Copyright Lexipol, LLC 2020/10/30, All Rights Reserved.
Published with permission by Roeland Park Police Department

(b) The child is believed to be in danger of serious bodily harm or death.

(c) There is evidence that the child is likely to be in the broadcast area.

(d) There is information to disseminate to the general public which could assist in the recovery of the child or the apprehension of the suspect. Information required includes:

1. The child's or suspect's information or descriptions.
2. The direction of travel.
3. Other substantial facts.

317.4.2 PROCEDURE

The following is the procedure for initiating an AMBER Alert. The member should:

(a) Confirm an abduction has occurred.

(b) Open a major case investigation.

(c) As soon as possible, enter the information that has been collected into the National Crime Information Center (NCIC) system.

(d) Have the proper reports of the incident available for review.

(e) Have the Chief of Police or the authorized designee contact the Kansas Bureau of Investigation (KBI) and request an AMBER Alert.

(f) Provide the AMBER Alert personnel with all of the necessary information.

The Chief of Police or the authorized designee shall ensure that the AMBER Alert is deactivated as soon as practicable after the missing child is found.

317.5 BLUE ALERTS

Blue Alerts™ are used to provide a statewide system for the rapid dissemination of information regarding a violent criminal who has seriously injured or killed a local, state, or federal law enforcement officer.

317.5.1 CRITERIA

The following criteria are utilized to determine if a Blue Alert should be issued:

(a) A law enforcement officer must have been killed or seriously injured by an offender.

(b) The department must determine that the offender poses a serious risk or threat to the public and other law enforcement personnel.

(c) A detailed description of the offender's vehicle, vehicle tag or partial tag must be available for broadcast to the public.

In addition, the KBI may issue a Blue Alert if both the Department and the KBI believe that the release of an offender's physical description or personal identifiers will aid in the speedy apprehension of the offender and increase public safety.

317.5.2 PROCEDURE

The following is the procedure for initiating a Blue Alert:

Copyright Lexipol, LLC 2020/10/30, All Rights Reserved.
Published with permission by Roeland Park Police Department

(a) The Chief of Police or the authorized designee will notify the KBI Communications/ Help Desk and request a Blue Alert.

(b) The Chief of Police or the authorized designee shall ensure that a Blue Alert is deactivated as soon as practicable after the suspect is found.

317.6 SILVER ALERTS

Silver Alerts are used to provide a statewide system for the rapid dissemination of information regarding a missing person who is suffering from dementia or is over the age of 65 (K.S.A. § 75-754).

317.6.1 CRITERIA

The following criteria must be met to issue a Silver Alert:

(a) Law enforcement has reason to believe the person reported missing is:

1. Suffering from dementia or is over the age of 65.
2. The person has a reported medical or mental condition that may threaten or greatly reduce his/her ability to make sound reasonable decisions and/or may diminish his/her ability to survive without assistance.
3. The person has been determined to be at risk of harming his/herself.

(b) The person's whereabouts are unknown and he/she is missing under circumstances that do not conform to his/her normal routine or habits, and he/she may be in need of assistance or intervention.

(c) The investigating officer determines that it is appropriate to request public assistance in locating the individual.

317.6.2 PROCEDURE

The following is the procedure for initiating a Silver Alert:

(a) The Chief of Police or the authorized designee should notify the media and other resources that may assist in locating the missing person.

(b) The Chief of Police or the authorized designee should notify the KBI Communications/ Help Desk if a statewide search is necessary.

The Chief of Police or the authorized designee shall ensure that the Silver Alert is deactivated as soon as practicable after the missing person is found.

Copyright Lexipol, LLC 2020/10/30, All Rights Reserved.
Published with permission by Roeland Park Police Department

Victim and Witness Assistance

318.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that crime victims and witnesses receive appropriate assistance, that they are provided with information from government and private resources, and that the agency meets all related legal mandates.

318.2 POLICY

The Roeland Park Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The members of the Roeland Park Police Department will show compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy.

318.3 CRIME VICTIM LIAISON

The Chief of Police may appoint a member of the Department to serve as the crime victim liaison. The crime victim liaison will be the point of contact for individuals requiring further assistance or information from the Roeland Park Police Department regarding benefits from crime victim resources. This person shall also be responsible for maintaining compliance with all legal mandates related to crime victims and/or witnesses.

318.3.1 SPECIFIC VICTIM LIAISON DUTIES

Within seven days after the initial contact with a victim of a reported crime, the crime victim liaison shall ensure that the local victim compensation coordinator is notified of the report of the crime, and the name and address of the victim or victims (K.S.A. § 19-4808).

318.4 CRIME VICTIMS

Officers should provide all victims with the applicable victim information handouts.

Officers should never guarantee a victim's safety from future harm but may make practical safety suggestions to victims who express fear of future harm or retaliation. Officers should never guarantee that a person qualifies as a victim for the purpose of compensation or restitution but may direct him/her to the proper written department material or available victim resources.

318.5 VICTIM INFORMATION

The investigating officer shall ensure that victim information handouts are available and current. These should include as appropriate:

(a) Shelters and other community resources for victims including domestic violence and sexual assault victims.

(b) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams, and information about evidence collection, storage, and preservation in sexual assault cases (34 USC § 10449; 34 USC § 20109).

Copyright Lexipol, LLC 2020/10/30, All Rights Reserved.
Published with permission by Roeland Park Police Department

(c) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.

(d) A clear explanation of relevant court orders and how they can be obtained.

(e) Information on how to register with the Kansas Department of Corrections to receive information on an offender's custody status.

(f) Notice regarding U visa and T visa application processes.

(g) Resources available for victims of identity theft.

(h) Information shall be provided regarding (K.S.A. § 19-4808):

1. Emergency and medical telephone numbers, if needed.
2. The officer's name, badge number, and any applicable case or incident number, in writing.
3. The address and telephone number of the prosecutor's office the victim should contact to obtain information about victims' rights.
4. The name and address of the crime victims' compensation board and information about possible compensation benefits.
5. An advisement that the details of the crime may be made public.
6. An advisement of the Victim's Bill of Rights (K.S.A. § 74-7333; K.S.A. § 74-7335).

(i) Information required for victims of domestic violence (K.S.A. § 22-2307).

318.6 WITNESSES

Officers should never guarantee a witness' safety from future harm or that his/her identity will always remain confidential. Officers may make practical safety suggestions to witnesses who express fear of future harm or retaliation.

Officers should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.

Copyright Lexipol, LLC 2020/10/30, All Rights Reserved.
Published with permission by Roeland Park Police Department

Hate Crimes

319.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this department with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

319.1.1 DEFINITIONS

Definitions related to this policy include:

Hate crime - A crime motivated by prejudice based on actual or perceived race, color, religion, national origin, ethnicity, gender, sexual orientation, gender identity or expression, or disability of the victim.

319.2 POLICY

The Roeland Park Police Department recognizes and places a high priority on the rights of all individuals guaranteed under the state and federal constitution and incorporated in state and federal law.

319.3 PREVENTION AND PREPARATION

While it is recognized that not all crime can be prevented, this department is committed to taking a proactive approach to preventing and preparing for likely hate crimes by:

(a) Making an affirmative effort to establish contact with persons and groups within the community who are likely targets of hate crimes, and forming networks that address prevention and response.

(b) Providing victim assistance and community follow-up or identifying available resources to do so.

(c) Educating community and civic groups about hate crime laws.

319.4 INVESTIGATION

Whenever any member of this department receives a report of a suspected hate crime or other activity that reasonably appears to involve a potential hate crime, the following should occur:

(a) Assigned officers should promptly contact the victim, witness or reporting party to investigate the matter further, as circumstances may dictate.

(b) A supervisor should be notified of the circumstances as soon as practicable.

(c) Once the in-progress aspect of any such situation has been stabilized (e.g., treatment of victims or arrest of suspects at the scene), the assigned officers should take reasonable steps to preserve evidence that establishes a possible hate crime.

(d) Based upon available information, officers should take appropriate action to mitigate further injury or damage to potential victims or the community.

Copyright Lexipol, LLC 2020/11/05, All Rights Reserved.
Published with permission by Roeland Park Police Department

(e) Depending on the situation, the assigned officers or supervisor may request assistance from investigators or other resources.

(f) The assigned officers should interview available witnesses, victims and others to determine what circumstances, if any, indicate that the situation may involve a hate crime.

(g) The assigned officers should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as required by the Victim and Witness Assistance Policy.

(h) The assigned officers should include all available evidence indicating the likelihood of a hate crime in the relevant reports. All related reports should be clearly marked "Hate Crime."

(i) The assigned officers and supervisor should take reasonable steps to ensure that any such situation does not escalate further and should provide information to the victim regarding legal aid (e.g., Temporary Protective Order) through the courts or City Attorney.

319.4.1 INVESTIGATION UNIT RESPONSIBILITIES

If a hate crime case is assigned to the Investigation Unit, the assigned investigator will be responsible for:

(a) Coordinating further investigation with the District Attorney and other appropriate law enforcement agencies.

(b) Maintaining contact with the victim and other involved individuals, as needed.

(c) Maintaining statistical data and tracking of suspected hate crimes, as indicated or required by state law.

319.5 TRAINING

All members of this department should receive training on hate crime recognition and investigation. The annual "Biased Based Police" training requirement may be supplemented with additional training provided to officers by the department or by a special request made by the officer, to the Chief of Police.

Copyright Lexipol, LLC 2020/11/05, All Rights Reserved.
Published with permission by Roeland Park Police Department

Information Technology Use

321.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the proper use of department information technology resources, including computers, electronic devices, hardware, software and systems.

321.1.1 DEFINITIONS

Definitions related to this policy include:

Computer system - All computers (on-site and portable), electronic devices, hardware, software, and resources owned, leased, rented or licensed by the Roeland Park Police Department that are provided for official use by its members. This includes all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the Department or department funding.

Hardware - Includes, but is not limited to, computers, computer terminals, network equipment, electronic devices, telephones (including cellular and satellite), pagers, modems or any other tangible computer device generally understood to comprise hardware.

Software - Includes, but is not limited to, all computer programs, systems and applications, including shareware. This does not include files created by the individual user.

Temporary file, permanent file or file - Any electronic document, information or data residing or located, in whole or in part, on the system including, but not limited to, spreadsheets, calendar entries, appointments, tasks, notes, letters, reports, messages, photographs or videos.

321.2 POLICY

It is the policy of the Roeland Park Police Department that members shall use information technology resources, including computers, software and systems, that are issued or maintained by the Department in a professional manner and in accordance with this policy.

321.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts or anything published, shared, transmitted or maintained through file-sharing software or any Internet site that is accessed, transmitted, received or reviewed on any department computer system.

The Department reserves the right to access, audit and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received or reviewed over any technology that is issued or maintained by the Department, including the department email system, computer network and/or any information placed into storage on any department system or device. This includes records of all key strokes or Web-browsing history made at any department computer or over any department network. The fact that access to a database, service or website requires a username or password will not create an expectation of privacy if it is accessed through department computers, electronic devices or networks.

Copyright Lexipol, LLC 2020/10/15, All Rights Reserved.
Published with permission by Roeland Park Police Department

321.4 RESTRICTED USE

Members shall not access computers, devices, software or systems for which they have not received prior authorization or the required training. Members shall immediately report unauthorized access or use of computers, devices, software or systems by another member to their supervisors or Shift Sergeants.

Members shall not use another person's access passwords, logon information and other individual security data, protocols and procedures unless directed to do so by a supervisor.

321.4.1 SOFTWARE

Members shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes, in accordance with the software company's copyright and license agreement.

To reduce the risk of a computer virus or malicious software, members shall not install any unlicensed or unauthorized software on any department computer. Members shall not install personal copies of any software on any department computer.

When related to criminal investigations, software program files may be downloaded only with the approval of the information systems technology (IT) staff and with the authorization of the Chief of Police or the authorized designee.

No member shall knowingly make, acquire or use unauthorized copies of computer software that is not licensed to the Department while on department premises, computer systems or electronic devices. Such unauthorized use of software exposes the Department and involved members to severe civil and criminal penalties.

Introduction of software by members should only occur as a part of the automated maintenance or update process of department- or City-approved or installed programs by the original manufacturer, producer or developer of the software. Any other introduction of software requires prior authorization from IT staff and a full scan for malicious attachments.

321.4.2 HARDWARE

Access to technology resources provided by or through the Department shall be strictly limited to department-related activities. Data stored on or available through department computer systems shall only be accessed by authorized members who are engaged in an active investigation or assisting in an active investigation, or who otherwise have a legitimate law enforcement or department-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

321.4.3 INTERNET USE

Internet sites containing information that is not appropriate or applicable to department use and which shall not be intentionally accessed include, but are not limited to, adult forums, pornography, gambling, chat rooms, and similar or related Internet sites. Certain exceptions may be permitted with the express approval of a supervisor as a function of a member's assignment.

Copyright Lexipol, LLC 2020/10/15, All Rights Reserved.
Published with permission by Roeland Park Police Department

Downloaded information from the Internet shall be limited to messages, mail and data files.

321.4.4 OFF-DUTY USE

Members shall only use technology resources provided by the Department while on-duty or in conjunction with specific on-call assignments unless specifically authorized by a supervisor. This includes the use of telephones, cell phones, texting, email or any other off-the-clock work-related activities. This also applies to personally owned devices that are used to access department resources.

Refer to the Personal Communication Devices Policy for guidelines regarding off-duty use of personally owned technology.

321.5 PROTECTION OF SYSTEMS AND FILES

All members have a duty to protect the computer system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care and maintenance of the computer system.

Members shall ensure department computers and access terminals are not viewable by persons who are not authorized users. Computers and terminals should be secured, users logged off and password protections enabled whenever the user is not present. Access passwords, logon information and other individual security data, protocols and procedures are confidential information and are not to be shared. Password length, format, structure and content shall meet the prescribed standards required by the computer system or as directed by a supervisor and shall be changed at intervals as directed by IT staff or a supervisor.

It is prohibited for a member to allow an unauthorized user to access the computer system at any time or for any reason. Members shall promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the Internet) to a supervisor.

321.6 INSPECTION AND REVIEW

A supervisor or the authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of his/her supervisory duties or based on cause.

Reasons for inspection or review may include, but are not limited to, computer system malfunctions, problems or general computer system failure, a lawsuit against the Department involving one of its members or a member's duties, an alleged or suspected violation of any department policy, a request for disclosure of data, or a need to perform or provide a service.

The IT staff may extract, download, or otherwise obtain any and all temporary or permanent files residing or located in or on the department computer system when requested by a supervisor or during the course of regular duties that require such information.

Copyright Lexipol, LLC 2020/10/15, All Rights Reserved.
Published with permission by Roeland Park Police Department

Subpoenas and Court Appearances

325.1 PURPOSE AND SCOPE

This policy establishes the guidelines for department members who must appear in court. It will allow the Roeland Park Police Department to cover any related work absences and keep the Department informed about relevant legal matters.

325.2 POLICY

Roeland Park Police Department members will respond appropriately to all subpoenas and any other court ordered appearances.

325.3 SUBPOENAS

Only department members authorized to receive a subpoena on behalf of this department or any of its members may do so.

325.3.1 SPECIAL NOTIFICATION REQUIREMENTS

Any member who is subpoenaed to testify, agrees to testify or provides information on behalf or at the request of any party other than the City Attorney or the prosecutor shall notify his/her immediate supervisor without delay regarding:

(a) Any civil case where the City or one of its members, as a result of his/her official capacity, is a party.

(b) Any civil case where any other city, county, state or federal unit of government or a member of any such unit of government, as a result of his/her official capacity, is a party.

(c) Any criminal proceeding where the member is called to testify or provide information on behalf of the defense.

(d) Any civil action stemming from the member's on-duty activity or because of his/her association with the Roeland Park Police Department.

(e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Roeland Park Police Department.

The supervisor will then notify the Chief of Police and the appropriate prosecuting attorney as may be indicated by the case. The Chief of Police should determine if additional legal support is necessary.

No member shall be retaliated against for testifying in any matter.

325.3.2 CIVIL SUBPOENA

The Department will compensate members who appear in their official capacities on civil matters arising out of their official duties, as directed by the current employment agreement.

Copyright Lexipol, LLC 2020/11/05, All Rights Reserved.
Published with permission by Roeland Park Police Department

The Department should seek reimbursement for the member's compensation through the civil attorney of record who subpoenaed the member.

325.3.3 OFF-DUTY RELATED SUBPOENAS
Members receiving valid subpoenas for off-duty actions not related to their employment or appointment will not be compensated for their appearance. Arrangements for time off shall be coordinated through their immediate supervisors.

325.4 FAILURE TO APPEAR

Any member who fails to comply with the terms of any properly served subpoena or court ordered appearance may be subject to discipline. This includes properly served orders to appear that were issued by a state administrative agency.

325.5 STANDBY

To facilitate standby agreements, members are required to provide and maintain current information on their addresses and contact telephone numbers with the Department.

If a member on standby changes his/her location during the day, the member shall notify the designated department member of how he/she can be reached. Members are required to remain on standby until released by the court or the party that issued the subpoena.

325.6 COURTROOM PROTOCOL

Members must be punctual when appearing in court and shall be prepared to proceed immediately with the case for which they are scheduled to appear.

Members shall dress in the department uniform or business attire.

Members shall observe all rules of the court in which they are appearing and shall remain alert to changes in the assigned courtroom where their matter is to be heard.

325.6.1 TESTIMONY
Before the date of testifying, the subpoenaed member shall request a copy of relevant reports and become familiar with the content in order to be prepared for court.

325.7 OVERTIME APPEARANCES

When a member appears in court on his/her off-duty time, he/she will be compensated in accordance with the employment handbook.

Copyright Lexipol, LLC 2020/11/05, All Rights Reserved.
Published with permission by Roeland Park Police Department

Death Investigation

331.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where officers initially respond to and investigate the circumstances of a deceased person.

Some causes of death may not be readily apparent and some cases differ substantially from what they appear to be initially. The thoroughness of death investigations and use of appropriate resources and evidence gathering techniques is critical.

331.2 POLICY

It is the policy of the Roeland Park Police Department to respond, document and investigate incidents where a person is deceased. Investigations involving the death of a person, including those from natural causes, accidents, workplace incidents, suicide and homicide, shall be initiated, investigated and properly documented.

331.3 INVESTIGATION CONSIDERATIONS

Emergency medical services shall be called in all suspected death cases unless death is obvious (e.g., decapitated, decomposed).

A supervisor shall be notified as soon as possible to assist and provide appropriate personnel and resources. The on-scene supervisor should determine whether follow-up investigation is required and notify the Investigation Division Commander as necessary. The Shift Sergeant will make notification to command staff in accordance with the Major Incident Notification Policy.

331.3.1 REPORTING

All incidents involving a death shall be documented on the appropriate form.

331.3.2 MEDICAL EXAMINER REQUEST

Officers are not authorized to make a determination of death unless they are also a physician. The Medical Examiner shall be called in all sudden or unexpected deaths or deaths due to other than natural causes. State law requires that the Medical Examiner be notified in any of the following cases (K.S.A. § 22a-231):

(a) The death is suspected to have been the result of violence, caused by unlawful means, by suicide or by casualty.

(b) The death occurred suddenly when the decedent was in apparent health or not regularly attended by a licensed physician.

(c) The death occurred in any suspicious or unusual manner.

(d) The death occurred in law enforcement custody, in a jail or correctional institution.

(e) The death involved a child as specified under K.S.A. § 22a-242.

(f) When the determination of the cause of death is held to be in the public interest.

Copyright Lexipol, LLC 2020/10/30, All Rights Reserved.
Published with permission by Roeland Park Police Department

(g) The death was unattended, regardless of health status (hospice, etc.).

331.3.3 SEARCHING DEAD BODIES

(a) The Medical Examiner, his/her assistant and authorized investigators are generally the only persons permitted to move, handle or search a dead body.

(b) An officer may make a reasonable search of an individual who it is reasonable to believe is dead, or near death, for the purpose of identification or for information identifying the individual as an anatomical donor. If a donor document is located, the Medical Examiner or his/her assistant shall be promptly notified.

(c) The Medical Examiner, with the permission of the Department, may take property, objects or articles found on the deceased or in the immediate vicinity of the deceased that may be necessary for conducting an investigation to determine the identity of the deceased or the cause or manner of death.

(d) Should exigent circumstances indicate to an officer that any other search of a known dead body is warranted prior to the arrival of the Medical Examiner or his/her assistant, the investigating officer should first obtain verbal consent from the Medical Examiner or his/her assistant when practicable.

(e) Whenever reasonably possible, a witness, preferably a relative to the deceased or a member of the household, should be requested to remain nearby the scene and available to the officer pending the arrival of the Medical Examiner or his/her assistant. The name and address of this person shall be included in the narrative of the death report.

(f) Whenever personal effects are removed from the body of the deceased by the Medical Examiner or his/her assistant, a receipt shall be obtained. This receipt shall be attached to the death report.

331.3.4 SUSPECTED HOMICIDE

If the initially assigned officer suspects that the death involves a homicide or other suspicious circumstances, the officer shall take steps to protect the scene. The Investigation Unit shall be notified to determine the possible need for an investigator to respond to the scene.

If the on-scene supervisor, through consultation with the Shift Sergeant or Investigation Unit supervisor, is unable to determine the manner of death, the investigation shall proceed as though it is a homicide.

The investigator assigned to investigate a homicide or death that occurred under suspicious circumstances may, with the approval of his/her supervisor, request the Medical Examiner to conduct physical examinations and tests, and to provide a report.

Copyright Lexipol, LLC 2020/10/30, All Rights Reserved.
Published with permission by Roeland Park Police Department

331.3.5 EMPLOYMENT-RELATED DEATHS OR INJURIES
Any member of this department who responds to and determines that a death, serious illness or serious injury has occurred as a result of an accident at or in connection with the victim's employment should ensure that the regional Occupational Safety and Health Administration (OSHA) office is notified of all pertinent information.

331.4 UNIDENTIFIED DEAD BODY

If the identity of a dead body cannot be established, the handling officer will request from the Medical Examiner a unique identifying number for the body. The number shall be included in any report.

Upon receipt of a report of any unidentified body, the Police Clerk shall ensure that the report is immediately entered into the National Crime Information Center (NCIC) and the Kansas Bureau of Investigation (KBI) missing and unidentified person system.

If unidentified human remains have not been identified by other means within 30 days, members investigating a case shall make reasonable efforts to obtain prompt DNA analysis of biological samples by submitting the DNA biological samples to the KBI laboratory for analysis (K.S.A. § 75-712g).

331.5 DEATH NOTIFICATION

When reasonably practicable, and if not handled by the Medical Examiner’s Office, notification to the next of kin of the deceased person shall be made, in person, by the officer assigned to the incident. If the next of kin lives in another jurisdiction, a law enforcement official from that jurisdiction shall be requested to make the personal notification.

If a deceased person has been identified as a missing person, this department shall attempt to locate family members and inform them of the death and location of the deceased missing person's remains. All efforts to locate and notify family members shall be recorded in appropriate reports.

Copyright Lexipol, LLC 2020/10/30, All Rights Reserved.
Published with permission by Roeland Park Police Department

Private Person's Arrest

332.1 PURPOSE AND SCOPE

This policy provides guidance for the handling and acceptance of a private person's arrest.

332.2 POLICY

It is the policy of the Roeland Park Police Department to accept a private person's arrest only when legal and appropriate.

332.3 ARRESTS BY PRIVATE PERSON

A private person may arrest another under the following circumstances:

(a) The person making the arrest has:

1. Probable cause to believe that the arrested person is guilty of a felony that has been or is being committed (K.S.A. § 22-2403(1)).
2. Observed a crime, other than a traffic infraction or a cigarette or tobacco infraction, committed in his/her view (K.S.A. § 22-2403(2)).
3. Reasonable information that the arrested person is charged in the courts of a state with a crime punishable by death or imprisonment for a term exceeding one year (K.S.A. § 22-2714).

(b) A person is commanded by a law enforcement officer to assist in making an arrest (K.S.A. § 22-2407).

332.4 OFFICER RESPONSIBILITIES

An officer confronted with a person claiming to have made a private person's arrest should determine whether such an arrest is lawful.

If the officer determines that the private person's arrest is unlawful, the officer should:

(a) Take no action to further detain or restrain the arrested individual, unless there is independent justification for continuing a detention.

(b) Advise the parties that the arrest will not be accepted but the circumstances will be documented in a report.

(c) Document the incident, including the basis for refusing to accept custody of the individual.

Whenever an officer determines that a private person's arrest is justified, the officer may take the individual into custody and proceed in the same manner as with any other arrest.

332.5 PRIVATE PERSON'S ARREST FORM

The arresting person should be asked to complete and sign a private person's arrest form. If the person fails or refuses to do so, the arrested individual should be released, unless the officer has

Copyright Lexipol, LLC 2020/10/15, All Rights Reserved.
Published with permission by Roeland Park Police Department

a lawful reason, independent of the private person’s arrest, to take the individual into custody and determines an arrest is appropriate.

Copyright Lexipol, LLC 2020/10/15, All Rights Reserved.
Published with permission by Roeland Park Police Department

Biological Samples

335.1 PURPOSE AND SCOPE

This policy provides guidelines for the collection of biological samples from those individuals required to provide samples upon arrest for certain offenses. This policy does not apply to biological samples collected at a crime scene or taken from an individual in conjunction with a criminal investigation, nor does it apply to biological samples collected from those required to register, for example, as sex offenders.

335.2 POLICY

The Roeland Park Police Department will assist in the expeditious collection of required biological samples from arrestees in accordance with the laws of this state and with as little reliance on force as practicable.

335.3 ARRESTEES SUBJECT TO BIOLOGICAL SAMPLE COLLECTION

Arrestees who are charged with a qualifying offense, as provided in K.S.A. § 21-2511, must submit a biological sample.

335.4 PROCEDURE

When an arrestee is required to provide a biological sample, a trained member shall attempt to obtain the sample in accordance with this policy and the procedures established by the Kansas Bureau of Investigation (KBI) (K.A.R. 10-21-6).

335.4.1 COLLECTION

The following steps should be taken to collect a sample (K.S.A. § 21-2511; K.A.R. 10-21-6):

(a) Verify that the arrestee is required to provide a sample pursuant to K.S.A. § 21-2511.

(b) Verify the arrestee's identity using photo identification before taking the biological sample (K.A.R. 10-21-6).

(c) Verify that a biological sample has not been previously collected from the arrestee by querying the Kansas Criminal Justice Information System (KCJIS). There is no need to obtain a biological sample if one has been previously obtained.

(d) Use the designated collection kit provided by the KBI to perform the collection and take steps to avoid cross contamination.

(e) Collection shall be made in a reasonable manner according to generally accepted medical practices.

(f) The DNA information sheet provided in the collection kit shall be completed and all relevant information requested supplied on the form.

1. A witness shall sign, as indicated on the form, a verification that the blood sample and saliva sample were taken from the positively identified arrestee.

Copyright Lexipol, LLC 2020/11/05, All Rights Reserved.
Published with permission by Roeland Park Police Department

(g) Samples shall be forwarded to the KBI within 72 hours in the manner prescribed by the KBI.

335.5 USE OF FORCE TO OBTAIN SAMPLES

If an arrestee refuses to cooperate with the sample collection process, members should attempt to identify the reason for refusal and seek voluntary compliance without resorting to using force. Force will not be used in the collection of samples except as authorized by court order or approval of legal counsel.

Methods to consider when seeking voluntary compliance include contacting:

(a) The individual's parole or probation officer, when applicable.

(b) The prosecuting attorney to seek additional charges against the individual for failure to comply or to otherwise bring the refusal before a judge (K.S.A. § 21-2511).

(c) The judge at the individual's next court appearance.

(d) The individual's attorney.

(e) A chaplain.

(f) Another custody facility with additional resources, where the individual can be transferred to better facilitate sample collection.

(g) A supervisor who may be able to authorize custodial disciplinary actions to compel compliance, if any are available.

The supervisor shall review and approve any plan to use force and be present to document the process.

335.5.1 VIDEO RECORDING

A video recording should be made any time force is used to obtain a biological sample. The recording should document all persons participating in the process, in addition to the methods and all force used during the collection. The recording should be part of the investigation file, if any, or otherwise retained in accordance with the established records retention schedule.

335.6 LEGAL MANDATES AND RELEVANT LAWS

Kansas law requires that biological samples be forwarded to the KBI within 72 hours of collection in a manner prescribed by the KBI. In addition, the member taking the biological sample and one additional witness must complete and sign the verification form provided by the KBI that indicates the sample was taken from a positively identified arrestee (K.A.R. 10-21-6).

Copyright Lexipol, LLC 2020/11/05, All Rights Reserved.
Published with permission by Roeland Park Police Department

Public Safety Video Surveillance System

337.1 PURPOSE AND SCOPE

This policy provides guidance for the placement and monitoring of department public safety video surveillance, as well as the storage and release of the captured images.

This policy only applies to overt, marked public safety video surveillance systems operated by the Department. It does not apply to mobile audio/video systems, covert audio video systems or any other image capturing devices used by the Department.

337.2 POLICY

The Roeland Park Police Department operates a public safety video surveillance system to complement its anti-crime strategy, to effectively allocate and deploy personnel, and to enhance public safety and security in public areas. Cameras may be placed in strategic locations throughout the City to detect and deter crime, to help safeguard against potential threats to the public, to help manage emergency response situations during natural and man-made disasters and to assist City officials in providing services to the community.

Video surveillance in public areas will be conducted in a legal and ethical manner while recognizing and protecting constitutional standards of privacy.

337.3 OPERATIONAL GUIDELINES

Only department-approved video surveillance equipment shall be utilized. Members authorized to monitor video surveillance equipment should only monitor public areas and public activities where no reasonable expectation of privacy exists. The Chief of Police or the authorized designee shall approve all proposed locations for the use of video surveillance technology and should consult with and be guided by legal counsel as necessary in making such determinations.

337.3.1 PLACEMENT AND MONITORING

Camera placement will be guided by the underlying purpose or strategy associated with the overall video surveillance plan. As appropriate, the Chief of Police should confer with other affected City divisions and designated community groups when evaluating camera placement. Environmental factors, including lighting, location of buildings, presence of vegetation or other obstructions should also be evaluated when determining placement.

Cameras shall only record video images and not sound. Recorded images may be used for a variety of purposes, including criminal investigations and monitoring of activity around high-value or high-threat areas. The public safety video surveillance system may be useful for the following purposes:

(a) To prevent, deter and identify criminal activity.

(b) To target identified areas of gang and narcotics complaints or activity.

(c) To respond to critical incidents.

Copyright Lexipol, LLC 2020/10/15, All Rights Reserved.
Published with permission by Roeland Park Police Department

(d) To assist in identifying, apprehending and prosecuting offenders.

(e) To document officer and offender conduct during interactions to safeguard the rights of the public and officers.

(f) To augment resources in a cost-effective manner.

(g) To monitor pedestrian and vehicle traffic activity.

Images from each camera should be recorded in a manner consistent with the underlying purpose of the particular camera. Images should be transmitted to monitors installed in the Shift Sergeant's office and Dispatch. When activity warranting further investigation is reported or detected at any camera location, the available information should be provided to responding officers in a timely manner. The Shift Sergeant or trained Dispatch personnel are authorized to adjust the cameras to more effectively view a particular area for any legitimate public safety purpose.

The Chief of Police may authorize video feeds from the public safety video surveillance system to be forwarded to a specified location for monitoring by other than police personnel, such as allied government agencies, road or traffic crews, or fire or emergency operations personnel.

Unauthorized recording, viewing, reproduction, dissemination or retention is prohibited.

337.3.2 CAMERA MARKINGS

All public areas monitored by public safety surveillance equipment shall be marked in a conspicuous manner with appropriate signs to inform the public that the area is under police surveillance. Signs should be well lit, placed appropriately and without obstruction to ensure visibility.

337.3.3 INTEGRATION WITH OTHER TECHNOLOGY

The Department may elect to integrate its public safety video surveillance system with other technology to enhance available information. Systems such as gunshot detection, incident mapping, crime analysis, license plate recognition, facial recognition and other video-based analytical systems may be considered based upon availability and the nature of department strategy.

The Department should evaluate the availability and propriety of networking or otherwise collaborating with appropriate private sector entities and should evaluate whether the use of certain camera systems, such as pan-tilt-zoom systems and video enhancement or other analytical technology, requires additional safeguards.

337.4 VIDEO SUPERVISION

Supervisors should monitor video surveillance access and usage to ensure members follow department policy and applicable laws. Supervisors should ensure such use and access is appropriately documented.

Copyright Lexipol, LLC 2020/10/15, All Rights Reserved.
Published with permission by Roeland Park Police Department

337.4.1 VIDEO LOG

A log should be maintained at all locations where video surveillance monitors are located. The log should be used to document all persons not assigned to the monitoring locations who have been given access to view or monitor images provided by the video surveillance cameras. The logs should, at a minimum, record the:

(a) Date and time access was given.

(b) Name and agency of the person being given access to the images.

(c) Name of person authorizing access.

(d) Identifiable portion of images viewed.

337.4.2 PROHIBITED ACTIVITY

Public safety video surveillance systems will not intentionally be used to invade the privacy of individuals or observe areas where a reasonable expectation of privacy exists.

Public safety video surveillance equipment shall not be used in an unequal or discriminatory manner and shall not target individuals or groups based solely on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.

Video surveillance equipment shall not be used to harass, intimidate, or discriminate against any individual or group.

337.5 STORAGE AND RETENTION OF MEDIA

All downloaded media shall be stored in a secure area with access restricted to authorized persons. A recording needed as evidence shall be copied to a suitable medium and booked into evidence in accordance with established evidence procedures. All actions taken with respect to retention of media shall be appropriately documented.

The type of video surveillance technology employed and the manner in which recordings are used and stored will affect retention periods. The recordings should be stored and retained in accordance with the established records retention schedule.

337.5.1 EVIDENTIARY INTEGRITY

All downloaded and retained media shall be treated in the same manner as other evidence. Media shall be accessed, maintained, stored and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, digital masking of innocent or uninvolved individuals to preserve anonymity, authenticity certificates and date and time stamping shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.

Copyright Lexipol, LLC 2020/10/15, All Rights Reserved.
Published with permission by Roeland Park Police Department

337.6 RELEASE OF VIDEO IMAGES

All recorded video images gathered by the public safety video surveillance equipment are for the official use of the Roeland Park Police Department.

Requests for recorded video images from the public or the media shall be processed in the same manner as requests for department public records.

Requests for recorded images from other law enforcement agencies shall be referred to the Shift Sergeant for release in accordance with a specific and legitimate law enforcement purpose.

Recorded video images that are the subject of a court order or subpoena shall be processed in accordance with the established department subpoena process.

337.7 VIDEO SURVEILLANCE AUDIT

The Chief of Police or the authorized designee will conduct an annual review of the public safety video surveillance system. The review should include an analysis of the cost, benefit and effectiveness of the system, including any public safety issues that were effectively addressed or any significant prosecutions that resulted, and any systemic operational or administrative issues that were identified, including those related to training, discipline or policy.

The results of each review shall be appropriately documented and maintained by the Chief of Police or the authorized designee and other applicable advisory bodies. Any recommendations for training or policy should be promptly addressed.

337.8 TRAINING

All department members authorized to operate or access public safety video surveillance systems shall receive appropriate training. Training should include guidance on the use of cameras, interaction with dispatch and patrol operations and a review regarding relevant policies and procedures, including this policy. Training should also address state and federal law related to the use of video surveillance equipment and privacy.

Copyright Lexipol, LLC 2020/10/15, All Rights Reserved.
Published with permission by Roeland Park Police Department

Child and Dependent Adult Safety

338.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that children and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this department.

This policy does not address the actions to be taken during the course of a child abuse or dependent adult investigation. These are covered in the Child Abuse and Adult Abuse policies.

338.2 POLICY

It is the policy of this department to mitigate, to the extent reasonably possible, the stressful experience individuals may have when their parent or caregiver is arrested. The Roeland Park Police Department will endeavor to create a strong, cooperative relationship with local, state and community-based social services to ensure an effective, collaborative response that addresses the needs of those affected, including call-out availability and follow-up responsibilities.

338.3 PROCEDURES DURING AN ARREST

When encountering an arrest or prolonged detention situation, officers should make reasonable attempts to determine if the arrestee is responsible for children or dependent adults. In some cases this may be obvious, such as when children or dependent adults are present. However, officers should inquire if the arrestee has caregiver responsibilities for any children or dependent adults who are without appropriate supervision. The following steps should be taken:

(a) Inquire about and confirm the location of any children or dependent adults.

(b) Look for evidence of children and dependent adults. Officers should be mindful that some arrestees may conceal the fact that they have a dependent for fear the individual may be taken from them.

(c) Consider inquiring of witnesses, neighbors, friends and relatives of the arrestee as to whether the person is responsible for a child or dependent adult.

Whenever reasonably possible, officers should consider reasonable alternatives to arresting a parent, guardian or caregiver in the presence of his/her child or dependent adult.

Whenever it is safe to do so, officers should allow the parent or caregiver to assure children or dependent adults that they will be provided care. If this is not safe or if the demeanor of the parent or caregiver suggests this conversation would be nonproductive, the officer at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the child or dependent adult that he/she will receive appropriate care.

338.3.1 AFTER AN ARREST

Whenever an arrest is made, the officer should take all reasonable steps to ensure the safety of the arrestee’s disclosed or discovered children or dependent adults.

Copyright Lexipol, LLC 2020/10/15, All Rights Reserved.
Published with permission by Roeland Park Police Department

Officers should allow the arrestee reasonable time to arrange for care of children and dependent adults. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or dependent adult. In such cases the following guidelines should be followed:

(a) Allow the person reasonable time to arrange for the care of children and dependent adults with a responsible party, as appropriate.

1. Officers should consider allowing the person to use his/her cell phone to facilitate arrangements through access to contact phone numbers, and to lessen the likelihood of call screening by the recipients due to calls from unknown sources.

(b) Unless there is evidence that it would not be in the dependent person's best interest (e.g., signs of abuse, drug use, unsafe environment), officers should respect the parent or caregiver’s judgment regarding arrangements for care. It is generally best if the child or dependent adult remains with relatives or family friends that he/she knows and trusts because familiarity with surroundings and consideration for comfort, emotional state and safety are important.

1. Except when a court order exists limiting contact, the officer should attempt to locate and place children or dependent adults with the non-arrested parent, guardian or caregiver.

2. Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.

(c) Notify Child Protective Services or Adult Protective Services, if appropriate.

(d) Notify the field supervisor or Shift Sergeant of the disposition of children or dependent adults.

If children or dependent adults are at school or another known location outside the household at the time of arrest, the arresting officer should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the caregiver’s arrest and of the arrangements being made for the care of the arrestee’s dependent. The result of such actions should be documented in the associated report.

338.3.2 DURING THE BOOKING PROCESS

During the booking process, the arrestee should be allowed to make telephone calls to arrange for the care of any child or dependent adult in accordance with the Temporary Custody of Adults Policy.

If an arrestee is unable to arrange for the care of any child or dependent adult through this process, or circumstances prevent them from making such arrangements (e.g., their behavior prevents reasonable accommodations for making necessary calls), supervisor should be contacted to determine the appropriate steps to arrange for care. These steps may include additional telephone calls or contacting a local, county or state services agency.

Copyright Lexipol, LLC 2020/10/15, All Rights Reserved.
Published with permission by Roeland Park Police Department

338.3.3 REPORTING

(a) For all arrests where children are present or living in the household, the reporting member will document the following information:

1. Name
2. Sex
3. Age
4. Special needs (e.g., medical, mental health)
5. How, where and with whom or which agency the child was placed
6. Identities and contact information for other potential caregivers
7. Notifications made to other adults (e.g., schools, relatives)

(b) For all arrests where dependent adults are present or living in the household, the reporting member will document the following information:

1. Name
2. Sex
3. Age
4. Whether the person reasonably appears able to care for him/herself
5. Disposition or placement information if he/she is unable to care for him/herself

338.3.4 SUPPORT AND COUNSELING REFERRAL

If, in the judgment of the handling officers, the child or dependent adult would benefit from additional assistance, such as counseling services, contact with a victim advocate or a crisis response telephone number, the appropriate referral information may be provided.

338.4 DEPENDENT WELFARE SERVICES

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any child or dependent adult, the handling officer should contact the appropriate welfare service or other department-approved social service agency to determine whether protective custody is appropriate.

Only when other reasonable options are exhausted should a child or dependent adult be transported to the police facility, transported in a marked law enforcement vehicle or taken into formal protective custody.

Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

Copyright Lexipol, LLC 2020/10/15, All Rights Reserved.
Published with permission by Roeland Park Police Department

338.5 TRAINING

The Training Sergeant is responsible for ensuring that all members of this department who may be involved in arrests affecting children or dependent adults receive approved training on effective safety measures when a parent, guardian or caregiver is arrested.

Copyright Lexipol, LLC 2020/10/15, All Rights Reserved.
Published with permission by Roeland Park Police Department

Service Animals

339.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to ensure that the rights of individuals who use service animals to assist with disabilities are protected in accordance with Title II of the Americans with Disabilities Act of 1990 (ADA).

339.1.1 DEFINITIONS

Definitions related to this policy include:

Service animal - A dog that is trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. The work or tasks performed by a service animal must be directly related to the individual's disability (28 CFR 35.104; K.S.A. § 39-1102; K.S.A. § 39-1107; K.S.A. § 39-1108).

Service animal also includes a miniature horse if the horse is trained to do work or perform tasks for people with disabilities, provided the horse is housebroken, is under the handler's control, the facility can accommodate the horse's type, size and weight, and the horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility (28 CFR 35.136(i)).

339.2 POLICY

It is the policy of the Roeland Park Police Department to provide services and access to persons with service animals in the same manner as those without service animals. Department members shall protect the rights of persons assisted by service animals in accordance with state and federal law (K.A.R. 21-70-14).

339.3 IDENTIFICATION AND USE OF SERVICE ANIMALS

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness or collar.

Service animals may be used in a number of ways to provide assistance, including:

- Guiding people who are blind or have low vision.
- Alerting people who are deaf or hard of hearing.
- Retrieving or picking up items, opening doors or flipping switches for people who have limited use of their hands, arms or legs.
- Pulling wheelchairs.
- Providing physical support and assisting with stability and balance.
- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities or psychiatric disabilities, such as reminding a person with depression to take medication.

Copyright Lexipol, LLC 2020/10/15, All Rights Reserved.
Published with permission by Roeland Park Police Department

- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

339.4 MEMBER RESPONSIBILITIES

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the general public is allowed. Department members are expected to treat individuals with service animals with the same courtesy and respect that the Roeland Park Police Department affords to all members of the public (28 CFR 35.136).

339.4.1 INQUIRY

If it is apparent or if a member is aware that an animal is a service animal, the individual generally should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the member should ask the individual only the following questions (28 CFR 35.136(f)):

- Is the animal required because of a disability?
- What task or service has the service animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task, the animal meets the definition of a service animal and no further questions as to the animal's status should be asked. The individual should not be questioned about his/her disability nor should the person be asked to provide any license, certification or identification card for the service animal.

339.4.2 CONTACT

Service animals are not pets. Department members should not interfere with the important work performed by a service animal by talking to, petting or otherwise initiating contact with a service animal.

339.4.3 REMOVAL

If a service animal is not housebroken or exhibits vicious behavior, poses a direct threat to the health of others, or unreasonably disrupts or interferes with normal business operations, an officer may direct the handler to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the service animal (28 CFR 35.136(b)).

Each incident must be considered individually and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse service to an individual with disabilities. Members of this department are expected to provide all services that are reasonably available to an individual with a disability, with or without a service animal.

Copyright Lexipol, LLC 2020/10/15, All Rights Reserved.
Published with permission by Roeland Park Police Department

339.4.4 COMPLAINTS

When handling calls of a complaint regarding a service animal, members of this department should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to allow service animals to accompany their handlers into the same areas that other customers or members of the public are allowed (28 CFR 36.302).

Absent a violation of law independent of the ADA, officers should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as a result of a disability should be referred to the Civil Rights Division of the U.S. Department of Justice (DOJ).

Copyright Lexipol, LLC 2020/10/15, All Rights Reserved.
Published with permission by Roeland Park Police Department

Native American Graves Protection and Repatriation

341.1 PURPOSE AND SCOPE

This policy is intended ensure the protection and security of ancient or historic grave sites, including notification of personnel responsible for cultural items, in compliance with the Native American Graves Protection and Repatriation Act (NAGPRA) (25 USC § 3001 et seq.).

341.1.1 DEFINITIONS

Definitions related to this policy include (43 CFR 10.2):

Funerary objects and associated funerary objects - Objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed intentionally at the time of death or later with or near individual human remains, or that were made exclusively for burial purposes or to contain human remains.

Native American human remains - The physical remains of the body of a person of Native American ancestry.

Objects of cultural patrimony - Objects having ongoing historical, traditional or cultural importance that is central to the Native American group or culture itself and therefore cannot be appropriated or conveyed by any individual, including members of the Native American group or Native Hawaiian organization. Such objects must have been considered inalienable by the Native American group at the time the object was separated from the group.

Sacred objects - Specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions.

341.2 POLICY

It is the policy of the Roeland Park Police Department that the protection of Native American human remains, funerary objects, associated funerary objects, sacred objects or objects of cultural patrimony is the responsibility of all members. Such protection includes minimizing destruction, contamination, inadvertent disruption or complicated custody transfer processes.

341.3 COMPLIANCE WITH THE NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT

Upon discovery or arrival upon a scene where it reasonably appears that a Native American grave, human remains, funerary objects, associated funerary objects, sacred objects or objects of cultural patrimony are exposed or otherwise unsecured, members shall secure the site in the same manner as a crime scene. All activity at the scene other than scene preservation activity must cease (43 CFR 10.4).

No photography or video recording may be permitted by the media or any group or individual who may wish to exhibit the remains.

Copyright Lexipol, LLC 2020/10/15, All Rights Reserved.
Published with permission by Roeland Park Police Department

Without delay, the appropriate agency or group shall be notified to respond and take control of the scene. These include the following (43 CFR 10.4):

- Federal land - Appropriate agency at the U.S. Department of the Interior or U.S. Department of Agriculture
- State land - Appropriate Medical Examiner (K.S.A. § 75-2749)
- Tribal land - Responsible Indian tribal official

341.4 EVIDENCE AND PROPERTY

If the location has been investigated as a possible homicide scene prior to identification as a NAGPRA site, investigators shall work with other appropriate agencies and individuals to ensure the proper transfer and repatriation of any material collected. Members shall ensure that any remains or artifacts located at the site are expediently processed (43 CFR 10.6).

341.5 NOTIFICATION TO STATE HISTORICAL SOCIETY

The Police Clerk shall ensure that the State Historical Society is notified of any acts prohibited pursuant to K.S.A. § 75-2748 involving unmarked burial sites or human skeletal remains reported to the Department (K.S.A. § 75-2749).

Copyright Lexipol, LLC 2020/10/15, All Rights Reserved.
Published with permission by Roeland Park Police Department

Off-Duty Law Enforcement Actions

342.1 PURPOSE AND SCOPE

This policy is intended to provide guidelines for officers of the Roeland Park Police Department with respect to taking law enforcement action while off-duty.

342.2 POLICY

It is the policy of the Roeland Park Police Department that officers generally should not initiate law enforcement action while off-duty. Officers are not expected to place themselves in unreasonable peril and should first consider reporting and monitoring the activity. However, any officer who becomes aware of an incident or circumstance that he/she reasonably believes poses an imminent threat of serious bodily injury or death, or significant property damage or loss, may take reasonable action to minimize or eliminate the threat.

342.3 DECISION TO INTERVENE

There is no legal requirement for off-duty officers to take law enforcement action. Officers should consider waiting for on-duty uniformed law enforcement officers to arrive and gather as much accurate intelligence as possible, instead of immediately intervening. However, should an officer decide to intervene, he/she must evaluate whether the action is necessary or desirable, and should take into consideration:

(a) The potential to be misidentified by other law enforcement officers.

(b) The potential to be misidentified by members of the public, who may be armed or who may take action.

(c) The tactical disadvantage of being alone and the possibility of multiple or hidden suspects.

(d) Limited off-duty firearms capabilities and ammunition.

(e) The inability to communicate with responding law enforcement .

(f) The lack of equipment, such as body armor, handcuffs or control devices.

(g) Unfamiliarity with the surroundings, including escape routes.

(h) The potential for increased risk to bystanders by confronting a suspect or taking action.

342.3.1 INTERVENTION PROCEDURE

If involvement is reasonably necessary, the officer should attempt to call or have someone else call 9-1-1 to request immediate assistance. If possible, the dispatcher receiving the call should obtain a description of the off-duty officer from the caller and broadcast that information to responding officers.

Copyright Lexipol, LLC 2020/11/05, All Rights Reserved.
Published with permission by Roeland Park Police Department

Whenever practicable, the officer should loudly and repeatedly identify him/herself as an officer with the Roeland Park Police Department until acknowledged. Official identification should also be displayed when possible.

342.4 CONSIDERATIONS

When encountering a non-uniformed officer in public, uniformed officers should wait for acknowledgement by the non-uniformed officer in case he/she is working in an undercover capacity.

342.4.1 CIVILIAN RESPONSIBILITIES

Civilian members should not become involved in any law enforcement action while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and practicable.

342.4.2 INCIDENTS OF PERSONAL INTEREST

Department members should refrain from handling incidents of personal interest (e.g., family or neighbor disputes) and should remain neutral. In such circumstances members should call the responsible agency to handle the matter.

342.5 REPORTING

If prior notification to the appropriate local law enforcement agency is not reasonably possible before taking action, the officer shall notify the agency as soon as reasonably practicable. Officers shall cooperate fully with the agency having jurisdiction by providing statements or reports as requested or as appropriate.

Officers shall notify the Shift Sergeant regarding any law enforcement action taken while off-duty. The Shift Sergeant may send a supervisor to the location. The supervisor may request assistance from the Chief or Sergeant, if deemed appropriate.

The Shift Sergeant shall determine whether a criminal or administrative report should be completed by the involved officer.

Copyright Lexipol, LLC 2020/11/05, All Rights Reserved.
Published with permission by Roeland Park Police Department

Patrol

400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the patrol function and address intraorganizational cooperation and information sharing.

400.2 POLICY

The Roeland Park Police Department provides patrol services 24 hours a day, seven days a week and will prioritize responses to requests for emergency services using available resources to enhance the safety of the public and department members.

400.3 FUNCTION

Patrol will generally be conducted by uniformed officers in clearly marked law enforcement vehicles in assigned jurisdictional areas of City of Roeland Park, Kansas. The function of patrol is to respond to calls for assistance and reports of criminal activity, act as a deterrent to crime, enforce state and local laws, identify community needs, provide support and assistance to the community and respond to emergencies.

Patrol services include, but are not limited to:

(a) Responding to emergency calls for service.

(b) Apprehending criminal offenders.

(c) Providing mutual aid and assistance to other agencies for emergency and law enforcement-related activities.

(d) Preventing criminal acts, traffic violations and collisions, maintaining public order and discovering hazardous situations or conditions.

(e) Responding to reports of both criminal and non-criminal acts.

(f) Responding to routine calls for service, such as public assistance or public safety.

(g) Directing and controlling traffic.

(h) Carrying out crime prevention activities, such as residential inspections, business inspections and community presentations.

(i) Carrying out community-oriented policing and problem-solving activities, including the application of resources to improve or resolve specific problems or situations and contacting or assisting members of the public in a positive way.

(j) The application of resources to specific problems or situations within the community that may be improved or resolved by community-oriented policing and problem-solving strategies.

Copyright Lexipol, LLC 2020/11/05, All Rights Reserved.
Published with permission by Roeland Park Police Department

400.4 INFORMATION SHARING

To the extent feasible, all information relevant to the mission of the Department should be shared among all sections and specialized units on a timely basis. Members should be provided with opportunities on a regular basis to share information during the daily briefings and to attend briefings of other sections or specialized units.

Additionally, information should be shared with outside agencies and the public in conformance with department policies and applicable laws. Members are encouraged to share information with other units and sections.

400.5 CROWDS, EVENTS AND GATHERINGS

Officers may encounter gatherings of people, including, but not limited to, civil demonstrations, public displays, parades, sporting events and civic, social and business events. Officers should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. A patrol supervisor should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

Officers responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action.

Generally, officers should consider seeking compliance through advisements and warnings for minor violations, and should reserve greater enforcement options for more serious violations or when voluntary compliance with the law is not achieved.

Officers are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety concerns.

Copyright Lexipol, LLC 2020/11/05, All Rights Reserved.
Published with permission by Roeland Park Police Department

Briefing

402.1 PURPOSE AND SCOPE

This policy discusses the activity of briefing and includes the tasks that should be accomplished during this short period.

402.2 POLICY

Briefing is intended to facilitate the accurate flow of information in order to enhance coordination of activities, improve performance and safety, and outline the expected actions of members.

402.3 BRIEFING

All sections and specialized units will conduct regular briefing to discuss, disseminate and exchange information among department members, work groups and other organizations. A supervisor generally will conduct briefing. However, the supervisor may delegate this responsibility to a subordinate member in his/her absence or for training purposes.

Briefing should include, but is not limited to:

(a) Providing members with information regarding daily activities, with particular attention given to changes in the status of the following:

1. Wanted persons
2. Crime patterns
3. Suspect descriptions
4. Intelligence reports and photographs
5. Community issues affecting law enforcement
6. Major investigations

(b) Notifying members of changes in schedules and assignments.

(c) Reviewing recent incidents for situational awareness and training purposes.

(d) Providing training on a variety of subjects.

(e) Conducting periodic personnel inspections.

Supervisors should also ensure that all members are informed about Departmental Directives and any recent policy changes.

402.3.1 RETENTION OF BRIEFING TRAINING RECORDS

Briefing training materials and a curriculum or summary shall be forwarded to the Training Sergeant for inclusion in training records, as appropriate.

Copyright Lexipol, LLC 2020/11/05, All Rights Reserved.
Published with permission by Roeland Park Police Department

402.4 PREPARATION OF MATERIALS

The member conducting briefing is responsible for preparation of the materials necessary for a constructive briefing.

402.5 TRAINING

Briefing training should incorporate short segments on a variety of subjects or topics and may include:

(a) Review and discussion of new or updated policies.

(b) Presentation and discussion of the proper application of existing policy to routine daily activities.

(c) Presentation and discussion of the proper application of existing policy to unusual activities.

(d) Review of recent incidents for training purposes.

Briefing training materials and a curriculum or summary shall be forwarded to the Training Sergeant for inclusion in training records, as appropriate.

Copyright Lexipol, LLC 2020/11/05, All Rights Reserved.
Published with permission by Roeland Park Police Department

Item Number: **New Business- VIII.-A.**
Committee Meeting Date: **12/7/2020**

City of Roeland Park

Action Item Summary

Date:	11/18/2020
Submitted By:	Donnie Scharff, Director of Public Works
Committee/Department:	Public Works
Title:	**Approve 2021 CARS Agreement with Johnson County**
Item Type:	Agreement

Recommendation:

Staff recommends approval of the 2021 CARS Agreement with Johnson County for Roe Blvd from the County Line to Johnson Drive.

Details:

Attached is the agreement for the 2021 CARS project with Johnson County for the final phase of improvements along Roe Blvd. The project will entail a mill & overlay, spot curb replacement as well as pavement markings on Roe Blvd from 48th St to the north city limits. It also entails landscaping & new street trees from the county line to Johnson Drive. Several intersection areas as well as wide sections of the median will employ landscaped planting treatments with the entire corridor receiving 153 new trees. Please see the landscaping plans at the below link for details: https://www.roelandpark.org/DocumentCenter/View/3075/Planting-Plans-with-Pictures-of-Proposed-Species-and-Notes-Included-from-Vireo-8-16-19-PDF

It is staffs intent to put this work out for bid ASAP (plans are complete) in order to award the contract this winter and afford the contractor the opportunity to begin work as soon as weather permits. Landscaping and tree planting can be completed in the corridor south of 51st Street since Mile's has completed this portion of their contract. When Mile's completes signal and street light installation north of 51st landscaping can commence in this corridor. Curb replacements north of 48th can occur independent of Mile's work. Mill and overlay north of 48th will follow Mile's surfacing between 51st and 48th.

The total budget for this portion of the project is $580,000. CARS will reimburse the city for 50% of the qualified project costs which equals $283,000. The attached agreement reflects the funds allocated by CARS to this project. As has been the case with each CARS allocation, the receiving City is required to approve a funding agreement with the County. The agreement has been reviewed and approved as to form by the City Attorney.

Financial Impact

Amount of Request:	
Budgeted Item?	Budgeted Amount:
Line Item Code/Description:	

Additional Information

How does item relate to Strategic Plan?

How does item benefit Community for all Ages?

ATTACHMENTS:

Description	Type
2021 CARS Agreement	Cover Memo

Agreement between Johnson County, Kansas, and the City of Roeland Park, Kansas, for the Public Improvement of Roe Boulevard from County Line to Johnson Drive (320001345)

THIS AGREEMENT, made and entered into this _____ day of _____, 2020 by and between the Board of County Commissioners of Johnson County, Kansas ("Board") and the City of Roeland Park, Kansas, ("City").

WITNESSETH:

WHEREAS, the parties have determined that it is in the best interests of the general public in making certain public improvements to Roe Boulevard from County Line to Johnson Drive (the "Project"); and

WHEREAS, the laws of the State of Kansas authorize the parties to this Agreement to cooperate in undertaking the Project; and

WHEREAS, the governing bodies of each of the parties have determined to enter into this Agreement for the purpose of undertaking the Project, pursuant to K.S.A. 12-2908 and K.S.A. 68-169, and amendments thereto; and

WHEREAS, the Project has been approved, authorized, and budgeted by the Board as an eligible project under the County Assistance Road System ("CARS") Program; and

WHEREAS, the Board has, by County Resolution No. 106-90, authorized its Chairman to execute any and all Agreements for County participation in any CARS Program project which has been approved and authorized pursuant to the Policies and Guidelines adopted by the Board and for which funding has been authorized and budgeted therefore; and

WHEREAS, the governing body of the City did approve and authorize its Mayor to execute this Agreement by official vote on the _____ day of _____, 2020.

NOW, THEREFORE, in consideration of the mutual covenants and agreements hereinafter contained, and for other good and valuable consideration, the parties agree as follows:

1. **Purpose of Agreement.** The parties enter into this Agreement for the purpose of undertaking the Project to assure a more adequate, safe and integrated roadway network in the developing and incorporated areas of Johnson County, Kansas.

2. **Estimated Cost and Funding of Project**
    a. The estimated cost of the Project ("Project Costs"), a portion of which is reimbursable under this Agreement, is Five Hundred Eighty Thousand Dollars ($580,000).
    b. Project Costs include necessary costs and expenses of labor and material used in the construction of the Project and construction inspection and staking for the Project.
    c. The Project Costs shall be allocated between the parties as follows:
        i. The Board shall provide financial assistance for the Project in an amount up to but not exceeding Fifty Percent (50%) of the Project Costs. However, the Board's financial obligation under this Agreement shall be limited to an amount not to exceed Two Hundred Eighty Three Thousand Dollars ($283,000). For purposes of this Agreement, Project Costs shall not include any portion of costs which are to be paid by or on behalf of any state or federal governmental entity or for which the City may be reimbursed through any source other than the general residents or taxpayers of the City. Further, it is understood and agreed by the parties hereto that the Board shall not participate in, nor pay any portion of, the Costs incurred for or related to the following:
            1. Land acquisition, right-of-way acquisition, or utility relocation;
            2. Legal fees and expenses, design engineering services, Project administration, or financing costs;

3. Taxes, licensing or permit fees, title reports, insurance premiums, exactions, recording fees, or similar charges;
4. Project overruns;
5. Project scope modifications or major change orders which are not separately and specifically approved and authorized by the Board; and;
6. Minor change orders which are not separately and specifically approved and authorized by the Director of Public Works & Infrastructure of Johnson County, Kansas ("Public Works Director"). Minor change orders are those which do not significantly alter the scope of the Project and which are consistent with the CARS Program Policies and Guidelines and administrative procedures thereto adopted by the Board.

It is further understood and agreed that notwithstanding the designated amount of any expenditure authorization or fund appropriation, the Board shall only be obligated to pay for the authorized percentage of actual construction costs incurred or expended for the Project under appropriate, publicly bid, construction contracts. The Board will not be assessed for any improvement district created pursuant to K.S.A. 12-6a01 et seq., and amendments thereto, or any other improvement district created under the laws of the State of Kansas.

ii. The City shall pay One Hundred Percent (100%) of all Project Costs not expressly the Board's obligation to pay as provided in this Agreement.

3. **Financing**

a. The Board shall provide financial assistance, as provided in Paragraph 2.c. above, towards the cost of the Project with funds budgeted, authorized, and appropriated by the Board and which are unencumbered revenues that are on-hand in deposits of Johnson County, Kansas. This paragraph shall not be construed as limiting the ability of the Board to finance its portion of the costs and expenses of the Project through the issuance of bonds or any other legally authorized method.

b. The City shall pay its portion of the Project Costs with funds budgeted, authorized, and appropriated by the governing body of the City.

4. **Administration of Project.** The Project shall be administered by the City, acting by and through its designated representative who shall be the City public official designated as Project Administrator. The Project Administrator shall assume and perform the following duties:

a. Cause the making of all contracts, duly authorized and approved, for retaining consulting engineers to design and estimate the Project Costs.

b. Submit a copy of the plans and specifications for the Project to the Johnson County Public Works Director for review, prior to any advertisement for construction bidding, together with a statement of estimated Project Costs which reflects the Board's financial obligation under the terms of this Agreement. The Public Works Director or his designee shall review the copy of the plans and specifications for the Project and may, but shall not be obligated to, suggest changes or revisions to the plans and specifications.

c. If required by applicable state or federal statutes, solicit bids for the construction of the Project by publication in the official newspaper of the City. In the solicitation of bids, the appropriate combination of best bids shall be determined by the City.

d. Cause the making of all contracts and appropriate change orders, duly authorized and approved, for the construction of the Project.

e. Submit to the Public Works Director a statement of actual costs and expenses in the form of a payment request, with attached copies of all invoices and supporting materials, on or before the tenth day of each month following the

month in which costs and expenses have been paid. The Public Works Director shall review the statement or payment request to determine whether the statement or payment request is properly submitted and documented and, upon concurrence with the Finance Director of Johnson County, Kansas, ("Finance Director") cause payment to be made to the City of the Board's portion of the Project Costs within thirty (30) days after receipt of such payment request. In the event federal or state agencies require, as a condition to state or federal participation in the Project, that the Board make payment prior to construction or at times other than set forth in this subsection, the Public Works Director and the Finance Director may authorize such payment.

f. Except when doing so would violate a state or federal rule or regulation, cause a sign to be erected in the immediate vicinity of the Project upon commencement of construction identifying the Project as part of the CARS Program. The form and location of the sign shall be subject to the review and approval of the Public Works Director.

Upon completion of the construction of the Project, the Project Administrator shall submit to each of the parties a final accounting of all Project Costs incurred in the Project for the purpose of apportioning the same among the parties as provided in this Agreement. It is expressly understood and agreed that in no event shall the final accounting obligate the parties for a greater proportion of financial participation than that set out in Paragraph 2.c. of this Agreement. The final accounting of Project Costs shall be submitted by the Project Administrator no later than sixty (60) days following the completion of the Project construction.

It is further understood and agreed by the City that to the extent permitted by law and subject to the provisions of the Kansas Tort Claims Act including but not limited to maximum liability and immunity provisions, the City agrees to indemnify and hold the County, its officials, and agents harmless from any cost, expense, or liability not expressly agreed to by the County which result from the negligent acts or omissions of the City or its employees or which result from the City's compliance with the Policy and Procedures.

This agreement to indemnify shall not run in favor of or benefit any liability insurer or third party.

In addition, the City of Roeland Park shall, and hereby agree to, insert as a special provision of its contract with the general contractor ("Project Contractor") chosen to undertake the Project construction as contemplated by this Agreement the following paragraphs:

> The Project Contractor shall defend, indemnify and save the Board of County Commissioners of Johnson County, Kansas and the City of Roeland Park harmless from and against all liability for damages, costs, and expenses arising out of any claim, suit, action or otherwise for injuries and/or damages sustained to persons or property by reason of the negligence or other actionable fault of the Project Contractor, his or her sub-contractors, agents or employees in the performance of this contract.
>
> The Board of County Commissioners of Johnson County, Kansas shall be named as an additional insured on all policies of insurance issued to the Project Contractor and required by the terms of his/her agreement with the City.

5. **Acquisition of Real Property for the Project**

   a. The Board shall not pay any costs for acquisition of real property in connection with the Project.

   b. The City shall be responsible for the acquisition of any real property, together with improvements thereon, located within the City's corporate boundaries, which is required in connection with the Project; such real property acquisition may occur by gift, purchase, or by condemnation as authorized and provided by the Eminent Domain Procedure Act, K.S.A. 26-201 et seq. and K.S.A. 26-501 et seq., and any such acquisition shall comply with all federal and state law requirements.

6. **Duration and Termination of Agreement**

a. The parties agree that this Agreement shall remain in full force and effect until the completion of the Project, unless otherwise terminated as provided for in Paragraph 6.b. herein below. The Project shall be deemed completed and this Agreement shall be deemed terminated upon written certification to each of the parties by the Project Administrator that the Project has been accepted as constructed. The City shall provide a copy of the Project Administrator's certification to both the Public Works Director and the Finance Director within thirty (30) days of the Project Administrator's determination that the Project is complete.

b. It is understood and agreed that the Public Works Director shall review the status of the Project annually on the first day of March following the execution of this Agreement to determine whether satisfactory progress is being made on the Project by the City. In the event that the Public Works Director determines that satisfactory progress is not being made on the Project due to the City's breach of this Agreement by not meeting the agreed upon project deadlines or otherwise not complying with the terms of this Agreement, the Public Works Director is authorized to notify the City that it shall have thirty (30) days from receipt of such notification to take steps to cure the breach (the "Cure Period"). It is further understood and agreed that the Board shall have the option and right to revoke funding approval for the Project and terminate this Agreement should the Board find, based upon the determination of the Public Works Director, that satisfactory progress is not being made on the Project and that the City has not taken sufficient steps to cure the breach during the Cure Period. Should the Board exercise its option as provided herein, it shall send written notice of the same to the City and the Board shall have no further liability or obligation under this Agreement.

7. **Placing Agreement in Force.** The attorney for the City shall cause sufficient copies of this Agreement to be executed to provide each party with a duly executed copy of this Agreement for its official records.

IN WITNESS WHEREOF, the above and foregoing Agreement has been executed by each of the parties hereto and made effective on the day and year first above written.

Board of County Commissioners of Johnson County, Kansas	**City of Roeland Park, Kansas**
Ed Eilert, Chairman	Mike Kelly, Mayor
Attest:	Attest:
Lynda Sader Deputy County Clerk	City Clerk
Approved as to form:	Approved as to form:
Robert A. Ford Assistant County Counselor	City Attorney

Item Number: **New Business- VIII.-B.**
Committee Meeting Date: **12/7/2020**

City of Roeland Park

Action Item Summary

Date:	12/1/2020
Submitted By:	Donnie Scharff, Director of Public Works
Committee/Department:	Public Works
Title:	**Approve Task Order for Bidding and Construction Admin Services of 2021 CARS Project**
Item Type:	Discussion

Recommendation:

Approve task order with Larkin for bidding and construction admin services for 2021 CARS project.

Details:

The design plans for the landscaping along the corridor and mill & overlay north of 48th St were completed by GBA during the design of the Roe 2020 project. Both of the items above were listed as add alternates during the KDOT bid process and the cost for these came in higher than anticipated. The city accepted the base bid only and chose not to move forward with the 2 add alternates.

Lamp Rynearson has been extensively involved as a project engineer during the Roe 2020 project and staff prefers to have them as the engineer for the bidding and construction admin services for the 2021 CARS project. The task order reflects some plan preparation for the bid documents and site visits by GBA and Vireo as they developed the engineering plans for the project and will need to package the appropriate pages into a bid package for these two remaining project elements.

The city is confident in Larkin's ability to effectively manage the remaining steps of the project.

Financial Impact

Amount of Request: $39,800	
Budgeted	Budgeted Amount: Engineering and Construction Admin Services were astimated at $35,000 in

Item?	the CARS Submittal
Line Item Code/Description: 5457.370	

Additional Information

How does item relate to Strategic Plan?

How does item benefit Community for all Ages?

ATTACHMENTS:

Description	Type
Task Order- Mill & Overlay and Landscaping	Cover Memo

City of Roeland Park – 2021 CARS

Contract: 2020 Roeland Park On Call

Ordinance or Resolution:	Task Agreement No: 20-8	Funding Amount: $39,800.00 Purchase Order No:

Project Title: 2021 CARS – Roe Blvd Mill and Overlay and Streetscape

Contractor/Consultant: Lamp Rynearson 9001 State Line Road, Suite 200 Kansas City, MO 64114	Division Manager: Civil Design Group Daniel G. Miller, P.E. – Civil Design Group Leader
Project Management Manual reviewed:	Attachments (Gantt Chart, etc.): None

PROJECT Scope (can be in the form of an attachment):

Includes:

- Develop Project Manual
- Project coordination with design engineer (GBA) and Landscape Designer (Vireo)
- Bid assistance
- Review submittals, pay applications
- Create punch list items and as constructed drawings
- Answer questions during construction
- Perform construction observation

The work will be performed on an hourly basis not to exceed $39,800.00

Complete the add alternates from the 2021 Roe Blvd project.

Staff Signatures		Partner Signatures	
Mayor: Mike Kelly	**City Administrator:** Keith Moody	**Division Manager:** Daniel G. Miller, P.E.	**Company Principal (if different):** Tony O'Malley, P.E.
Signature:	Signature:	Signature:	Signature:
Date:	Date:	Date: 12/4/2020	Date:

Project Type: Design _____ Construction __X___ Property Acquisition_____ Conceptual/Problem Solving_____ Surveying_____

Project Discipline(s): Transportation __X__ Planning_____ Water_____ Wastewater_____ Stormwater_____

Report(s) Received:

Work on File:

This Task Agreement is subject to all the provisions included in the On-Call Professional Services Agreement, Public Works Department, Engineering Division by and between the City and Lamp Rynearson (Professional), **dated 1/1/2017.**	

Attach scope of work, budget, and other supporting material

LAMP RYNEARSON
9001 State Line Rd., Ste. 200
Kansas City, MO 64114
[P] 816.361.0440
[F] 816.361.0045
LampRynearson.com

CIVIL DESIGN GROUP FEE ESTIMATE

PROJECT TITLE 2021 CARS - Roe Blvd Mill and Overlay and Streetscape
LOCATION Roe Blvd, County Line to Johnson Drive
DATE 12/3/2020

PROJECT #
BY Greg Van Patten

Classification:	Department Manager	Senior Project Engineer I	Project Designer IV	Construction Observer V	Admin Asst.	Subtotal of Hrs per Item	Subtotal of Fee per Item
Associate:	Miller	Van Patten	McMurry	Jones	Nichols		
Hourly Rate:	$223.00	$116.00	$106.00	$96.00	$79.00		
Design Services							
Prepare Specifications and Project Manual	1	6	0	0	8	15	$1,551.00
Coordinate Project with GBA	4	3	0	0	0	7	$1,240.00
Bid Assistance	2	4	0	0	4	10	$1,226.00
Subtotal of Hours per Associate	7	13	0	0	12	32	
Subtotal of Fee per Associate	$1,561.00	$1,508.00	$0.00	$0.00	$948.00		
					Labor Fee		$4,017.00
					Reimbursables	5%	$200.85
					Contingency	5%	$200.85
					Subtotal of Engineering Services		**$4,418.70**
Construction Contract Administration							
Shop Drawing Review/ Submittals	0	4	0	0	0	4	$464.00
Field Visits	1	2	0	0	0	3	$455.00
Review Pay Applications	0	3	0	0	0	3	$348.00
Punch List	0	2	0	1	0	3	$328.00
As-Constructed Drawings	0	0	3	0	0	3	$318.00
Construction Issues and Question Resolution	3	2	0	0	0	5	$901.00
Subtotal of Hours per Associate	4	13	3	1	0	21	
Subtotal of Fee per Associate	$892.00	$1,508.00	$318.00	$96.00	$0.00		
					Labor Fee		$2,814.00
					Reimbursables	5%	$140.70
					Contingency	5%	$140.70
					Subtotal of Construction Administration		**$3,095.40**
Subconsultants							
GBA Plan Revisions/Limited Construction Services							$10,055.00
Vireo Plan Revisions/Limited Construction Services							$9,950.00
					Subtotal of Subconsultants		**$20,005.00**
Construction Observation							
Construction Observation							
Part Time, 10 Hours/ Week, 1 60 Day Construction				120		120	$11,520.00
Subtotal of Hours per Associate	0	0	0	120	0	120	
Subtotal of Fee per Associate	$0.00	$0.00	$0.00	$11,520.00	$0.00		
					Labor Fee		$11,520.00
					Reimbursables	0.58/mi	$762.70
					Contingency	0%	$0.00
					Construction Observation Fee Total		**$12,282.70**

Project Fee Summary

PROJECT TOTAL $39,801.80

Item Number: **New Business- VIII.-C.**
Committee Meeting Date: **12/7/2020**

City of Roeland Park

Action Item Summary

Date:	12/1/2020
Submitted By:	Daniel Vandenbos, Public Works Superintendent
Committee/Department:	Public Works
Title:	**Approve Winter Season Street Light Banners**
Item Type:	Discussion

Recommendation:

Approval of winter banner designs for streetlights along Roe Blvd

Details:

Staff have been working with Midtown signs for the design of the winter banners that will be installed on the new streetlights on Roe Blvd. Attached is a presentation showing the cost information and design recommendations. 4 design options are included in the presentation. Staff received 3 quotes from vendors for the printing of the banners.

- Consort Display Group - **$6,628**
- Display Sales - **$6,828**
- Speed Pro - **$6,565 (**Staff Recommendation**)**

There will be a total of 101 streetlights that will be capable of having banners. The banner size is 30"x60" and will be printed double sided. Currently, all the street lighting south of 51st St to Johnson Dr is installed and operational which is roughly 50 streetlights and can have banners installed later this month or early January. The street lighting north of 51st St to the north city limits will be installed in the coming weeks. Staff have presented the banner options to the Community Engagement Committee and they have recommended option 1, 2, & 3 for the banner designs.

Installation of the banners will be done by the public works department. Staff recommend installing the banners in sequence and repeating the process along each side of Roe Blvd. Each streetlight pole has a GFCI outlet plug that can supply power. Staff is currently researching costs for lighted ornaments that could be installed on the banners arms for the holiday season.

Financial Impact

Amount of Request:	
Budgeted Item?	Budgeted Amount: $3300-$6565
Line Item Code/Description: 5249.101	

Additional Information

While the intent of this agenda item is for the selection of winter banners, staff is looking at other seasonal banners for the spring, summer, fall months that can be put up during each season.

How does item relate to Strategic Plan?

How does item benefit Community for all Ages?

ATTACHMENTS:

Description	Type
Winter Banner Presentation	Cover Memo

Street Banners

Cost and Designs

Lingo

Ready to print – A stock design that would take little to no modification to be ready to print

Custom Art – Designs that are completely custom, our logo and theme we choose

Material – most commonly vinyl, the heavier the “oz” the more durable.

Vector Format – a format that can be fit to the size of the banner without pixelating or becoming blurry

Consort Display Group

- Rep – Anna Walash
- Ready to print is the same cost as custom art
- 1-year warranty, known to last 2-3 years of constant display. So if only displayed one season they would last much longer than 2-3 years.
- Single ply 22 oz vinyl – they have found that sowing 2 ply vinyl together creates weak points and they are not as durable. They claim that 22oz single ply is more durable than 18oz 2 ply.
- Four complimentary hours of artist work. If needed $50 an hour after that. (Shouldn't be a reason for additional artist work if in vector format)
- Very easy company to work with so far
- Total cost for 101 banners, without artwork charges of $6,628.14
- 7 – 10 business days turn from time of order to banners in hand.

CONSORT DISPLAY GROUP | Kalamazoo Banner Works™ | DisplayONE® | Abstracta® | Podia® | Dori Pole®

Quotation

Kalamazoo Banner Works ™
Abstracta ®
Display One ®
Podia ®
Dori Pole ™

Consort Display Group
P.O. Box 3597
Kalamazoo, MI 49001
269.388.4532
800.525.6424
888.880.6341 (FAX)
E-Mail info@consort.com

Customer #: 20-28338
Contact Date: 9/9/2020
Quote #: ***QTE0091611***
Purchase Order #: 22OZ VINYL
Terms: PREPAY
Requested Ship Date: 0/0/0000
Ship Mode: STD GROUND
Salesperson: SALES
Page: 1
Master Number: 112920

Bill To:
City of Roeland Park
Daniel Vandenbos
4800 Roe Parkway

Roeland Park KS 66205 U.S.A.
Tel: (913) 722-5435 Ext. 0000
Fax: (000) 000-0000 Ext. 0000

Ship To:
City of Roeland Park
Daniel Vandenbos
4800 Roe Parkway

Roeland Park KS 66205 U.S.A.
Tel: (913) 722-5435 Ext. 0000
Fax: (000) 000-0000 Ext. 0000

Code	Qty/Sqft.	Item Description	Price	Special Discount	Amount
CDD-22MB	325.00	26 Digital Banner(s) 2 Sided 22oz Blockout 30"x60" "Spring banners" Double sided. 4" top and bottom double rolled, double lock stitched pole pockets, 2 brass spur grommets per banner. 1 year warranty.	$5.83	10.00%	$1,706.25
CDD-22MB	312.50	25 Digital Banner(s) 2 Sided 22oz Blockout 30"x60" "Summer banners" Double sided. 4" top and bottom double rolled, double lock stitched pole pockets, 2 brass spur grommets per banner. 1 year warranty.	$5.83	10.00%	$1,640.63
CDD-22MB	312.50	25 Digital Banner(s) 2 Sided 22oz Blockout 30"x60" "Fall banners" Double sided. 4" top and bottom double rolled, double lock stitched pole pockets, 2 brass spur grommets per banner. 1 year warranty.	$5.83	10.00%	$1,640.63
CDD-22MB	312.50	25 Digital Banner(s) 2 Sided 22oz Blockout 30"x60" "Winter banners" Double sided. 4" top and bottom double rolled, double lock stitched pole pockets, 2 brass spur grommets per banner. 1 year warranty.	$5.83	10.00%	$1,640.63
MSV049	4	Design Set Up Fee Digital banner Additional set up fee for each unique design printed. Set up fee waived when printing 10+ banners with the same design.	$25.00	100.00%	$0.00

Display Sales

- Rep – Trevor Bowell
- Ready to print is the same price as custom art
- 18 oz 2 ply vinyl – 1-year warranty against ripping and/or tearing under normal conditions. Typically last 2-3 years of constant display time. They would last much longer only being up for one season a year.
- $125 an hour for art fees. If the designs are in Vector format there should be no reason for additional artist work.
- Very responsive and easy company to work with
- Total cost for 101 banners with out additional artwork fees $6,827.60
- 3 – 4 week turn around from time of order to banners in hand.

DISPLAYSALES

QUOTE

Display Sales
10925 Nesbitt Avenue S
Bloomington, MN 55437
P: 800-328-6195
F: 952-885-0099
www.displaysales.com

ESTIMATE	QO-031879-10
DATE	11/5/2020
EXPIRATION DATE	10/15/2020
CUSTOMER ID	545012

Ship To: Daniel Vandenbos
City of Roeland Park
4600 W 51st St
Roeland Park, KS 66205

Bill To: Daniel Vandenbos

PREPARED BY	JOB	PAYMENT TERMS	REQUEST DELIVERY DATE
Alex Letsche	Daniel Vandenbos		9/15/2020

QUANTITY	DESCRIPTION	UNIT PRICE			AMOUNT
25	Custom Pole Banner Size: 30 x 60" Fabric: 18oz Vinyl, 2-Ply Process: Digital Same Image Front & Back Pole Pocket on Top & Bottom 2 grommets Design: Custom Art#:	65.00			1,625.00
25	Custom Pole Banner Size: 30 x 60" Fabric: 18oz Vinyl, 2-Ply Process: Digital Same Image Front & Back Pole Pocket on Top & Bottom 2 grommets Design: Custom Art#:	65.00			1,625.00
25	Custom Pole Banner Size: 30 x 60" Fabric: 18oz Vinyl, 2-Ply Process: Digital Same Image Front & Back Pole Pocket on Top & Bottom 2 grommets Design: Custom Art#:	65.00			1,625.00
26	Custom Pole Banner Size: 30 x 60" Fabric: 18oz Vinyl, 2-Ply Process: Digital Same Image Front & Back Pole Pocket on Top & Bottom 2 grommets Design: Custom Art#:	65.00			1,690.00

Speed Pro

- Rep – Greg Olerich or Jeff Quast
- Do not carry ready to print banners
- Local company
- Seems to be a very responsive and easy to work with
- 18 oz 2 ply vinyl – 2-5 years of solid display time. With multiple designs it should last much longer
- One-year warranty.
- 5 – 7 day turn around from time of order to banners in hand.
- Total cost $6,565 (after taxes are removed)

SpeedPro Great. Big. Graphics.

8148 Monticello Terrace
Shawnee, KS 66227
(913) 441-7955

http://www.speedproshawnee.com

ESTIMATE
EST-8217

Payment Terms: Due on Completion

Created Date: 10/14/2020

DESCRIPTION: Roeland Park Pole Banners DS

Bill To: Walk-in - SpeedPro Shawnee
8148 Monticello Terrace
Shawnee, KS 66227
US

Pickup At: Speedpro Shawnee
8148 Monticello Terrace
Shawnee, KS 66227
US

Requested By: Daniel Vandenbos
Email: dvandenbos@roelandpark.org
Work Phone: (913) 722-5435

Salesperson: House SpeedPro Shawnee
Entered By: Greg Olerich

NO.	Product Summary	QTY	UNIT PRICE	AMOUNT
1	Pole Banner - Double Sided 30" x 60"	101	$65.00	$6,565.00
2	Warranty - 1 Year	1	$0.00	$0.00

Subtotal:	$6,565.00
Taxes:	$630.24
Grand Total:	$7,195.24

This estimate is valid for two weeks. Changes, additions and deletions to the estimate may result in additional charges. The estimate is based on print-ready files. Design is available at an hourly rate. Sales tax will be added to the invoice unless a Sales Tax Exemption Certificate is on file.

Acceptance of the estimate authorizes Speedpro Imaging to initiate production. All amounts are due upon delivery of the products unless other arrangements have been formally agreed upon.

Manufacturer Warranties covering adhesion and durability of the adhesive films may exist. However, Speedpro does not guarantee adhesion of films to substrates not provided by Speedpro and is not responsible for unusual wear and tear due to external forces such as power washing or car wash systems.

....ESTIMATE ONLY....

Any changes to this estimate will result in price changes. Completion will vary based on the date you place your order! Please let us know if you have a specific due date.

Highlights

- Consort Display group – 22 oz vinyl – one-year warranty – 7/10 day turn around – $6,628.14
- Display Sales – 18 oz 2 ply vinyl – one-year warranty against ripping and/or tearing under normal conditions. – 3/4 week turn around - $6,827.60
- Speed Pro – 18 oz 2 ply vinyl – one-year warranty – local company – 5/7 day turnaround $6,565.00

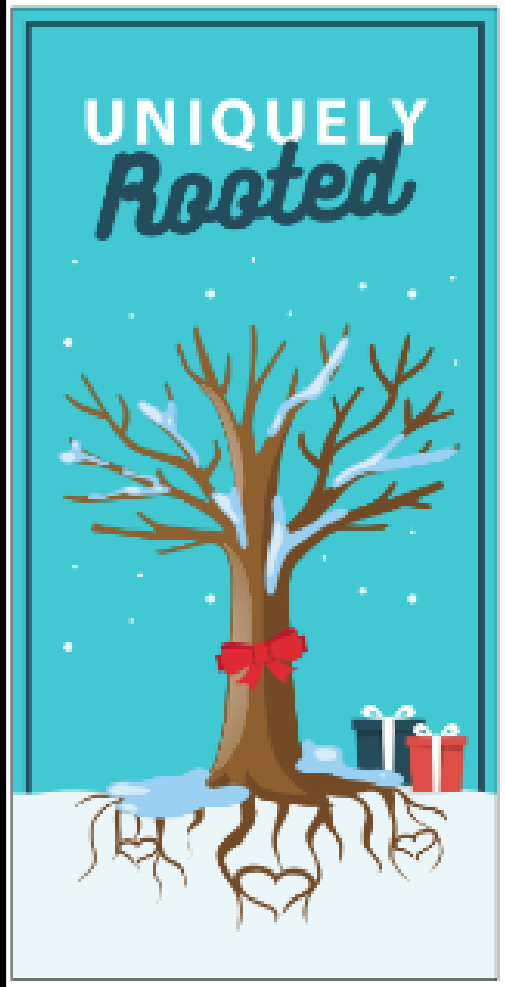
Committee Egagment Committee Recommendation

The Committee Engagement Committee Recommends Speed Pro for the production of the banners for the following reasons:

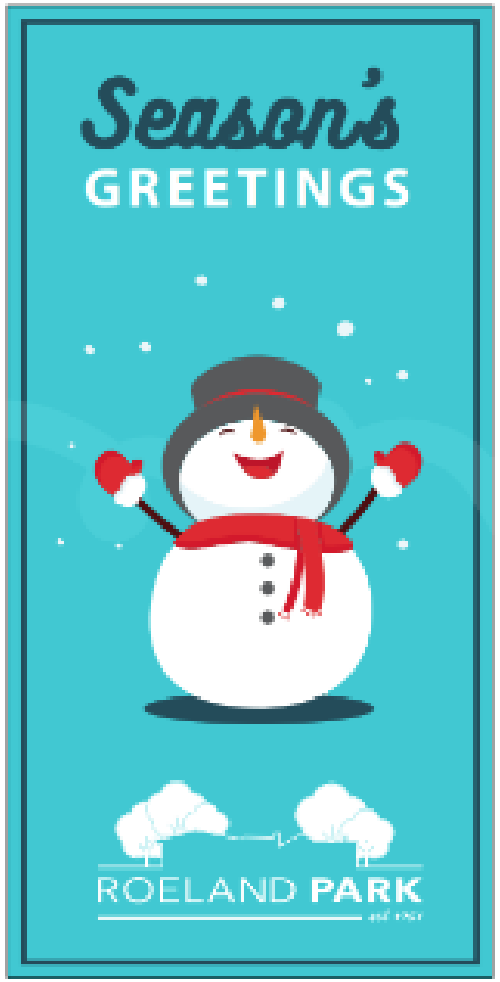
- Lowest Price
- Quickest turn around
- ***Local Company***

Public Works would make the same recommendation for the same reasons.

Option 1



Option 2



Option 3

Option 4

Custom Art From the Design Team

A little blurry from stretching the images

Community Engagement Committee Recommendations on Art

- The Community Engagement Committee recommended going with the artwork designed by Mid-Town Signs.
- The committee does not recommend banner option #4. (peace sign polar bear) They did not like the resemblance to the Coke Cola Polar bear.
- Public Works thinks that three designs would be enough variety.

Item Number: **New Business- VIII.-D.**
Committee Meeting Date: **12/7/2020**

City of Roeland Park

Action Item Summary

Date:	11/12/2020
Submitted By:	Tony Nichols
Committee/Department:	Public Works
Title:	**Cost Recovery Policy Discussion for Parks and Recreation Fees**
Item Type:	

Recommendation:

Staff recommends Council develop and adopt a policy for setting parks and recreation fees.

Details:

Tony Nichols will go through the Pricing Policy for Parks and Recreation programs and services attached. Having a policy such as this in place is beneficial as it lends objectivity and transparency to the fee setting process. Decisions concerning fees can be emotional, following an established policy helps to temper emotions during the decision making process.

Financial Impact

Amount of Request:	
Budgeted Item?	Budgeted Amount:
Line Item Code/Description:	

Additional Information

How does item relate to Strategic Plan?

How does item benefit Community for all Ages?

ATTACHMENTS:

Description	Type
Pricing Policy Presentation	Cover Memo
Parks and Recreation Pricing Policy	Cover Memo

Pricing and Cost Recovery Policy

Roeland Park Parks and Recreation

Statement of Philosophy

- The City of Roeland Park pricing policy is based on a thorough evaluation of what services cost to provide the level of benefit and exclusivity the user receives above what a general taxpayer receives. The city will strive to offer a variety of recreational and cultural services, ensuring that all Roeland Park residents have equal opportunity to participate in a wide variety of programs and services, without tax dollars to support all activities.

Pricing Strategy

Focus on maximizing participation in activities and facility usage based on the following pricing methods:

- Resident/Non Resident fee structure where NR incur higher fees than local taxpayer
- Individual fee based programs are priced to break even at minimum number of participants required to host the program.
- Shelter rental times are priced in five hour blocks and accommodate two groups daily to enhance service and extend revenues.
- Life cycle of a program will be taken into consideration. Fees may change over life cycle to drive demand.
- The City will compare fee structures to neighboring departments annually to ensure equity in the market is maintained.

Costs and Fee Classifications

- Direct Costs – Specific expenses of a program or facility (materials, equipment, instructors, promotion)
- Indirect Costs – Department expenses (office support, office supplies, capital, facility maintenance)
- Administrative Costs – full time staff within PW and other departments.

- Facility Rental Fees
- Program Participation Fees
- Sales Fees
- Admission Fees
- Vendor Fees
- Sponsorships

Pricing Policy Guidelines

- Community Service
  - No Charge 100% subsidized
  - Playgrounds, Holiday Lighting, 4th of July Fireworks, Parks and Greenways, Cultural Arts
- Community / Individual Services
  - Partial cost of operation and maintenance
  - Shelters, Tennis Courts, Soccer Fields, Aquatic Center
- Individual / Community Services
  - Fees cover direct costs and portion of indirect costs
  - Swim Lessons
- Highly Individual Services
  - Fees cover direct cost and majority of indirect costs
  - Fitness Classes, Swim Team, Private Swim Lessons
- Special Services
  - Fees cover nearly all indirect costs
  - Aquatics Center concessions items

Determining the Cost of a Program

- Life cycle of a program
  - Introduction, Growth, Maturity and Decline.
  - Fees may need to adjust to build interest or manage demand.
- Minimum and Max participation
  - Minimum level of participation must cover the cost to offer a class.
- Establish Direct Cost of Program
  - Specific expenses of a program or facility (materials, equipment, instructors, promotion)
- Establish Indirect Costs of Program
  - Department expenses (office support, office supplies, capital, facility maintenance)

Resident Discount Policy

- Roeland Park residents make a significant contribution to the financing and operation of Parks and Recreation facilities and programs through taxes. The Resident Discount Policy is intended to offer residents the opportunity to participate in programs or utilize facilities offered and provided by the city at a lower fee than non-residents.

- Resident Fees will be established at a rate of 15-50% lower than non-resident fees, depending on the price to meet the minimum participation numbers.

Waiving of Fees

- All requests for the waiving of fees must be approved by the Roeland Park City Council.

Implementation

- Fees for services and reservations shall be reviewed annually and adjusted as necessary to meet Pricing Policy guidelines.
- Fee recommendations will be mad eat the appropriate time as part of the budgeting process for the next year
- Any change in policy guidelines and or need for fee increase within a given year will be taken to the Governing Body as a resolution to the City's established fee schedule for a given year.

Parks and Recreation Pricing Policy

I. SCOPE

The Parks and Recreation Pricing Policy shall apply to all parks and recreation facility rentals and programming.

II. PURPOSE

To establish a set method of determining fee amounts based on the level of community benefit. Policy will identify which services should be fee based as well as provide for a fair and equitable fee structure. Policy objectives are to eliminate subsidies of highly individual programs and identify percent of subsidy percent of subsidy of maintenance expenses on non-suer fee activities and facilities.

III. RESPONSIBILITY

Superintendent of Parks and Recreation

IV. POLICY

A. Pricing Strategy

1. Patrons who reside outside of the City limits will incur fees higher than the local taxpayer. This is accomplished with a fee structure for both residents and non-residents.
2. Individual fee-based programs are priced to break even at the minimum number of participants required to host the program.
3. Any participants above the minimum number are "profit" to the program if the expenses are maintained within the budgeted amount.
4. Shelter rental times are priced in five-hour blocks and can accommodate two groups daily to enhance service and extend revenues.
5. The life cycle of a program will be taken into consideration in that as the demand is high, fees should be adjusted accordingly.
6. The City will compare fee structures to neighboring departments on an annual basis to ensure the equity of the market is being maintained.

B. Definitions

1. Costs

- Direct Costs – Specific expenses which are incurred by the city in conducting a program or operating a facility. These costs typically include materials, equipment, instructors, program promotion and any other expenses that can be directly attributed to the operation of the program or facility.
- Indirect Costs – Department expenses which are not directly incurred by the program or facility but may be charged to it. These costs can include, but are not limited to, office support staff salaries, office supplies, capital equipment and other costs(deb service and facility & maintenance costs).

- Administrative Costs – Department expenses incurred due to the overall operation of the City. This may include additional full time staff within the Public Works department and other departments.

2. Fee Classifications

- Facility Rental Fees – Payment for the exclusive use of a facility during a set block of time.
- Program Participant Fees – Payment for participation in a sport, class or activity.
- Sales Fees – Payment for the purchase of an item.
- Admission Fees – Payment for entry into an event or facility.
- Vendor Fees – Payment for the right to sell goods or services during a City sponsored event.
- Sponsorships – while not considered a fee, sponsorships are solicited and used to offset program costs when feasible.

C. Pricing Policy Guidelines

1. Community Service
   These services represent leisure opportunities available to all patrons. Fees are not charged for these facilities or programs and are 100% subsidized.
   - Playgrounds
   - Holiday Lighting Ceremony
   - 4th of July Fireworks
   - Parks and Greenways
   - Easter Egg Hunt
   - Cultural Arts
2. Community / Individual Services
   Fees recover partial cost of operation and maintenance. Fees can be charged for exclusive use of a facility (sports fields and shelters). These facilities and programs are available for all to use. Both resident and non-resident fees apply.
   - Shelters
   - Tennis Courts
   - Soccer Fields
   - Aquatic Center
3. Individual / Community Services
   These services are generally instructional in nature and offer opportunities to a varied range of participants both in age and ability. These services usually host a high number of participants. Fees recover direct costs and most indirect costs with both resident and non-resident fees.
   - Swim Lessons
4. Highly Individual Services
   These services may be described as specialized services for specific groups. They also tend to be individualized and participation numbers may be limited. These services are generally for participants with a high level of interest in a program. Fees recover direct costs and the majority of indirect costs. Both resident and non-resident fees apply.
   - Fitness Classes
   - Swim and Dive Teams
   - Private Swim Lessons

5. Special Services
   These may be described as services beyond the scope of traditional public leisure services. The user or participant enjoys the benefits of these services through exclusivity. Fees recover direct and the nearly all of the indirect costs (excluding debt).
   - Aquatic Center Concessions Items

D. Criteria for Establishing Fees and Charges

No Cost Recovery / Full Subsidy
Allows the City to offer programs and events to the community for minimal or no costs.

Partial Cost Recovery / Partial Subsidy
All direct costs and some indirect costs are recovered.

Full Cost Recovery / No Subsidy
All direct and indirect costs are recovered.

Enterprise or Profit Center
Activity costs based on market rates are recovered.

E. Determining the Cost of a Program

To determine the cost of a program, the following criteria should be taken into consideration.

1. Life Cycle of a Program
   All programs have a life cycle of participation. The continuum for the life cycle is introduction, growth, maturity and decline. In determining the price of the program, we will consider in what stage the program falls. If a new program is being introduced, we will consider pricing the program a little lower to generate interest. If the program is in the growth stage with waiting lists, the program fees could be raised due to demand. During the decline it may be necessary to consolidate classes and offering until the program is eventually phased out or shelved until trends return.
2. Minimum and Maximum Participation Levels
   Setting the appropriate minimum number of participants to host a class is necessary to cover all costs for a class. To accurately determine the minimum level for each class section, all costs established for the maximum amount of participants must be divided by the lowest number of participants to achieve the desired rate.
3. Establish Direct Costs to the Program
   Specific expenses which are incurred by the department in conducting a program or operating a facility. These may include: supplies, program promotion, instructors and any other expenses that can be directly attributed to the operation of the program or facility.
4. Establishing Indirect Costs to the Program
   Department expenses which are not directly incurred by the program or facility but may be charged to it. These costs can include, but are not limited to : office support staff salaries, office supplies, capital equipment and other costs (debt service and facility & maintenance costs).

F. Resident Discount Policy

Roeland Park residents make a significant contribution to the financing and operation of Parks and Recreation facilities and programs through taxes. The Resident Discount Policy is intended to offer residents the opportunity to participate in programs or utilize facilities offered and provided by the city at a lower fee than non-residents.

Resident Discount Fees

The resident fee discount can be applied to the following:

- Facility (shelter) Rentals
- Program Fees (Swim Lessons, Swim Team, aerobics, etc.)
- Pool Passes and Pool Admission Fees

Resident Fees will be established at a rate of 15-50% lower than non-resident fees, depending on the price to meet the minimum participation numbers.

G. Waiving of Fees

All requests for the waiving of fees must be approved by the Roeland Park City Council.

V. PROCEDURES

A. Fees for services and reservations shall be reviewed annually and adjusted as necessary to meet Pricing Policy guidelines.

B. Fee recommendations will be made at the appropriate time as part of the budgeting process for the next year.

C. Any change in policy guidelines and/or need for fee increase within a given year will be taken to the Governing Body as resolution to the City's established fee schedule for a given year.

Item Number: **New Business- VIII.-E.**
Committee Meeting Date: **12/7/2020**

City of Roeland Park

Action Item Summary

Date:	12/3/2020
Submitted By:	Keith Moody
Committee/Department:	
Title:	**Agreement with JOCO for COVID Health Order Enforcement**
Item Type:	Agreement

Recommendation:

Staff recommends approval of the attached agreement with Johnson County which allows the County to enforce their COVID health orders within Roeland Park.

Details:

On November 13, 2020, the Johnson County Board of County Commissioners, sitting as the Johnson County Board of Public Health, adopted Johnson County Board of Public Health Order No. 002-20 (the "Health Order"). Among other things, the Health Order established certain social distancing requirements and limitations on gatherings for individuals, businesses, and activities. The Health Order became effective in all of Johnson County as of 12:01 A.M. on Monday, November 16, 2020, and shall remain in effect through 11:59 P.M. on January 31, 2020, unless otherwise amended, revoked, or replaced.

The Health Order was issued by the County pursuant to certain statutory authority, namely K.S.A. 65-119. This type of order could generally be enforced by the district attorney pursuant to K.S.A. 65-127 and, depending on the situation, K.S.A. 65-129. However, there has been concern over the practical ability to enforce such rules given the backlog of cases currently pending in district court (which has seen eliminations of or, at best, severe reductions in, trials).

However, pursuant to K.S.A. 19-101d, the Board of County Commissioners has the power to enforce certain of its "resolutions" by prosecution in the Johnson County Codes Court. To help alleviate district court pressures, and presumably to better allow the County to enforce its own Health Order, on November 19, 2020, the County adopted Resolution No. 108-20 establishing noncompliance with the Health Order as a violation of the Johnson County Code.

That notwithstanding, there is some question as to whether the County can enforce its own resolutions in Johnson County Codes Court within city limits, absent an agreement by the applicable city to allow for that (as cities generally have their own home rule powers within their borders). Accordingly, the County has requested that cities within Johnson County approve an agreement with the County allowing for County enforcement of the Health Order, as incorporated

into the County Code. That Agreement is presented tonight to the City Council for consideration and approval. Cities have worked with the County on preparing and finalizing an acceptable form of Agreement, which provides for the following:

- The County, and not the City, will be responsible for enforcement of the Health Order within the City limits. The City agrees to reasonably cooperate with the County in the sharing of information related to enforcement, and to also assist in educating its citizens as to the requirements of the Health Order.

- The Agreement is limited only to Johnson County Board of Public Health Order No. 002-20. No other orders would be covered by this Agreement (there are not currently any in effect, but if there should be, the County and the City could amend the Agreement appropriately).

Either party can terminate the Agreement at any time, if deemed in the best interests of the City or County.
Our City Attorney has reviewed the agreement and supports its adoption.

Financial Impact

Amount of Request: None	
Budgeted Item?	Budgeted Amount: N/A
Line Item Code/Description:	

Additional Information

How does item relate to Strategic Plan?

How does item benefit Community for all Ages?

ATTACHMENTS:

Description	Type
Agreement for Health Order Enforcement	Cover Memo
JOCO Health Order 11-14-20	Cover Memo

GOVERNMENT ENFORCEMENT SERVICES AGREEMENT FOR JOHNSON COUNTY LOCAL HEALTH OFFICER ORDERS AND COUNTY BOARD OF HEALTH ORDERS

by and between:

JOHNSON COUNTY, KANSAS

and

THE CITY OF ROELAND PARK, KANSAS

This Agreement made and entered into this _____ day of December, 2020, by and between **Johnson County, Kansas** ("County") and the **City of Roeland Park, Kansas** ("City").

WITNESSETH:

WHEREAS, County and City ("Parties") desire to protect the health and safety of their citizens; and

WHEREAS, the Local Health Officer is appointed by Johnson County pursuant to K.S.A. 65-201 and, is directed and authorized by statute to act to prevent the spread of any infectious, contagious, or communicable disease; and

WHEREAS, pursuant to K.S.A. 65-201, the Board of County Commissioners of Johnson County, Kansas acts as the County Board of Health for Johnson County; and

WHEREAS, pursuant to K.S.A. 65-119, the Local Health Officer and the County Board of Health are charged with exercising and maintaining supervision over infectious or contagious disease within Johnson County and are "empowered and authorized to prohibit public gatherings when necessary for the control of any and all infectious or contagious disease"; and

WHEREAS, the Johnson County Local Health Officer or the County Board of Health may issue certain health orders in furtherance of these objectives; and

WHEREAS, the Johnson County Board of County Commissioners, sitting as the Johnson County Board of Public Health, adopted Johnson County Board of Public Health Order No. 002-20 ("Health Order") on November 13, 2020; and

WHEREAS, County adopted Resolution 108-20 on November 19, 2020, establishing noncompliance with the Health Order as a violation of the Johnson County Code; and

WHEREAS, pursuant to K.S.A. 19-101d, the Board of County Commissioners has the power to enforce all resolutions passed pursuant to county home rule powers. Noncompliance with Health Orders may be prosecuted in Johnson County Codes Court and violations shall incur fines pursuant to Johnson County Code Part II, Chapter I, Section 1-7 and Part II, Chapter II, Article IX; and

WHEREAS, Resolution 108-20 is effective within all of the unincorporated areas of Johnson County, Kansas, and within any cities whose governing bodies have agreed to contract with the County for such services; and

WHEREAS, County and City are authorized to enter into an agreement for services pursuant to K.S.A. 12-2908; and

WHEREAS, County and City deem it in the interest of public health and safety to enforce the Health Order within the corporate city limits of City.

NOW, THEREFORE, in consideration of the mutual promises and covenants recited herein, the parties do agree as follows:

1. The County shall provide enforcement of the Health Order within the city limits of City, pursuant to Resolution 108-20. Amendments to the Health Order or other health orders issued by the Johnson County Board of Public Health or the Johnson County Local Health Officer may be included in this Agreement if the City agrees in writing to include those specific orders. The Parties agree that the form and scope of the City's subsequent agreement to include amendments to the Health Order or other health orders within the scope of this Agreement will be as authorized by the City's governing body in its sole discretion.

2. All expenses necessary to the operation of said enforcement shall be paid and provided for by the County. Notwithstanding the foregoing, nothing in this Agreement shall be construed so as to require County to pay for any of City's expenses incurred during any investigation, prosecution, or assistance in enforcement of the Health Order.

3. The County and City shall each designate a liaison as the point of contact under this Agreement.

4. By entering into this Agreement, the governing body of the City has consented to the County exercising local legislation and administration limited to the enforcement of the Health Order within the corporate limits of the City, such that at the time of this Agreement, the Agreement does not infringe upon the City's home rule powers, pursuant to Article 12, Section 5 of the Kansas Constitution and K.S.A. 19-101a(4).

5. The City consents to the County's jurisdiction to prosecute violations of the Health Order that occur within the City's corporate boundaries in the Johnson County Court, pursuant to Johnson County Code Part II, Chapter I, Section 1-7 and Part II, Chapter II, Article IX. The City shall defer all prosecutorial decisions to the County and fines collected as a result of said prosecutorial efforts shall be retained by the County and the City shall make no claim or demand for any portion of any fines collected by the County as a result of enforcement activity within the corporate boundaries of the City.

6. The City agrees to aid County in educating and promoting awareness of the Health Order within its city limits. The City further agrees to aid County in reporting, investigating, and testifying as to the noncompliance of the Health Order. The Parties agree that the City retains the sole, discretionary authority to decide what "aid", "educating", "promoting awareness", "reporting", "investigating" to provide to County. Prior to County issuing a citation within City's city limits, County will have a general expectation that City will have provided records and documentation sufficient to support a determination by County to issue a citation. In recognition of the varying circumstances that may occur on these matters, the City and County may enter into separate related agreements or memoranda of understanding. Also, the City and County may confer to arrive at other informal written or unwritten approaches to determine processes to coordinate with one another to effectuate this Agreement.

7. The following terms and conditions shall cover how the parties will handle records matters that are likely to arise within this Agreement:

   A. City shall be responsible for responding to Kansas Open Records Act ("KORA") requests received by City. County shall be responsible for responding to KORA requests received by County.

   B. When the County files a uniform complaint and notice to appear in County Codes Court and a defendant or a defendant's legal counsel completes a discovery request, County would ultimately be responsible for completing the discovery request response, but would rely upon assistance from City to ensure that all documents responsive to the discovery request could be provided in a timely fashion. County would gather and prepare to distribute to the defendant any documents County would possess that may be responsive to the request pursuant to state law, which may include but not be limited to records generated by City. County will also contact City to request that City provide County any and all records that may be responsive to the discovery request, which would also include any potentially exculpatory evidence. City would expeditiously locate such records and would not unreasonably withhold any such records, but would instead provide the documents as soon as practicable. County would then deliver the records responsive to the discovery request to the defendant or the defendant's legal counsel.

8. Either party to this Agreement shall have the right to terminate this Agreement upon notice to the other as set forth hereinafter. Written notice of termination issued on lawful authority of the terminating party shall be given in writing and termination shall become effective upon the non-terminating party's receipt of such notice of termination. Notice shall be sent to:

COUNTY: Director of Department of Health and Environment
Health Services Building
11875 S. Sunset Drive, Suite #300
Olathe, KS 66061

and Johnson County Legal Department
Attn: Chief Counsel
111 S. Cherry Street, Suite 3200
Olathe, Kansas 66061

CITY: City of Roeland Park, Kansas
Attn: City Administrator
4600 W. 51st Street
Roeland Park, Kansas 66205

9. The right of the County and the City to enter into this Agreement is subject to the provisions of the cash Basis Law (K.S.A. 10-1112 and 10-1113), the Budget Law (K.S.A. 79-2935), and all other laws of the State of Kansas. This Agreement shall be construed and interpreted so as to ensure that the County and the City shall at all times stay in conformity with such laws, and as a condition of this Agreement either party reserves the right to unilaterally sever, modify, or terminate this Agreement at any time if, in the opinion of its legal counsel, the Agreement may be deemed to violate the terms of such laws.

10. This Agreement contains the entire agreement between the parties relating to the subject matter hereto. No amendment, waiver or modification of this Agreement shall be effective unless reduced to writing and signed by the authorized officers of each of the parties hereto, except to the extent this Agreement would authorize supplemental documents in conjunction with this Agreement, as described within Section 7 of this Agreement.

11. In the event that any provision of this Agreement is held to be unenforceable, the remaining provisions shall continue in full force and effect.

12. This Agreement shall become effective upon signature of approval of both parties and upon compliance of City with the provisions indicated within Section 5 of this Agreement, and shall continue in force and effect until terminated by either party as provided in Section 8 or Section 9 of this Agreement.

13. This Agreement may be executed in any number of counterparts, each of which when executed and delivered shall constitute a duplicate original, but all counterparts together shall constitute a single agreement.

[Signature Page Follows Directly]

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

JOHNSON COUNTY, KANSAS

By:_____
Ed Eilert, Chairman

APPROVED AS TO FORM:

By:_____
Printed Name:_____
Title: Assistant County Counselor

ATTEST:

By:_____
Lynda Sader, Deputy County Clerk

CITY OF ROELAND PARK, KANSAS

By:_____
Mike Kelly, Mayor

APPROVED AS TO FORM:

By:_____
Steve Mauer
City Attorney

ATTEST:

By:_____
Kelley Nielsen, City Clerk

JOHNSON COUNTY BOARD OF PUBLIC HEALTH ORDER NO. 002-20

******

Applicable within the entirety of Johnson County, Kansas

This Public Health Order is issued by the Board of County Commissioners of Johnson County, Kansas, sitting as the County Board of Health, on November 13, 2020 and is effective the 16th day of November 2020, at 12:01 A.M. to slow the spread of COVID-19 in Johnson County, Kansas pursuant to the authority provided in K.S.A. 65-119 and other applicable laws or regulations.

The Board, sitting and acting as the County Board of Health, upon a motion duly made, seconded, and carried adopted the following Order, to-wit:

******

WHEREAS, the United States Department of Health and Human Services declared a public health emergency for COVID-19 beginning January 27, 2020, with now more than 10,110,000 cases of the illness and more than 238,000 deaths as a result of the illness across the United States; and

WHEREAS, the World Health Organization declared a pandemic on March 11, 2020; and

WHEREAS, a State of Disaster Emergency was proclaimed for the State of Kansas on March 12, 2020; and

WHEREAS, on March 13, 2020, the President of the United States pursuant to Sections 201 and 301 of the National Emergencies Act, 50 U.S.C. § 1601, et seq. and consistent with Section 1135 of the Social Security Act, as amended (42 U.S.C. § 5121-5207 (the "Stafford Act"); and

WHEREAS, as of this date, in Kansas there have been 109,225 reported positive cases of COVID-19 spread among all 105 counties, including 1,215 deaths; and

WHEREAS, on March 19, 2020, the Board of County Commissioners of Johnson County issued a state of local disaster emergency declaration, which was renewed and extended on May 28, 2020, and which remains in place at the time of this Order; and

WHEREAS, COVID-19 is a respiratory disease that spreads easily from person to person and may result in serious illness or death; and

WHEREAS, COVID-19 has resulted in 18,407 reported positive cases of COVID-19 in Johnson County and the deaths of 239 Johnson County residents; and

WHEREAS, the spread of COVID-19 endangers the health, safety, and welfare of persons and property within Johnson County, Kansas; and

WHEREAS, to reduce the spread of COVID-19, measures that are recommended and considered effective by the Centers for Disease Control and Prevention ("CDC") include, among

other measures, avoiding close contact with other people and covering one's mouth and nose with a cloth face cover when in public settings; and

WHEREAS, the increased spread of COVID-19 also presents a serious threat to the continued effective operation of the local economy within Johnson County; and

WHEREAS, wearing a mask or other whole face covering in public venues reduces transmission of the virus, helps keep our businesses open and our economy running, and gets and keeps children in school; and

WHEREAS, the Kansas Governor's Executive Order 20-52, requiring the wearing of masks or other face coverings in public, remains in effect; and

WHEREAS, in general, large public gatherings lead to heightened risks of large-scale COVID-19 person-to-person transmission; and

WHEREAS, the intent of this Order is not to deprive any person or entity of any rights protected by the United States Constitution, the Kansas Constitution, or any other law, but merely to set forth restrictions which would best protect Johnson County residents against the community spread of COVID-19; and

WHEREAS, there are certain activities where the wearing of masks and face coverings is exempted pursuant to the terms of Executive Order 20-52 where customers may be in the proximity of others for extended periods of time (such as when customers may be eating or drinking), which means such activities present a heightened risk of a person infected with COVID-19 transmitting it to another person; and

WHEREAS, both the number of positive cases and the percentage of individuals tested with positive test results within Johnson County have increased greatly and significantly in the past weeks; and

WHEREAS, the intensive care units at the largest hospitals and all schools within Johnson County are in imminent risk of incapacity; and

WHEREAS, for the aforementioned and other reasons, and in recognition and furtherance of the County's responsibility to provide for and ensure the health, safety, security, and welfare of the people of Johnson County, requiring that masks or other face coverings be worn in public, limiting the size of public gatherings, ensuring physical distancing, and placing certain other restrictions on activities are all measures that can be taken to slow and reduce the spread of COVID-19.

NOW, THEREFORE, BE IT ORDERED by the Board of County Commissioners of Johnson County, Kansas, sitting and acting as the County Board of Health, that:

Section I. Social Distancing and Public Gatherings Provisions.

1. Individuals within a public space shall maintain 6 feet of physical distancing from other individuals, unless such individuals reside together, or an exception stated within Section I.3. of this Order applies. "Public space" means any indoor or outdoor space or area that is open to the public but does not include private residential property or private offices or workplaces that are not open to customers or public visitors.

2. Within a public space where a business or organization operates, such business or organization shall ensure that 6 feet of physical distancing is maintained between individuals and groups of individuals, unless such individuals reside together, or an exception stated within Section I.3. of this Order applies.

3. Exceptions to the 6 feet of physical distancing requirements stated within Sections I.1. and I.2. shall include:

a. Businesses and organizations that provide services that intrinsically require staff from the business or organization to be within less than 6 feet from one another or the customer, such as dentists, hair salons, barber shops, nail salons, chiropractors, massage services, tattoo parlors, medical services providers, and similar services, provided that staff wear protective face coverings as directed by Executive Order 20-52

b. Businesses where tasks completed by employees require such employees to work within 6 feet of one another.

c. While seated at a restaurant, bar, night club, or other business licensed to sell alcohol for on-premises consumption, individuals at the same table may be located within 6 feet of one another. However, there shall not be more than 8 individuals at any such table. Individuals seated in a bar area shall be located at least 6 feet from any other individuals seated in that area. Congregating of standing individuals in bar or waiting areas is prohibited. Also, all tables and individuals seated at a table shall be located at least 6 feet from any other tables and individuals seated at such tables.

d. Persons who have one or more physical barrier(s) between them and any other persons. "Physical barriers" shall be defined as a partition or wall at least 3' in height above the head of the persons so separated, and impervious to air circulation, e.g. a Plexiglas shield

4. Mass gatherings within specific enclosed, confined, or designated public spaces, whether indoors or outdoors, shall be limited to 50 total individuals or 50 percent of the capacity permitted under the applicable fire code, whichever is less, and subject to the requirement within Section I.1. and Section I.2. of this Order that individuals must maintain 6 feet of physical distance. In the absence of a capacity established under the applicable fire code, the mass gathering shall be limited to 50 total individuals, subject to individuals maintaining 6 feet of social distance pursuant to Section I.1. and Section I.2. of this Order. For purposes of defining mass gatherings, distinct buildings and distinct rooms shall be considered as distinct spaces. Any business or organization hosting or organizing a mass gathering (e.g. a conference) shall be responsible for ensuring individuals' compliance with the mass gathering and physical distancing requirements stated within this Order.

Activities within the following locations shall not be considered mass gatherings and shall not be subject to the above limitations on the number of individuals or percent of capacity:

a. Restaurants;
b. Bars, night clubs, and other businesses licensed to sell alcohol for on-premises consumption;
c. Fitness centers and health clubs;
d. Healthcare organizations; and
e. Organizations providing funeral and burial services.

f. Retail stores

Businesses and organizations seeking to hold an event that is non-conforming to this section, such as a conference, wedding or other mass gathering in excess of the limit, shall submit a plan to the County specifying how they will ensure public safety during operations, in compliance with the other sections of this Order.

5. Outdoor and indoor entertainment venues with attendance in excess of 2,000 people may not host events for the duration of this Order.

6. The following are exempt from the mass gatherings limitations in Section I.4. of this Order, and are instead encouraged to maintain physical distancing as much as is feasible and to maintain 6 feet of physical distance between individuals who do not reside together, when feasible:

a. Religious institutions and activities
b. Election polling places;
c. Licensed childcare facilities;
d. Schools and activities within the purview of school's governing body; and
e. Court facilities.

7. Masks or Other Face Coverings: Kansas Governor's Executive Order 20-52 regarding face coverings remains in effect.

Section II. Provisions Specific to Certain Activities.

1. Nail salons, barber shops, hair salons, tattoo parlors, dentists and other personal services businesses where 6 feet of physical distancing is not feasible must only serve customers for pre-scheduled appointments or online or text message check-in.

2. Fitness centers and health clubs must close locker rooms, except for when a portion of a locker room may be necessary to remain open for use as restroom facilities.

3. Fairs, festivals, carnivals, parades, and other similar events shall not occur. Gatherings for the purpose of political protest are excluded; however, such gatherings must abide by Section I.2 above.

4. All bars, night clubs, restaurants or other businesses licensed to sell alcohol for on-premises consumption must abide by a curfew and close by 12:00 A.M. (midnight) and remain closed for a minimum of four (4) hours. Any such establishment may continue to provide carryout, drive-through and delivery food and beverage services after 12:00 A.M. (midnight).

5. All restaurants must cease all in-person dining and abide by a curfew to close such in-person dining areas by 12:00 A.M. (midnight) and remain closed for a minimum of four (4) hours. Any such establishment may continue to provide carryout, drive-through and delivery food and beverage services after 12:00 A.M. (midnight).

6. All recreational and youth organized sports tournaments, games, practices, and related events may still occur, but attendance shall be limited to a maximum of 2 attendees per participant and such activities shall remain subject to the physical distancing and mass gathering

provisions included within Section I of this Order. Collegiate sporting events and sporting events governed by Kansas State High School Activities Association and/or school boards are not subject to these provisions but are strongly encouraged to abide by them at a minimum.

7. If a business or organization has multiple distinct components that fit within different portions of this Order, each distinct component shall be required to fit the requirements of this Order that apply most specifically to such component of the business or organization.

Section III. Lawful Order. This Order is a lawfully issued order pursuant to K.S.A. 65-202 and K.S.A. 65-119(a) and is also a "public health directive" as identified within Section 9 of 2020 Special Session House Bill No. 2016. Individuals and organizations within Johnson County are required to comply with this Order.

Section IV. Severability. If any portion of this Order is found or determined to be invalid, such finding, or determination shall only affect the portion of the Order that is at issue and shall not affect the validity of the remainder of the Order.

Section V. Effective Date; Conclusion. This Order is effective at 12:01 A.M. on Monday, the 16th day of November 2020, and shall remain in effect through 11:59 P.M. on Sunday, the 31st day of January, 2021, unless it is amended, revoked, or replaced.

IT IS SO ORDERED THIS 13th day of November 2020.

COUNTY OF JOHNSON SEAL OF THE BOARD OF COMMISSIONERS INC. 1855 STATE OF KANSAS

BOARD OF COUNTY COMMISSIONERS
OF JOHNSON COUNTY, KANSAS

Ed Eilert, Chairman

ATTEST:

Lynda Sader
Deputy County Clerk

APPROVED AS TO FORM:

Cynthia Dunham
Interim Chief Counsel

FILED
NOV 13 2020
DEPUTY COUNTY CLERK
JOHNSON COUNTY KANSAS

Item Number: **New Business- VIII.-F.**
Committee Meeting Date: **12/7/2020**

City of Roeland Park

Action Item Summary

Date:	11/30/2020
Submitted By:	Staff
Committee/Department:	Admin.
Title:	**Appointments and Reappointments**
Item Type:	Other

Recommendation:

To appoint Josey Shaw to the Planning Commission January 2, 2021.
To reappoint Emily Hage to Parks, David Smith to Sustainability, Brittney Noriega and Marek Gliniecki to the Arts Committee.

Details:

Financial Impact

Amount of Request:	
Budgeted Item?	Budgeted Amount:
Line Item Code/Description:	

Additional Information

How does item relate to Strategic Plan?

How does item benefit Community for all Ages?

ATTACHMENTS:

Description	Type
Brittany Noriega	Cover Memo
Emily Hage	Cover Memo
Josey Shaw	Cover Memo
David Smith	Cover Memo
Shaw Resume	Cover Memo

Online Form Submittal: Committee Volunteer Form

noreply@civicplus.com <noreply@civicplus.com>
Sat 7/11/2020 4:52 PM
To: Nielsen, Kelley <knielsen@roelandpark.org>; Jones-Lacy, Jennifer <jjoneslacy@roelandpark.org>

Committee Volunteer Form

Date	7/11/2020
First Name	Brittany
Last Name	Noriega
Address	4802 Skyline Dr
City	Roeland Park
State	KS
Zip	66205
Email	
Phone	
Place of Employment	*Field not completed.*
How long have you been a resident of Roeland Park?	4 years
How much time do you have to devote per month?	20+ hrs
Board & Committee Interest	I am a resident of RP and professional artist. I run a small community pantry at the Boulevard apartments and I'm interested in further building/strengthening our community and helping others.
Select a Board or Committee	Other
Are you a high school student between the ages of 14 and 18?	No
Additional Comments	I have spoken with Jan about joining the Citizen Review Committee for Police Policy.
Resume	*Field not completed.*

Email not displaying correctly? View it in your browser.

Committee Volunteer Application

wordpress@roelandpark.net on behalf of City of Roeland Park-Volunteer Form

Mon 8/28/2017 8:39 AM

To:Bohon, Kelley <kbohon@roelandpark.org>;

Committee Volunteer Application Form

Email:	
Date:	08/28/2017
Name:	Emily Hage
Daytime Phone Number:	
Evening Phone Number:	
Address:	5401 Nall Ave Roeland Park, KS 66202 United States of America
Place of Employment:	First Call Alcohol/Drug Prevention & Recovery
How long have you been a resident of Roeland Park?:	5 years
How much time do you have to devote per month?:	10 hours
Briefly describe why you are interested in serving on a Board/Committee for the City of Roeland Park:	My husband and I started our family in Roeland Park and it's a community we love and we want our kids to grow up in. I feel strongly that Roeland Park should be placing value on things that attract young families like mine not only to move to Roeland Park, but to stay. City parks are important amenities!
Select which Board or Committees you are interested in serving on: (only one per application):	Parks
Additional, comments: (If any):	
File Upload:	
HTML:	

This email was built and sent using Visual Form Builder.

Online Form Submittal: Committee Volunteer Form

noreply@civicplus.com <noreply@civicplus.com>
Sat 8/22/2020 6:47 PM
To: Nielsen, Kelley <knielsen@roelandpark.org>; Jones-Lacy, Jennifer <jjoneslacy@roelandpark.org>

Committee Volunteer Form

Date	8/22/2020
First Name	Josey
Last Name	Shaw
Address	5213 El Monte St.
City	Roeland Park
State	KS
Zip	66205
Email	
Phone	
Place of Employment	Populous Architects
How long have you been a resident of Roeland Park?	3.5 years
How much time do you have to devote per month?	+/- 10 hours
Board & Committee Interest	At one point I saw a posting on the neighborhood facebook group looking for volunteers to work with the police - I believe it was about policies? A while back, probably 2 or so years ago I had reached out to express an interest in volunteering. I have been meaning to reach out again and I definitely have an interest in volunteering for the planning commission but if there is another area I could help out with I'd be happy to do so. I am interested in serving on a board or committee because I feel like it would be a great way to contribute to the city, for me personally. I very much enjoy living here and being a part of the community. Most of my neighbors have become such good friends and I think Roeland Park is a great place and I'm pretty proud to live here. Serving on a board would be a great way to strengthen that connection and I'd be happy to contribute where I can. Additionally, I also have an interest in learning more about local government and I think I'd like to be more involved in that at some point in my life. My regular job can be demanding at times (who's isn't?) but I would be able and happy to set some time aside to help with the city.

	Thank you for your time reading this & for all the great work the city does !
Select a Board or Committee	Planning Commission
Are you a high school student between the ages of 14 and 18?	No
Additional Comments	I'm attaching my resume but you may already have this information on file. Please let me know if there is anything else I can provide. Thank you!
Resume	Shaw_Resume.pdf

Email not displaying correctly? View it in your browser.

Committee Volunteer Application

wordpress@roelandpark.net on behalf of City of Roeland Park-Volunteer Form

Thu 7/5/2018 4:09 PM

Deleted Items

To: Bohon, Kelley <kbohon@roelandpark.org>;

Committee Volunteer Application Form

Email:	
Date:	07/05/2018
Name:	David Smith
Daytime Phone Number:	
Evening Phone Number:	
Address:	5730 Roeland Drive Roeland Park, KS 66205
Place of Employment:	UnitedLex
How long have you been a resident of Roeland Park?:	One year
How much time do you have to devote per month?:	5730 Roeland Drive
Briefly describe why you are interested in serving on a Board/Committee for the City of Roeland Park:	I am a (currently) non-practicing attorney who has always had an interest in environmental issues. Climate change is a huge issue for me as I plan on living on this planet for at least another fifty years. I bike to work sixteen miles round-trip four or five times a week in order to reduce my carbon footprint. At present, my schedule is flexible and I'm willing to help out in whatever capacity I can.
Select which Board or Committees you are interested in serving on: (only one per application):	Sustainability
Additional, comments: (If any):	In 2003 Senior Football Captain Mike Kelly helped motivate me to run a 15:45 5K.
File Upload:	
HTML:	

This email was built and sent using Visual Form Builder.

JOSEPH SHAW

5213 El Monte St. Roeland Park, KS 66205

EDUCATION

WASHINGTON UNIVERSITY IN ST. LOUIS | 2013 - 2015 | SAINT LOUIS, MISSOURI
sam fox school of design + visual arts
master of architecture, december 2015

UNIVERSITY OF WISCONSIN - MILWAUKEE | 2007 - 2012 | MILWAUKEE, WISCONSIN
bachelor of science in architectural studies, may 2012
general business minor

SKILLS

DESIGN SOFTWARE | rhino3d | autocad | sketchup | adobe creative suite - illustrator, photoshop, indesign | lumion | infraworks | pathfinder | revit | bluebeam |
CRAFT + COMPETENCIES | sketching | drafting | model making | writing | team leadership + collaboration

ACTIVITIES

ARCHITECTURE + DESIGN | study abroad barcelona | associate aia | american society of landscape architecture
PERSONAL | refinish + collect old furniture | interior design + painting + home repair | traveling | hiking | drawing
AWARDS | 1st place 2016 ACC young professionals innovation competition | trivers associates scholarship 2015 | architecture student awards, honorable mention 2012
COMMUNITY | lead to read KC | washucity | urban furniture, old north saint louis | renaissance school | mentor-a-child | riverview gardens

PROFESSIONAL + ACADEMIC EXPERIENCE

POPULOUS, LLC | KANSAS CITY, MISSOURI
architectural designer | february 2016 – present
- conceptualize and develop architectural ideas and solutions in drawings and 3D visualization
- participate in meetings with designers, consultants and clients and discuss ongoing projects
- work closely with other architects, landscape architects, urban, graphic and interior designers to deliver project requirements through different phases of design
- assemble documents for presentations and meetings with clients and consultants
- worked closely with a team of peers last year to participate in an aviation design competition and promote a growing aviation practice at the firm
- prepare drawings for preliminary cost estimates and renderings / graphics for local government presentations
- continually work with senior architects to further my understanding in programming, project delivery, budgets and building and maintaining client relationships

WASHINGTON UNIVERSITY IN ST. LOUIS | SAINT LOUIS, MISSOURI
graduate teaching assistant | drawing I + II | september 2013 – december 2015
- work with instructor to lead classes, figure drawing sessions and off site drawing sessions
- assist with setup and take-down of the classroom
- available to students outside of regular class hours to discuss drawing techniques and their studio design work
- meet with instructor to discuss the course objectives, evaluation criteria and assignments

DESIGN CONSULTANT | BARCELONA, SPAIN + NEENAH, WISCONSIN
independent design consultant | december 2012 - march 2013 + may 2015 - august 2015
- ask questions and listen to the client to determine the specific needs and issues with a current space
- meet in person or through skype to discuss physical alterations to the interior and exterior of a residential property
- research and explain specific issues such as moisture problems, material selection and building code
- prepare notes and sketches and assemble a preliminary concept set to be used in the future
- assemble interior precedent graphics to generate interest and begin a conversation about design objectives

WASHUCITY | UNIVERSITY CITY, MISSOURI
visiting class leader | university city high school | september 2014 - present
- work with other washucity volunteers to organize class events and discussions
- assist other volunteers in developing assignments and projects for students to engage digital design tools
- gave class presentation on composition
- review and critique graphic assignments

UNIVERSITY OF WISCONSIN MILWAUKEE | MILWAUKEE, WISCONSIN

undergraduate teaching assistant | fundamentals of architectural design II | september 2011 - may 2012

- assist instructor with desk critiques and class discussions
- available to meet with students outside of regular class hours on evenings and weekends
- provide support in drafting and sketching techniques
- facilitate additional communication between students and instructor to resolve issues

KRUEGER TRUE VALUE HARDWARE | NEENAH, WISCONSIN

sales associate | paint department | february 2005 - august 2013

- interacted with customers on a daily basis, determining and solving problems
- worked with store management to institute physical alterations to the store interior
- attended outside meetings and conventions to increase product knowledge
- worked with customers to determine dimensional measurements of interior / exterior spaces to calculate needed supplies

Item Number: **Reports of City Officials:- XI.-A.**
Committee Meeting Date: **12/7/2020**

City of Roeland Park

Action Item Summary

Date:
Submitted By:
Committee/Department:
Title: **COVID Report**
Item Type:

Recommendation:

Informational only.

Details:

Please see attached report for the week of November 16th - 30th.

Financial Impact

Amount of Request:	
Budgeted Item?	Budgeted Amount:
Line Item Code/Description:	

Additional Information

How does item relate to Strategic Plan?

How does item benefit Community for all Ages?

ATTACHMENTS:

Description	Type
COVID Update	Cover Memo

4600 W. 51st Street Roeland Park, KS 66205
T: 913.722.2600 www.RoelandPark.net

Memo

To: Governing Body

From: Jennifer Jones-Lacy, Asst. City Administrator/Finance Director

CC: Keith Moody, Donnie Scharff, John Morris, Kelley Nielsen

RE: COVID-19 Update for the Period November 16th – 30th

Below is a summary of activities that took place for the second half of November related to the COVID-19 Pandemic in Roeland Park and beyond.

General

- As of November 30, 2020, Roeland Park is still in Phase 3 of the reopening plan.
- The COVID-19 emergency order is now in effect for Johnson County.
    - More information about the emergency order and its impact on Johnson County can be found here.
    - The full order can be found here.
- Johnson County Motor Vehicle offices will reopen to the public on Mondays.
- The Johnson County Museum was recognized for its service during the pandemic with an Award of Excellence by the Kansas Museum Association.
- Johnson County Department of Health and Environment Director Dr. Sanmi Areola provided a COVID-19 update to the Board of County Commissioners.
    - Highlights of the November 17, 2020 briefing can be found here.
    - Highlights of the November 24, 2020 briefing can be found here.
- The Board of County Commissioners approved enforcement measures for the public health order that went into effect on November 16, 2020.
    - The full resolution can be read here.
- Johnson County has announced a slate of community testing events. More information about the testing events, locations, dates, and times can be found here.
- Governor Laura Kelly signed Executive Order #20-68 which announced and established new guidance to stop the spread of COVID-19.

    - The full Executive Order can be found here.
- Johnson County released an additional resource that provides information about the types of COVID-19 tests that are available and being used.
- Governor Laura Kelly, with unanimous support from the State Finance Council, will make available $38.5 Million to Kansas small businesses and to slow the spread of the novel coronavirus.
- November 23, 2020 is National Public Health Thank You Day.
- Johnson County Mental Health Center Director Tim DeWeese addressed the importance of mental self-care, especially during the COVID-19 pandemic.
    - Additional self-care resources can be found here.
- The Johnson County Mental Health Center removed barriers to mental health care, launching additional supports to County residents who are members of groups disproportionately affected by COVID-19. These groups include:
    - People who are uninsured/underinsured;
    - The LGBTQ+ community;
    - Black, Indigenous, and People of Color (BIPOC);
    - Elderly;
    - People with disabilities;
    - People involved in the criminal justice system.
- University of Kansas Health System doctors are warning people to take precautions as COVID-19 cases rise across the metropolitan area.
- Governor Kelly requested an extension of federal authority to continue use of the Kansas National Guard as part of COVID-19 response.
- Johnson County recommends the use of digital tools to meet with friends and families virtually this year.

Administration/Neighborhood Services

- An update on the CARES Act-funded projects:
    - Docusign ($2,194):
        - Purchased and ready to be used, including for the November 16 City Council Meeting.
    - Kaivac Machine ($4,099.99):
        - Kaivac machine has been purchased, accepted delivery.

- Backpack Sprayer ($1,899.99):
    - Backpack sprayer has been purchased, accepted delivery.
- Voicemail Upgrades ($2,995):
    - Voicemail upgrades have been completed.
- Phone Upgrades ($8,232):
    - New phones have been installed.
- Touchless faucets and toilets ($28,981):
    - Faucets and toilets have been installed at the Community Center and the Aquatic Center. Installation at Nall Park is still required. Will be completed before the end of the year.
- Touchless water fountains ($15,303):
    - Water fountains have been purchased and scheduling is being finalized with contractors. Project is scheduled to be completed before the end of the year.
- HVAC Filtration ($25,000):
    - HVAC Filtration has been installed at City Hall and the Community Center.
- HVAC Building Automation and Central Control ($62,375):
    - C&C Group Engineers should have programming for Roeland Park Community Center mid-week, then installation and startup will follow.
    - Once the Community Center is completed, programming will be completed for City Hall, and installation and upgrade will occur around December 17, 2020.

Public Works

- Staff is continuing to follow all safety guidelines. There are no other updates from the Department of Public Works.

Police Department/Municipal Court

- There are no updates regarding the Police Department or Municipal Court.

Community Center and Parks & Recreation

- Signs have been posted in city parks stating that social distancing is required in city parks, and that masks are required in city parks if social distancing cannot be maintained.