



Talk with the Mayor

Tuesday October 7, 2014

10:00 a.m. and 6:30 p.m. City Hall

Discussion: City Law Enforcement

Councilman Brad Spencer Resigns

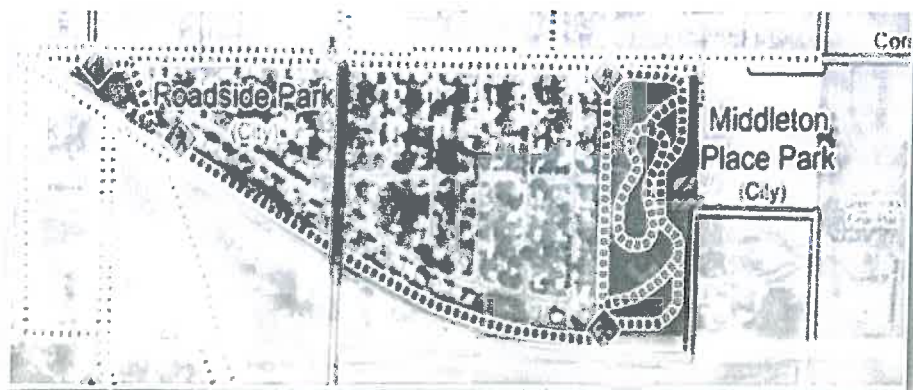
Councilman Brad Spencer resigned on September 8, 2014, and a few think the City should have taken more action sooner to protect residents, punish Mr. Spencer, or at least as a precaution.

Elected officials cannot be disciplined, suspended, or terminated. They can be removed from office by a recall vote, moving from where they were elected with intent it be permanent, resignation, death, or a judge determining the lack legal capacity. The same law applies to an individual whether elected to a fire, highway or irrigation district, school board, city council, or as mayor, governor, representative/senator, or elected as county commissioner, treasurer, auditor, sheriff, clerk or prosecuting attorney.

Middleton Awarded \$101,196.00 Grant to Fund Trail Connecting Roadside Park and Middleton Place Park

The Idaho Park and Recreation Board awarded the recreational trail grant to the City of Middleton on September 10, 2014. The 1.5 mile, 8 foot wide, asphalt trail expands the City-wide trail system in Middleton.

Construction is scheduled to begin in Spring 2015.



Appointing New Council Member

According to Idaho law, the Mayor will appoint a council member for the remainder of Councilman Spencer's term of office, until December 31, 2015. The City Council must confirm the Mayor's appointment before the individual can start serving on the City Council. Mayor Taylor is using the following criteria when speaking with individuals about being on the City Council:

- Personal character and demeanor.
- Listening and comprehension skills.
- Knowledge about the roles of a city council member.
- Knowledge of and philosophy about the role of local government.
- Knowledge and experience regarding organizational finance.
- Knowledge of and philosophy about funding - real property taxes, utility bills, and grants.
- Knowledge and support of Middleton Connects vision as adopted by Mayor and City Council.
- Reading the City's FrontPage newsletter.

Law Enforcement Changes In Middleton

The City and Canyon County Sheriff's Office were not able to come to an agreement about the extra services the Sheriff's Office provides in the City, and the amount the City would pay for those extra services. The Sheriff said he will continue to respond to 911 calls, investigate accidents, and enforce state laws on public roads.

On September 17, 2014, the City Council decided to hire a police chief, begin forming a City police department, contract the City of Nampa for extra services, and contract with Canyon County and other agencies for back up. Mayor Taylor presented the following information to City Council about law enforcement options in Fiscal Year 2015.

Mayor Taylor's Ammended Memo to City Council, September 19, 2014 Subject: Law Enforcement in Middleton

The City of Middleton has paid Canyon County the following amounts for law-enforcement services:

| Month/Year | Amount | Increase/(Decrease) | % Increase/(Decrease) |
|------------|--------------|---------------------|-----------------------|
| Dec 2003 | \$140,000.00 | | |
| Oct 2004 | \$147,000.00 | \$7,000.00 | 5% |
| Dec 2005 | \$152,600.00 | \$5,600.00 | 4% |
| May 2007 | \$152,600.00 | \$- | |
| Oct 2007 | \$152,600.00 | \$- | |
| Mar 2009 | \$152,600.00 | \$- | |
| Apr 2010 | \$177,156.95 | \$24,556.95 | 16% |
| Aug 2011 | \$202,000.00 | \$24,843.05 | 14% |
| Apr 2012 | \$200,000.00 | \$(2,000.00) | -1% |
| Mar 2013 | \$231,880.20 | \$31,880.20 | 16% |
| Mar 2014 | \$260,608.36 | \$28,728.16 | 12% |

\$1,969,045.51

Middleton's call volume and crime are low. It appears the City residents can save over \$600,000 total over the next four years by not contracting with Canyon County for law-enforcement services.

In March 2014, the City signed a contract with Canyon County, for the Canyon County Sheriff's Office (CCSO) to provide extra law-enforcement services to the City, and paid the County \$260,608.36. That contract expires September 30, 2014.

Early in her term, Council Member Huggins articulated the question now used by Mayor and City Council when deciding whether or not to approve an expense, "What are residents receiving for their money?"

Since March 2014, the City has been trying to learn which services City residents receive as tax-paying residents of Canyon County, and which services are received for the additional contract amount Middleton residents pay Canyon County. The City and Canyon County Sheriff have been negotiating since March 2014, but have not reached an agreement.

Idaho law requires the Sheriff, not the City, to provide law enforcement to residents ... preserve the peace, regulate traffic on all roads, and other duties. (continued page 3)

Mayor Taylor's Memo *continued*

On August 14, 2014, the Sheriff said he provides the following "special city police" and "enhanced police services" to Middleton residents: "regular traffic enforcement patrols, ordinance and city code enforcement, and an enhanced law enforcement presence for Middleton's special events."

- In my opinion, Middleton residents should not be required by the Sheriff to pay additional costs for regular traffic enforcement patrols since the Sheriff's duties in Idaho law are to regulate traffic on all roads and require all persons using roads to do so carefully, safely and with exercise of care for the persons, property and safety of others.

- In my opinion, Middleton residents should not be required by the Sheriff to pay additional costs for ordinance and city code enforcement since the City has its own code enforcement officer, and since the Sheriff's Office has told the Mayor and City Council multiple times during City Council meetings that the Sheriff's Office does not enforce City ordinances and code.

- The City sponsors four special events: 4th of July parade and fireworks; Color Rama run, walk, and stroll; and the Christmas Parade. The Sheriff said he is "... unwilling to commit my officers to contract work for these special events"

The City Council requested that I gather information about the City's options for law enforcement and extra services. I spoke with leaders from the surrounding cities and agencies, and gathered the following information.

Caldwell: Population about 48,000, 64 officers (plus investigation) and 32 vehicles. Caldwell said it would like 100% of the police work (misdemeanor and felony) if it provided law enforcement services to Middleton and it would cost at substantially more than the City is paying now. Caldwell salary plus benefits is about \$60,000 per administrative officer.

Canyon County: Will provide enhanced police services for \$293,293.90 in FY 2015.

Emmett: Emmett is short-staffed and said it would not be able to provide coverage or extra services to Middleton.

Nampa: Nampa is able and willing to provide officers for coverage or extra services in Middleton for about \$65 per officer, per hour. Nampa requires at least two officers at a time when on duty in Middleton. The cities would sign a memorandum of understanding, and services would be provided as desired by the city, i.e., targeted patrols during peak hour traffic/school traffic, assistance during parades, etc.

Nampa said the reason for a city police department is autonomy ... officers are always in the city focused on the type of enforcement that is important to the city, and enforcement is focused on the times and places likely to do the most good.

If Middleton starts a police department, Nampa recommends a residency requirement so officers are going to work in their town, patrolling streets and enforcing laws in their community. Nampa recommends using a "conditional offer" approach ... the city would offer a position to a candidate conditioned on the officer passing a: background investigation; fitness, medical and psychological exam; polygraph; and drug screen. Nampa offered assistance with creating policies, interviewing, and conducting background investigations.

Mayor Taylor's Memo continued

Parma: Population about 1,900, police budget this year is about \$389,700, four full-time officers (two part-time paid when on call or cover a shift), six vehicles. Parma pays \$4,000/year to Canyon County for access to Spillman.

Parma is willing contract with Middleton for law enforcement coverage or extra services as long as Parma is not short cost or officers. Parma would add officers to cover Middleton at about \$65,000 per year per outfitted and equipped officer (more if pay officer more than \$30,000/year). Parma requires at least two officers at a time when on duty in Middleton.

Wilder: Population about 1,650, police budget this year is about \$289,000, four officers and about nine reserve officers. The chief said he hired reserves to fill the last couple of City deputy positions. Police coverage is 21 hours daily with a deputy on-call for the other three hours. Canyon County by state law provides jail, dispatch, and civil service. Canyon County receives grant funds for community policing.

Wilder built a kennel for animals-at-large, which they hold for five days before euthanizing. Officers lock evidence in locker in a temporary evidence room before being moved by the chief or evidence technician to a locked permanent evidence room. Wilder pays about \$175/month (\$2,100/year) to Canyon County for access to Spillman, which is the software showing calls and responding officers in patrol vehicles.

Wilder is willing to negotiate and contract with Middleton for law- enforcement coverage or extra services.

If Middleton starts a police department, Wilder recommends a working chief, six full-time officers (roughly 1/1000 population), establish a temporary and permanent evidence room, contract with Canyon County for Spillman, build a kennel, utilize reserves, add Middleton to the Memorandum of Understanding at Canyon County for back up, and seek grants for outfitting/equipping officers. Eventually consider subscribing to E-ticket (about \$12,000 per car, there are grants) so citations are electronically in Spillman and driver copy prints from printer in the police vehicle.

In addition to the above agencies, I gathered information about Mountain Home Police Department, the Boise Police Department, and the Idaho State Police.

All representatives I spoke with were respectful and helpful. The information I gathered from the agencies was consistent.

If the City does not sign a contract with Canyon County, the Sheriff said he will continue to perform his duties as required by the Idaho Code and Constitution -- jail and dispatch, respond to 911 calls, investigations, civil process of service, etc.

If the City starts a police department, the City could pay an officer's salary and benefits, and outfit/equip the officer, for \$70,000 - \$110,000 depending on salary. Evidence rooms and animal control can be implemented at minimal expense. Idaho State Police can provide traffic control for City parades on state highways at no expense. (continued page 5)

Mayor Taylor's Memo continued

Options for Fiscal Year 2015:

- 1) Contract with Canyon County and pay \$293,293.90 for the Sheriff to provide extra law-enforcement services. The contract amount increases about \$30,000 per year. The City can expect to pay the following if it continues contracting with Canyon County.

| | | | | |
|---------|--------------|----|-----------------------|-----|
| 10/2015 | \$293,293.90 | \$ | 32,685.54 | 13% |
| 10/2016 | \$331,422.11 | \$ | 38,128.21 | 13% |
| 10/2017 | \$374,506.98 | \$ | 43,084.87 | 13% |
| 10/2018 | \$423,192.89 | \$ | 48,685.91 | 13% |
| | | | <u>\$1,422,415.88</u> | |

- 2) Contract with Nampa for directed patrol and desired extra law-enforcement services, and enlist the help of Idaho State Police for traffic control during 4th of July, Color Rama, and the Christmas parade. This option would cost about \$60,000.
- 3) Contract with Parma or Wilder for law-enforcement services. This option would cost about \$110,000 - \$150,000.
- 4) Not contract with another agency, receive law enforcement coverage from Canyon County equal to that received by other County residents, and enlist the help of Idaho State Police for traffic control during 4th of July, Color Rama, and the Christmas parade. This option would have minimal cost.
- 5) Hire and outfit a police chief, who would help the City establish job descriptions, policies and schedules, design a patch, acquire equipment, contract for backup, and prepare in other ways to start and build a police department. This option would cost about \$115,000.

Conclusion

State law requires the Canyon County Sheriff's Office to provide equal law-enforcement services in Middleton and to other residents of the county. No contract is required for these services. If the City would like better or more coverage or services than the Sheriff provides, then the City can contract with any law-enforcement agency willing to provide the desired service.

A police department can be expensive or modest, depending on the City's crime-rate and desired level of enforcement. All representatives I spoke with said the most important thing is to have good officers.

Most cities in Idaho with a population over 500 have a police department. The Mayor and City Council recognize that starting a police department in Middleton will eventually happen, so started budgeting for it in 2013. (continued page 6)

Two New Buildings being constructed at the Waste Water Treatment Plant

The Mayor and City Council budgeted about \$280,000, for the design and construction of buildings over the grit removal equipment and over the effluent screen equipment at the wastewater treatment plant to avoid freezing like last year. Frozen equipment interrupts the flow and treatment of sewer.

Mayor Taylor's Memo *continued*

Recommendation

I recommend Option 2 above during FY2015 for a cost of about \$60,000, and starting a police department in FY2016 or thereafter.

Middleton's call volume and crime are low. It is important to have a police department that matches the City's size, crime, and the needs and wants of the community. A department that is too large would be oppressive, and too small would be ineffective.

When Council decides to start a police department, I recommend building a solid department of six officers over four years:

| | | |
|--------|---|--------------------|
| Year 1 | Contract for services with other agencies as needed | \$ 60,000 |
| Year 2 | Start-up costs and two equipped officers, about | \$300,000 |
| Year 3 | Two salaries/benefits plus operations, about | \$150,000 |
| | Two additional equipped officers, about | <u>\$200,000</u> |
| | | \$350,000 |
| Year 4 | Four salaries/benefits plus operations, about | \$270,000 |
| | Two additional equipped officers, about | <u>\$200,000</u> |
| | | \$470,000 |
| | | <u>\$1,180,000</u> |

City residents, *save* over \$200,000 during the next four years by not contracting with Canyon County for special or extra law-enforcement services.

Changes to Buildings by City Hall

Civic Center - the Historic Society of Middleton is now renovating the Civic Center into a City Museum using about \$57,000 of grants funds from Canyon County and \$25,000 from the City.

Trolley Station - the City is spending \$28,000 this year, and \$50,000 next year, to: sandblast, clean, re-point bricks, and stucco the exterior. Replace the front door and uncover/replace three big windows on the north side. Update electrical wiring and replace the heater and air conditioner. Replace the ceiling and wall coverings, and refinish the floors.

Annex -- this year the City is constructing a hallway, restrooms, kitchen, and small conference room that can be accessed and used by both the Civic Center and Trolley Station. The project was advertised and three bids received ranging from \$203,500 and \$229,000. The City will "value engineer" to reduce the cost as much as possible.

West "Welcome to Middleton" Sign

City residents thank Sam Bishop for his Eagle Scout project to construct the "Welcome to Middleton" west of town on the south side of State Highway 44 about 300 feet east of Ballard Lane.

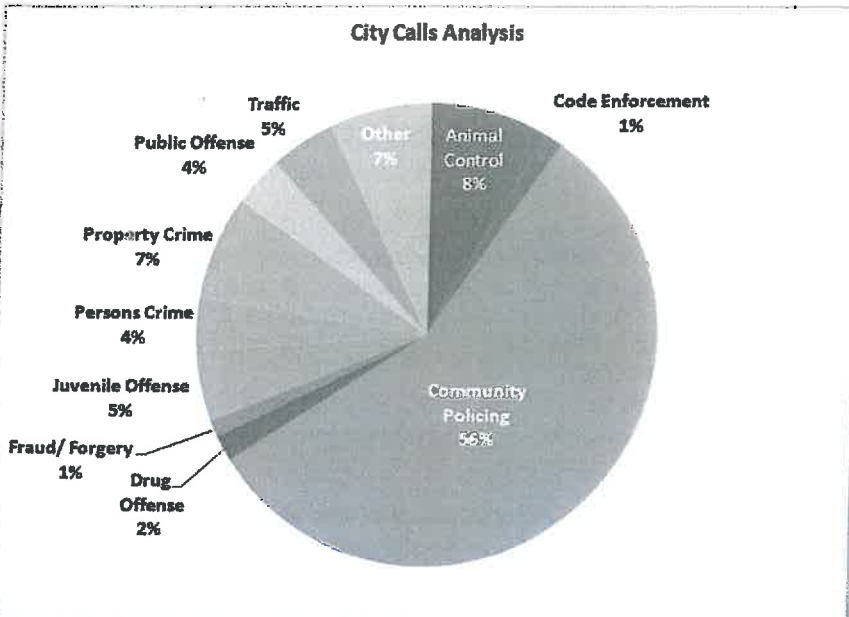
Sam organized workers who marked the spot, poured the foundation, set the sign, performed masonry work to attach the rock, oversaw installation of the sign face, and intends to erect a landscape stone wall around the sign.

"Thank you Sam and everyone who helped with this project!"

Canyon County Sheriff Crime Report Analysis for Calls in the City of Middleton

| Total Calls | | | | City Calls Analysis | | | | | | | | | | | |
|-------------------|--------------|--------------|------------|---------------------|------------------|--------------------|--------------|----------------|------------------|---------------|----------------|----------------|------------|------------|--------------|
| Month/Year Area | City | % City | | Animal Control | Code Enforcement | Community Policing | Drug Offense | Fraud/ Forgery | Juvenile Offense | Persons Crime | Property Crime | Public Offense | Traffic | Other | Total |
| Sep 2013 | 459 | 240 | 52% | 18 | 2 | 129 | 2 | 3 | 13 | 9 | 15 | 10 | 10 | 29 | 240 |
| Oct 2013 | 473 | 210 | 44% | 21 | 3 | 119 | | | 5 | 8 | 15 | 10 | 12 | 17 | 210 |
| Nov 2013 | 397 | 197 | 50% | 19 | 2 | 119 | 1 | 2 | 12 | 2 | 21 | 1 | 6 | 12 | 197 |
| Dec 2013 | 458 | 203 | 44% | 17 | 3 | 113 | 2 | 2 | 8 | 5 | 13 | 10 | 25 | 5 | 203 |
| Jan 2014 | 517 | 220 | 43% | 16 | 2 | 138 | 3 | 1 | 7 | 10 | 8 | 12 | 2 | 21 | 220 |
| Feb 2014 | 421 | 206 | 49% | 13 | 3 | 130 | 5 | 1 | 12 | 4 | 6 | 6 | 10 | 16 | 206 |
| Mar 2014 | 524 | 252 | 48% | 18 | 5 | 143 | 10 | 2 | 8 | 7 | 23 | 8 | 8 | 20 | 252 |
| Apr 2014 | 462 | 217 | 47% | 23 | 2 | 110 | 10 | 6 | 12 | 7 | 17 | 7 | 9 | 14 | 217 |
| May 2014 | 510 | 217 | 43% | 15 | 3 | 115 | 5 | 4 | 18 | 8 | 16 | 9 | 14 | 10 | 217 |
| Jun 2014 | 462 | 274 | 59% | 30 | 4 | 138 | 9 | 5 | 13 | 10 | 32 | 10 | 6 | 17 | 274 |
| Jul 2014 | 629 | 292 | 46% | 20 | 5 | 167 | 1 | 3 | 18 | 24 | 17 | 4 | 13 | 20 | 292 |
| Aug 2014 | | | #DIV/0! | | | | | | | | | | | | |
| Total | 5,312 | 2,528 | 48% | 210 | 34 | 1,421 | 48 | 29 | 126 | 94 | 183 | 87 | 115 | 181 | 2,528 |
| % of Total | | | | 8% | 1% | 56% | 2% | 1% | 5% | 4% | 7% | 3% | 5% | 7% | 100% |

| Call Type | Nature of Call |
|--------------------|---|
| Animal Control | Vicious dog, barking dog, animal at large |
| Code Enforcement | Abandoned vehicles, fireworks, parking violation |
| Community Policing | Tag abandoned vehicle, 911 disconnect, business check, medical assistance, agency assist, citizen assist, motorist assist, civil stand by, traffic hazard, VIN inspection, welfare check, alarm-residence, alarm-commercial, noise complaint, extra patrol, follow up, COP, suspicious, information |
| Drug Offense | Drug offenses |
| Fraud/Forgery | Bad checks, theft, fraud |
| Juvenile Offense | Runaway, juvenile probation, subject on foot, drug offense |
| Persons Crime | Child abuse, rape, battery, domestic battery, disturbance, drug offense |
| Property Crime | Burglary, unlawful entry, theft, auto theft, vandalism, graffiti |
| Public Offense | Battery, disorderly, noise, disturbance, harassment, dispute, property crime, unlawful entry |
| Traffic | Accident, reckless, DUI |



Prosecuting Attorney Report - Sentenced Misdemeanors

| Month | Code Enforcement | Community | Drug Offense | Juvenile | Person's Crime | Property Crime | Public Offense | Traffic | Other | TOTAL |
|----------------|------------------|-----------|--------------|----------|----------------|----------------|----------------|------------|-----------|------------|
| 2103 September | | | 2 | | 2 | 2 | | 4 | 1 PV | 11 |
| 2013 October | | | 5 | | 3 | 1 | 1 | 10 | 1 PV | 22 |
| 2013 November | | | 2 | | 1 | 1 | | 8 | | 13 |
| 2013 December | | | 4 | | 1 | | | 9 | 1 PV | 15 |
| 2014 January | | | 1 | | 1 | 2 | | 10 | | 14 |
| 2014 February | | | 3 | | | | 2 | 9 | | 14 |
| 2014 March | | | 4 | | 1 | | | 8 | 2 PV | 15 |
| 2014 April | | | 1 | | 1 | 2 | 1 | 11 | 1 PV | 17 |
| 2014 May | | | 2 | 1 | | | | 15 | 1 PV | 19 |
| 2014 June | | | | | 2 | | | 10 | | 12 |
| 2014 July | | | 4 | | | | | 5 | 3 PV | 12 |
| 2014 August | | | 1 | 2 | 3 | 1 | | 5 | 1 PV | 13 |
| 2014 September | | | | | 1 | | | 1 | | 2 |
| TOTALS | 1 | 1 | 29 | 3 | 16 | 9 | 4 | 105 | 11 | 179 |

Vicious Animals

The City has received complaints from many residents about animals on the loose. Animals are required to be enclosed or on a leash, and are required to have a collar and tag identifying the animal's owner, address and phone number.

The Mayor and City Council have met with and heard from adult women attacked or bitten by dogs. The City will swiftly prosecute individuals violating the City's animal ordinance, especially regarding vicious animals.

"Vicious Animal" means:

1. Any animal which, when unprovoked, in a vicious or terrorizing manner, approaches any person in apparent attitude of attack upon the streets, sidewalks, and public grounds or places, or private property not owned or possessed by the owner of the animal;
2. Any animal with a known propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of human beings or domestic animals;
3. Any animal which bites, inflicts injury, assaults or otherwise attacks a human being or domestic animal without provocation; or
4. Any animal owned or harbored primarily or in part for the purpose of fighting or any animal trained for fighting.

... [N]o animal may be declared vicious if an injury or damage is sustained by a person who, at the time such injury or damage was sustained, was committing a willful trespass or other tort upon the premises occupied by the owner of the animal, or was teasing, tormenting, abusing or assaulting the animal or was committing or attempting to commit a crime. No animal may be declared vicious if the animal was protecting or defending a human being within the immediate vicinity of the animal from an unjustified attack or assault.

Middleton City Code: 10-2-8: CONTROL OF VICIOUS ANIMALS:

A. Enclosure Required: All vicious animals shall be confined in an enclosure. It is unlawful for any owner to maintain a vicious animal upon any premises which does not have a locked enclosure.

Sign: For the purposes of animal control, a required sign shall be constructed of wood, metal or other similar weatherproof material, at least twenty four inches by twenty four inches (24" x 24") in size, with letters in indelible or fluorescent ink with the words in clear, capital letters as follows: "VICIOUS ANIMAL ON PREMISES", "VICIOUS CANINE PROPERTY", or words of similar meaning; and shall be posted at all visible entryways onto the owner's property, or where canine is lodged.

B. Confinement/Control At All Times: It is unlawful for any owner to allow any vicious animal to be outside of the dwelling of the owner or outside of the enclosure unless it is necessary for the owner to obtain veterinary care for the vicious animal or to sell or give away the vicious animal or to comply with command or directions of the animal control officer with respect to the vicious animal. In such event, the vicious animal shall be securely muzzled and restrained with a chain having a minimum tensile strength of three hundred (300) pounds and not exceeding three feet (3') in length, and shall be under the direct control and supervision of the owner of the vicious animal.

C. Unlawful Acts Prohibited: No person shall own, harbor or breed any animal for the purpose of animal fighting, or train, torment, badger, bait or use any animal for the purpose of causing or encouraging said animal to make unprovoked attacks upon human beings or domestic animals. (Ord. 525, 2-5-2014)