

*Note: These minutes are a draft and are not to be considered official until approved at the next meeting.*

	<p><b>Iowa 911 Communications Council Meeting</b>  <b>Thursday, March 8, 2018</b>  <b>West Des Moines City Council Chambers</b>  <b>West Des Moines, Iowa</b></p>
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**Call to Order**

Chair Rob Rotter called the meeting to order at 9:00 a.m. A quorum was determined from the roll call as indicated below.

**Roll Call**

	Representative	Attendance
Iowa Association of Public Safety Communications Officers (APCO) <b>Secretary</b>	Sally Hall	Present
alternate	Cara Sorrells	Present
Iowa Chapter of the National Emergency Number Association (NENA)	Tracey Bearden	Present
alternate	Charlie McClintock	
Iowa Geographic Information Council	Lawrence Hartpence	Present
Alternate	vacant	
Iowa State Sheriffs & Deputies Association (ISSDA)	Robert Rotter	Present
<b>Chairperson</b>		
alternate	Dean Kruger	
Iowa Peace Officers Association (IPO)	George Griffith	Present
alternate	Sandy Morris	
Iowa Professional Firefighters (IAPFF)	Mike S. Bryant	Present
alternate	Doug Neys	
Iowa Firefighters Association (IFA)	Mark Murphy	Present
alternate	Tom Berger	Present
Iowa Emergency Managers Association (IEMA)		
alternate	Bob Seivert	Present
alternate	Jo Duckworth	
Iowa Department of Public Safety (IDPS)		
alternate	vacant	
Iowa Emergency Medical Services Association (IEMSA)	Rob Dehnert	Present
<b>Vice-Chairperson</b>		
alternate	Paul Andorf	
Iowa Telephone Association <15,000	Jack DeAngelo	Present
alternate	Pat Snyder	
Iowa Telephone Association >15,000	James Chambers	Present
alternate	Wayne Johnson	Present
Cellular Providers	Steve Zimmer	Absent
alternate	Bill Tortoriello	Excused
PCS Providers	Joe Sargent	Absent
alternate	vacant	
Auditor of the State, Ex-Officio member	Bernardo Granwehr	Absent

**Staff:**

Blake DeRouchey, E911 Program Manager Present

**Guests:**

Joe McCarville	Brian Magdwell, Westcom
Diane Sefrit, South Central Iowa	Tammy Rodriguez, ICN
Curtis Pion, Polk County Sheriff's Office	Chris Maiers, ISICSB SWIC
Doug McCasland, Warren County 911	Crystal McIntyre, Warren County 911/Supervisor
Duane Vos, Racom	Terry McClannahan, Dallas County SO
Jeff Andersen, Marion County EMA/911	Marcia Slycord, Pella PD
Robert A. Bokinsky, Pella PD	Rebecca Barloon, Attorney General's Office
Andy Buffington, Hancock County 911	

**Guest present by teleconference:**

Stacey Gross, GeoComm  
Laurie Hickok, ComTec

Brenda Vande Voorde, Fayette County 911

**Introductions**

Rob Rotter welcomed everyone. Board members and those in attendance introduced themselves.

**Approve the Agenda**

Motion by Bob Seivert, seconded by Tracey Bearden to approve the March 8, 2018 agenda. All ayes. Passed

**Approve the Minutes**

Motion by Bob Seivert, seconded by Mark Murphy to approve the minutes of the February 8, 2018 meeting. All ayes. Passed

**State of Iowa Administrator Reports (Blake DeRouchey)**

**Program Update**

Mr. DeRouchey – A followup on the FCC Fee Report. There were no 911 fee diversions declared for Iowa. This should make Iowa eligible for any national grants that would be coming available late spring early summer. In 2011 Iowa did receive over one million when this grant was last offered. Must stay off the diversion list for the duration of the grant program. There is a lot of good information in the report.

The biannual audit of the PSAP expenditure Collection data form. This is the form that is submitted to HSEMD annually that lists all of the expenditures at the PSAP. As part of the State Auditor's Office they audited ten PSAPs; went to the PSAP. They did five desk audits and five followup audits from 2016 PSAPs that were audited. There's been vast improvement in the reported information. A couple recommendations from the auditors are to have ongoing training, reminder that the expenditures are to be on an accrual basis, keep supporting documentations, engage your county auditor, use a standardized chart of accounts, and legislative changes. The auditors pointed out that the time when data form is due it has been about nine months and the data is a little stale and counties submitting inaccurate data. I don't know how you penalize PSAPs when they aren't all audited. Before anything is taken to the legislature the Council would be part of any recommendations decision. Not looking to institute anything right now but it is something to look at going forward.

The first year we had to report an analysis of the \$1.00 surcharge. That was only required the first report. After that it is just the data information that has been reported. The amount that funds a PSAP out of the 911 wireless surcharge fund is about 24 to 26%. The other 75% comes from mostly local funds – county general or sheriff's fund or other.

I feel that Iowa is one of the better states that has a grasp on what it costs and manage 911.

The most recent form FY17 is due March 31 (legal date) but technically due at HSEMD January 1. After March 31 if the form is not submitted 35% of the surcharge for the county not submitted will be pulled. There are five counties that need to submit the data collection form. Henry, Howard, Mills, Page and Warren.

We didn't receive any media inquiries this year.

Mr. Bryant – Question on the unobligated reserves. I have been watching this in my county.

Mr. DeRouchey – This is two different things. That is on the Iowa Department of Management budget form. Counties are in the process of submitting those forms now. That information will be compiled so we know how much counties are budgeting from wireline and wireless funds. I will probably report on that in May. The data collection form shows what it cost to run a PSAP. The Department of Management form shows how you are going to spend your surcharge funds.

Chair Rotter – Is that information that you presented available to anyone?

Mr. DeRouchey – Both of them are.

Chair Rotter – It is very interesting. I don't think a lot of people know how much their local budget is affected by this and I think it helps to get people involved in 911 and take it seriously because it is quite a bit of our assets.

Mr. DeRouche – I will send it out again.

Mr. DeRouche – The Council's \$100,000 budget for Council Travel/Public Education/Training to date has \$10,536.34 expended, \$49,660.00 obligated leaving a balance of \$39,803.66. There are two new requests to consider for training and if approved the amount remaining would be \$21,803.66. The Council Fund will be replenished with the start of the new fiscal year July 1, 2018. I don't imagine there will be anymore requests for training since there will only be a couple of months left to get the training done. I wanted to point out that the Gold Line Success training has been done a couple of times already. It has been very successful and well attended. The Ethics and Legal/Officer Down is in another part of the state.

Legislation – Mr. DeRouche – HF2254 which is identical to SF2307 passed the House 98-0. The Senate version passed out of State Government and was re-referred to Appropriations. The subcommittee meeting is today. We are not expecting any issues.

Mr. Seivert – The fiscal note that came out on that. Can you talk about the consolidation grant now and how that will change and the last year of that, if I am interpreting it correct. There would be about a \$25,000 amount available per PSAP at the end of that fiscal note series

Mr. DeRouche – The consolidation grants amounts at this point remains at the \$200,000 amount. That is on the books until 2022. I don't expect that to change. The fiscal note spoke to the potential cost savings statewide especially at the local level of the costs we save through the virtual consolidation effort. I believe it was a potential of \$3,000,000 savings a year at the local level for CPE costs. That's assuming the 100% option which I doubt will happen. It's up to about \$3,000,000 that would be saved through sharing of services and \$1,000,000 saved at the local level with the merging of wireline and wireless networks. There's startup costs involved with that. The bulk of the costs are still there in year one. We estimate that the startup costs are around \$8,000,000 or \$9,000,000. After that annual expense is dropped dramatically because that infrastructure is now in place. There is already language on the books that will basically zero out that operating surplus every year. So whatever it is that we don't use, other than the catastrophic reserve, gets zeroed out every year to the PSAPs. This will depend on how many opt in to the shared services.

#### **Wireless Carryover funds PSAP GIS Grant Application Approvals**

None

#### **Training Fund Requests**

South Central Iowa request of \$16,000 for Officer Down/Ethics & Legal Training for Dispatchers to be held in Union County.

Van Buren County request of \$2,000 for Gold Line Success Training.

Motion by Bob Seivert, seconded by Mark Murphy to recommend for approval both requests. All ayes. Motion passed.

#### **Reports of Officers, Boards and Standing Committees**

##### Technical Advisory – open comments of interest from our technical/telecommunication partners

Mr. DeAngelo – Pres. Trump recently signed into law Kari's Law requiring that emergency callers can dial 911 directly from phones associated with multi-line telephone systems (MLTS) that are common place in hotels, offices and other enterprises. This legislation is designed to make sure that multiline telephone systems have direct line to call 911 without any precode to get an outside line.

Chair Rotter – Does this legislation allow grandfathering of current systems? It's something we deal with even in our own office.

##### Interoperability Governance Board – Iowa Statewide Interoperable Communications System Board (ISICSB) – Chris Maiers

The board has passed more standards over the past couple of months. They are available on the website. More work on standards continues regarding pursuits, encryption, transports and interstate interoperability. Technical recommendation but not a requirement to buy anything. It outlines in detail the nuance in subscriber units. It is designed to help people make an educated decision on purchasing things. There was a letter sent out to PSAPs letting them know that ISICS be deployed now and will be live relatively soon. The board is working on ways to help PSAPs to signon. There were some concerns expressed to me about some of the legacy networks like LEA being shut off July 1 2018. That is not the case. There is going to be transitional period. Everything is not going to go dark on July 1<sup>st</sup>.

Blake and I will be traveling to the NGA Conference in Albuquerque, NM. It is going to be related to all things interoperability and in many things 911 as well.

The Safecom survey has been extended to March 12<sup>th</sup>. That is going to be a guidance document that's going to help them shape the next five to ten years for grants.

The board is working on subscriber user testing. As we work through that we will get that published as well.

The RICs are going to be expanded to help distribute the workload. There will be a Chair and 2 Vice Chairs in each RIC.

The next COMX exercise is scheduled for April 23 and 24. It is going to be oriented around the figuration we went through in 1998. That was one that caused massive destruction from NW Iowa, through the Des Moines metro and towards the Quad Cities area. Multi geographical and multiply command posts.

U.S. Dept. of Homeland Security-Office of Emergency Communications – Jim Lundsted  
None

#### **Legislative Issues**

See above.

#### **Items for Discussion**

None

#### **Unfinished Business**

None

Political Subdivision

#### **New Business** – Hospitals membership on Service Boards

Chair Rotter – We have been asked as council to give some opinion on the idea of certain public hospitals as alone political subdivisions having a voice on the local 911 service boards. That opens up a very interesting question. Blake can you give us some background on this.

Mr. DeRouchey – As part of the bylaw view process two counties approached our office. One in consideration for a hospital as a standalone political subdivision. The reasoning behind that those hospitals are organized under Iowa Code 347. Under that code they have their own public elections for public officers and taxing authority. They do not receive money from local government. So if you take a look at the administrative rule that sure seems what is described as a political subdivision. There was an Attorney General's opinion in 1990 that granted the authority to benefitted fire districts to be a standalone political subdivision earning their vote on the 911 service board. A lot of the same criteria were met like the benefitted fire districts. Do they have a public safety agency serving territory within the 911 service area? They have an ambulance...you're pretty close. We reached to the Attorney General's Office and Rebecca's here to help us out as well. If we are going to setting a precedent we want to make sure we are thorough about it and it is well thought out. We are bringing it up to the council to get some opinion. One of the things the Attorney General's Office asked was for us to look through all of counties to see what they have currently listed. If there was anyone already listing a hospital as a voting member on the service board. I found that Jackson County does have their county hospital as a standalone political subdivision and a voting member on their service board. I asked Jackson County how that came to be. In 2012 our office told them, using the same logical discussion about benefitted fire districts, they could list their hospital as a political subdivision. That came from the 911 Program Planner not the Program Manager and I don't think it should be the sole basis for precedents setting. I just wanted to point out it is

being done in one place because they were told from our office to do so for what that's worth. I believe that Crawford County was going to be on the call to discuss from their perspective.

Chair Rotter – Anyone from Crawford County on the phone. Note: There was no reply.

Mr. Dehnert – I think this is a symptom of the variety of ways that EMS is operated in the state. EMS is kind of unique that way. Not as clearly defined as police departments usually are. Whether they're municipal, county or state level law enforcement. Fire departments certainly same sort of arrangement. Whether municipal, township based. EMS can be part of a fire department. It can be operated as a third service. As a municipal service like I come from here in West Des Moines where there's a police chief, a fire chief and a EMS chief. Private companies operating EMS services and this example of hospitals operating EMS services. I think it is kind of unique. I am in support of it. I think it makes sense in those areas where a countywide hospital does operate an ambulance service it makes sense they ought to be involved in the 911 board. I'm prepared to make a motion that we allow this.

Chair Rotter – I agree with you Rob but the problem that came to me was I'm being asked a question and in getting that question asked of me I come up with ten other questions. My biggest question would be would this compel organizations to be a part of it and the reason I ask that is coming from our own service board and I'm sure everyone has the same problem we have a real problem getting our quorums because we have so many people on the service board that have a tiny stake in the service area just don't feel it's necessary to take part which is fine but there's no mechanism there for them to opt out so your stuck with that number. My questions would be and sounds like in these cases that they are wanting to take part it's not that they are being forced to but would this force other hospitals in that same circumstance would it compel them to take part in a service board that perhaps they don't want to participate in. That would be my biggest concern.

Mr. DeRouchey – You're looking at two counties. Crawford and Humboldt were quite persistent in getting this far in as far as consideration. The research I tried to do. I looked the Department of Management to see who filed under Code 347 County Hospitals who have ambulance service. I also talked to Public Health. The best I could come up with would impact 25 counties.

Mr. Dehnert – Would they have to be listed?

Ms. Bearden – Under the Code and the benefitted fire district they would have to be. I know the Attorney General when we were talking with Blake there's some kind of...they were trying to figure how this would work. So I would like to hear if the Attorney General's Office has something to say on this issue. It may be beneficial.

Ms. Barloon – We were both having trouble with the definition of a political subdivision and the county hospital that counts. It looks like Jackson County does. It doesn't receive county money. That was kind of the opinion of Program Manager in the past in 2012 and that was the only hospital that has voting membership.

Mr. Bryant – Does 34A says who is going to be on?

Chair Rotter – I'm just back to the original question. Would it compel service boards to start adding those positions on to their boards and perhaps we don't have anyone that wants to take part. My guess is the state isn't going to be investigating every service board to make sure there's not a hospital that needs to be put on there. If that were the case I wouldn't have issues with it at all. I'm just worried about that quorum.

Mr. Seivert – I do have an issue with this. Two hospitals in the state have expressed an interest and if they took the definition of being eligible to vote and be a member of the 911 service board then those other hospitals also would be required to participate in that 911 service board. 34A says they shall. It doesn't give them the option as to whether they go or not. So your attempt to get a quorum at the local level and then we would also have the situation where you have 911 service boards across the state that are not the same. Every service board will have a different voting membership as they go forward. Why should 25 counties allow EMS a vote on their 911 service board when there would be 75 other counties with maybe five or six different ambulance services in political subdivisions that don't get a vote because it's the political subdivision that has the vote. Not the fire department, not the EMS, not the Sheriff, not the law enforcement agencies. As we go forward and think about supporting this I think we need to be

aware of how this could affect the makeup of the boards go forward and the definition of public safety agencies and political subdivisions. This makeup of the 911 service boards has been an ongoing topic for many years. We've just never come to grips with making a legislative proposal to maybe clean it up a little bit. I think this underscores the need for that effort to go forward and clean up the membership of the 911 service boards.

Chair Rotter – I agree it is a problem. I'm thinking Iowa County at one time had a city hospital that provided countywide service. I don't know how they were organized.

Mr. Seivert – School boards are political subdivisions. They hire an officer that provides security. A public safety position. So would they then be entitled to vote on the 911 service board?

Ms. Bearden – I don't believe that would meet it because if you hire an off duty security officer they don't have arrest powers to my knowledge. If it is a security company they're performing a law enforcement function. So in my understanding of the Code it would be that law enforcement, EMS and fire function. I don't think if we allow a hospital as a political subdivision that it is going to be a windfall. I don't think we are going to be allowing everybody and their brother in with this. I don't think it is going to harm it but going back to that question are we going to be forcing other hospitals to participate on a service board that are not going to have that interest and that goes back to that quorum question. Do I think it's going to harm anything? No. Do I think it's going to be a political windfall letting everybody in? I don't think so either in terms of how the Code is.

Ms. Barloon - Political subdivision are entitled to voting membership I'm not sure they are required to vote.

Mr. Bryant – I'm use to writing contract language where you deal with the will, may and shall. I read this – is entitled to. I don't see a compelling reason. Blake brought up - participation in joint 911 service board required. A political subdivision having a public or private safety agency in its territory with jurisdiction shall participate in a 911 service board in cooperation in maintaining the 911 service plan. Then it goes on about private.

Ms. Bearden – In the Code public is voting and private is a nonvoting member. If you look here they are entitled to voting which means they were able to abstain from voting membership. But you have with the Emergency Manager they may vote or they may abstain from voting membership but they have to participate as a part of the service board.

Mr. Bryant – But again to all private entities have to participate.

Mr. DeRouchey – By code yes.

Mr. Bryant – Before this meeting I was looking at "Where's Pandora's box here?" What are we opening up here? What are we starting and where does it stop? What's your reason? Why? What are the advantages? What are the disadvantages? I agree with the Sheriff but I now have more questions.

Mr. DeRouchey – The question about investigating each county's membership. We make sure your bylaws and your service board membership form align. The way the Code reads it's up to the service board to figure out who's who in your jurisdiction. I'm not going to investigate organizational payroll work for all 99 counties times every public safety agency.

Ms. Barloon – What it looks like is the benefitted fire department.

Chair Rotter – We have a motion on the floor. Is there a second?

Mr. Dehnert – How many hospitals are organized under Code 347?

Mr. DeRouchey – The best I can come up with is around 25 that have ambulance. There are some that are organized under Code 347 but don't have ambulance.

Mr. Bryant – Would you restate your motion.

Mr. Dehnert – What will the board be doing? Acknowledging?

Mr. DeRouchey – The board is an advisory council. We are looking for advice on this topic. There have been a lot of folks around longer than I have been. Whatever that history was and the discussion back then I think is relevant in advising us to help this discussion with the Attorney General's Office on our recognition going forward. To try and set something at least a statement on how we want to go forward rather than an email from the Program Planner from 2012.

Motion by Rob Dehnert that the 911 Council acknowledge and recognize hospitals organized under Iowa Code 347 providing EMS as political subdivisions for the purpose of membership on a joint 911 service board.

Chair Rotter asked for any discussion.

Mr. Seivert - I would like to take this back to my organization for more discussion before we make a position as a Council. I have had discussion with our association President but I think it bears a little more discussion on our end.

Mr. Bryant – Question for the person making the motion. Will it include the parts so it is very clear that the hospitals that have ambulance services?

Mr. Dehnert – I will add “or ambulance service” after “providing EMS” to the motion.

The motion now reads - That the 911 Council acknowledge and recognize hospitals organized under Iowa Code 347 providing EMS or ambulance service as political subdivisions for the purpose of membership on a joint 911 service board.

Motion died for the lack of a second.

Chair Rotter – Take this back to the organizations you represent and see what their opinions are and bring this back to our April meeting.

Motion by Mike Bryant, seconded by Larry Hartpence to table this issue until the next meeting All ayes except Rob Dehnert was a nay vote. Motion passed.

#### **Travel Requests**

None

#### **Business from the Floor / 911 Issues at the PSAPs**

None

#### **Announcements**

The next meeting will be on Thursday, April 12, 2018 at 9:00 a.m. in the West Des Moines City Hall.

There being no further business a motion was made by Mark Murphy, seconded by Sally Hall to adjourn the meeting at 9:58 a.m. All ayes. Motion passed.

Respectfully submitted,

Sally Hall, Secretary