

**Iowa E911 Communications Council Meeting  
Special Meeting  
Wednesday, Aug. 10, 2016  
Iowa Department of Public Safety – Oran Pape State Office Building  
215 E Seventh Street  
Des Moines, Iowa 50319  
First Floor Public Conference Room**

**Call to Order**

Chair Ray called the special meeting to order at 1:01 p.m. A quorum was determined from the roll call as indicated below.

<b><u>Roll Call</u></b>	Representative	Attendance
Iowa Association of Public Safety Communications Officers (APCO) <b>Secretary</b>	Sally Hall	Present
alternate	Cara Sorrells	
Iowa Chapter of the National Emergency Number Association (NENA)	Rob Koppert	Present
alternate	Kirk Hundertmark	Present
Iowa State Sheriffs & Deputies Association (ISSDA)	Robert Rotter	Present
alternate	Dean Kruger	Present
Iowa Peace Officers Association (IPO)	George Griffith	Present
alternate	Sandy Morris	Present
Iowa Professional Firefighters (IAPFF)	Mike S. Bryant	Present
alternate	Doug Neys	
Iowa Firefighters Association (IFA)	Mark Murphy	
alternate	Tom Berger	Present
Iowa Emergency Managers Association (IEMA) <b>Vice-Chairperson</b>	Bob Seivert	Present
alternate	Jo Duckworth	
Iowa Department of Public Safety (IDPS) <b>Chairperson</b>	Steven P. Ray	Present
alternate	Adam Buck	
Iowa Emergency Medical Services Association (IEMSA)	Rob Dehnert	Present
alternate	Paul Andorf	
Iowa Telephone Association <15,000	Jack DeAngelo	Present
alternate	Pat Snyder	
Iowa Telephone Association >15,000	Dan Halterman	Present
alternate	Wayne Johnson	
Cellular Providers	Steve Zimmer	Absent
alternate	Bill Tortoriello	Excused
PCS Providers	David Kaus	Present
alternate	Joe Sargent	
Auditor of the State, Ex-Officio member	Warren Jenkins	Absent
 Staff:		
Blake DeRouchey, E-911 Program Manager		Present
Samantha Brear, E911 Program Planner		Present
 Guests:		
Jon Paoli, HSEMD	Tracey L. Bearden, Polk County EMA	
Curtis Pion, Polk County Sheriff's Office	Terry Brennan, Racom	

**Introductions**

Chair Ray welcomed everyone. Board members and those in attendance introduced themselves.

**Approve the Agenda**

Motion by Dave Kaus, seconded by Dan Kaus to approve the agenda. All ayes. Motion passed.

### **Discuss HSEMD Administrative Rules Adoption and PSAP Consolidation Grant Criteria**

Mr. DeRouchey – We were not able to get on the Administrative Rules Committee’s August agenda, but were able to get on the September agenda. I spoke with our legislative liaison, John Benson, and we were of the opinion that wherever the discussion goes on the consolidation applications, we should be able to approve those dependent on those rules passing. When we send out a letter saying these are approved, we put some verbiage in there indicating that the grant has been approved but it is dependent on the administrative rules passing in September. Of the applications that we have, none of those are expected to be complete before September. We will not be able to pay any money out until the administrative rules are passed. Any time after September instead of conditional approval, the applications can be approved and we can pay out funds as invoices are submitted.

Mr. DeRouchey passed out the draft of the administrative rules. It pretty much mirrors what was in HF2439. Steven’s letter of support was sent to the rules committee and has been received. That will help facilitate these being filed on an emergency basis. If we were not to file these on an emergency basis you would be looking at November or December to get these on the agenda of the rules committee. Even though there has been a little of a delay, it is still quicker than the alternative.

Mr. Koppert – Were there any changes to the original draft that was sent?

Mr. DeRouchey – There was a piece of antiquated language that Bob found on the first draft but nothing else. This was removed. There was no other feedback. The draft has been sent out to the 9-1-1 council along with the PSAP community.

Mr. Seivert – “The last part of the unspent money of the \$4.4 million shall be spent in the following priority order.” I wonder if that shouldn’t be broken up into grants for the public safety answering points and then that stops, and then those other elements come in underneath that? Public awareness and educational programs. That’s a separate thing that has nothing to do with consolidation. As does the following terminology for the money to be spent for the receipt and disposition of 9-1-1 calls and to access the statewide interoperable communications system. There’s several on them that need to be broken out.

Mr. Kaus – Do we have to pay for the hookup to the interoperable communications system? I didn’t think there was any cost to that.

Chair Ray – There is no cost to utilize it.

Mr. Kaus – According to this, it is costs relate to access the statewide interoperable communications system.

Mr. DeRouchey – That’s taken out of HF2439 where it basically spells out that locals can use whatever pot of surcharge they want to use to access or help pay for construction of towers for radios. Those costs are eligible. Not necessary to get on the system but to build out the infrastructure.

Mr. Seivert – When you look at those elements that is a separate item under C2. I think it lends some confusion to the interoperable portion as it relates to consolidation.

Mr. DeRouchey – Are you looking a page one of the rules where it sums it up?

Mr. Seivert – Yes. You start with a “First”, then a “Second” and then “Lastly” that should not really be there. The grant should be there and then the \$100,000 to the council for public awareness and education, and then the equal funding distribute to the PSAPs, and that equal distribution of the funding to the PSAPs is the portion that can be used for accessing the statewide interoperable communications system. Not necessarily the grant that is referred to further into the paragraph.

Mr. Koppert – Any unspent funds, not to exceed \$4.4 million, may be spent in the following priority. We have the grants, then the funding for the public awareness and education which was in HF2439 came out of that \$100,000. So does that \$100,000 come out of the \$4.4 million?

Mr. DeRouche – What we did mechanically on our books for 2016 – we were also allocated \$100,000 and only a couple thousand was spent – we basically just added that back up to the \$100,000. I don't remember which portion of the fund we did that out of but it's not a new \$100,000.

Mr. Koppert – So the \$100,000 for this year is coming out of old money?

Mr. DeRouche – Most all of it, yes.

Mr. Koppert – So in the future, if this continues into next year, that \$100,000 is going to come out of the \$4.4 million – or is it going to be \$4.5 million to get that \$100,000?

Mr. DeRouche – I hope a lot of this get cleaned up because I don't like that part either. It is very clumsy in the code. It doesn't give us a lot to go on how to do that, in reality. Since this is for a one-year basis we are punting a little on this.

Mr. Kaus – If you were to lay out the expenditures and the amount of money that we have to spend – whether it is going to be old money, new money – I really don't care. It is money we're responsible for.

Mr. DeRouche – I would say right now in the fund total there's \$16 million. When you start looking at the obligations that we can hold back or that is committed in law – so you take off \$4.3 million the next payment for the LMR and you take off 12.5 percent which basically equates to \$3.5 million for our catastrophic rainy day fund that we never want to touch, but we can keep it now legally. You are looking at \$8.4 million to spend out of the old carryover fund.

Mr. Kaus – And that is to be spent how?

Mr. DeRouche – It is to be basically left alone until the legislators figure out what they want to do with it next year.

Mr. Kaus – In other words, we have nothing to say about how that \$8.4 million is spent.

Mr. DeRouche – Not this year. I remains uncommitted.

Mr. Kaus – Oh, it's committed. It's committed by the State. That's the thing that bothers me.

Mr. DeRouche – We can't pay grants out of that. We can't pay...

Mr. Halterman – So how are you identifying it? That old money?

Mr. DeRouche gave a brief overview of how the accounting system works.

- The overall fund – the wireless expenditure report tries to graphically depict there are five or six subaccounts
- W100 is the checking account – Checks come in from the wireless providers/checks go out to the PSAPs/checks go out for the Phase 1 cost recovery
- W200 HSEMD administration
- W400 old carryover \$8.4 million
- W700 new carryover \$4.4 million
- W600 Council travel, etc. \$100,000
- Amount transferred to the operating surplus, we try to zero that out at the end of each quarter. There is some money in there. The checks from the wireless providers are supposed to come in by the end of the quarter but some are still coming in. That money still sits there until we do the next quarterly expenditures.
- The interest is also transferred over to the carryover

Mr. Seivert – The interest become part of the old carryover because it's not surcharge?

Mr. DeRouche – This fund will still grow.

Mr. Seivert – Legislatively, that is what we need to fix. The amount of money that comes back to the PSAPs should be based on the balance that is in the account versus the amount of surcharge that is collected. As long as we stick with the amount of surcharge that is collected there will be continuing mechanisms to grow that fund.

Mr. Halterman – Are you talking about the \$8.4 million, the old carryover?

Mr. DeRouchev – Reminder all of this is 0046. All of this is still added interest.

Mr. Kaus – And the interest goes into where?

Mr. DeRouchev – The interest ultimately comes into W100 and is ultimately transferred into the old carryover. When we get up to \$4.4 million in carryover everything else will go into the old. Interest in October could be in the \$4.4 million and then next July could be in the old carryover.

Mr. Kaus – The old carryover, what comes out of that?

Mr. DeRouchev – This year we are going to pay for the secondary ESInet connectivity challenges that we have had. That's about \$350,000. Other than that, we are not planning on taking anything else out of that. The elephant in the room is it is going to sit there and the legislature is going to decide do they want to spend it on consolidation efforts or do they want to put more money into the LMR. The LMR contract was \$68 million for a 10-year lease. The first couple of years' payment was \$4-4.5 million and then it goes to \$6-\$6.5 million. They are doing one year at a time. Our department has had meetings to try and convince them we want to spend it on consolidation not LMR. That would be the governor's office that we have had those meetings with.

Mr. Halterman – Go back to the \$100,000 – whether it comes out of the \$4.4 million? If you go back on page 7, paragraph 2 of the draft. Doesn't that kind of say that it's separate from the \$4.4 million?

Mr. DeRouchev – The \$100,000 is in its own. If we get to a point where we are really spending that \$100,000 in its entirety and some of the parts of this law put a cap on what we can spend, we are going to have to figure out how we want to replace it that \$100,000 but for this year it was just a couple of thousand dollars. It was replaced with the old carryover because we hadn't received new funding for this fiscal year yet.

Mr. Kaus – If this is the case, come next year are we going to have to go through this again? This is only for fiscal year 2016-2017.

Mr. DeRouchev – John Benson and I have had this conversation several times because that cap is for FY2017. We don't know what is going to happen next year. We have \$4.4 million in grants to spend or pass through.

Mr. Dehnert – What will happen with the remainder of the \$4.4 million on July 1 next year?

Mr. DeRouchev – If zero dollars is claimed in grants, we would take the \$4.4 million divided by the number of PSAPs, which is 113, and send it out to the PSAPs as a lump-sum check. You basically get approximately an extra \$38,000. On the other side of that, if there is \$113 left after all of the grants are approved and paid out, we are going to send out \$1 to every PSAP. We want to be sure that we spend every penny of that which is why we put the timeline on the grant with the cutoff in December so we have an idea of how much we are going to send out.

Mr. Dehnert – Who arrived at that? I don't disagree with that. Why not apply that to the \$8.4 million in the old carryover?

Mr. Bryant – Because the legislature did do that. We argued that point.

Mr. DeRouchev – One of the senators did some math mixing percentages and amounts to come up with that \$4.4 million. We bring in \$28 million and it leaves us \$16 million to spend. If we had a massive

catastrophic failure of a data center, what would it cost to replace the network? We have had discussions on that. If we could go to executive council and fund that as emergency funding, or we have all of this money, shouldn't we be fiscally responsible and pay for it with the money that we have versus going to the legislature and begging or borrowing more money to fix that? So we took out 12.5 percent which is about \$3.5 million. Basically they kept going down, down, down and that is what was left. Basically we kick out all of the money that we take in, in one year.

Mr. Dehnert – It was in the legislation how the remaining balance would be distributed equally.

Mr. DeRouchev – Not equally by size. Not equally by any other measure

Mr. Dehnert - And there was nothing about the old carryover.

Mr. Bryant – We tried.

Mr. Dehnert – It seem like a precedent there.

Mr. Bryant – We tried to get the language that the carryover would be zeroed out at the end of the year.

Mr. DeRouchev – Part of that language still remains which still makes it more interesting. The old carryover but at the last minute that \$4.4 million got put over the top of shall zero out shall equal remaining funds equally. I will take that comment to Mr. Benson and see if we can still put periods or subsections on that.

Mr. Seivert – I think it would help to clarify somethings.

Mr. DeRouchev – That kind of moves into the next thing – carryover applications.

Mr. Koppert – Can we hold off on that? I went online to look at Chapter 34A and it hasn't been updated.

Mr. DeRouchev – It waits until January to update.

Mr. Koppert – So I pulled up HF2439 and on the last page New Subsection 3A. Keep in mind that prior to this it says the director and Homeland Security in consultation with the council may provide grants for this but then we have this new subsection 3A. That simply states the council may provide grants, subject to available moneys in the E-911 emergency communications fund, to public safety answering points agreeing to consolidate pursuant to section 34A.7A, subsection 2, paragraph "g". That's telling me there is mixed authority who has the right to approve or disapprove these grants.

Mr. DeRouchev – We have received a couple of different signals on how to interpret this. At one of the Senate subcommittee meetings Senator Danielson literally said in his mind his interpretation of what he was doing was to specifically include anyone who wanted to get on the State LMR system to be included in the consolidation package....it should be considered consolidation. I know we can debate that until we are blue in the face. On the other side when we brought this up Representative Worthan. He was much more wanting us to lean on the council for better definition of some of these scenarios that we are running into. We also had a meeting with the governor's office. Their guidance to us was whatever you do, be consistent. Meaning: if you are going to allow a county that wants to virtually consolidate radio systems with an adjoining county, to also allow a regional system. To also allow the statewide LMR. Whatever you do be consistent, and I get that because I don't see a solid line. I see a dotted line between those. I think it's a grey area and I can't say this is allowable and this isn't. And I know what you are saying as well that it also says specifically two PSAPs. How do you consolidate into the state LMR and only have one PSAP? I get all of that. I think we have been pretty open, at least since I took over, hopefully about wanting input, unless you guys go totally off the deep end, take what this body decides and go forward with that decision.

Mr. Seivert – Is there such a thing as determining that the language in the bill that was past is so inconsistent that it is impossible to administer the funds until it is clarified?

Mr. DeRouchey – Chapter 34A used to be a nice, clean document. It was easy to interpret, to figure out what was going on in it. Now it is like Frankenstein. Pieces were added.

Mr. Bryant – Part of that is the result of it waited until the last minute. That is what happens when you cram it through in the midnight hour. We think you have something the way they wanted it then all of a sudden it's an odd shaped piece. It doesn't fit any puzzle.

Mr. Seivert – Senator Danielson's comment that you repeated about using the funds for interoperability doesn't exist in the wording of the law. And just as his opinion was stated about that, Representative Worthan's opinion was stated contrary to some of that and it is not what the bill says.

Mr. DeRouchey – My only question is, radio consolidation is listed in here. How do you do radio consolidation without at the bare minimum considering Jasper County wanting to join Polk County's system?

Mr. Seivert – Rob and I have two base stations and when we consolidate now we have one doing the same thing. We have two radio consoles. We consolidate. We now have one radio console. To me that's the radio part of this. Something similar. We're going to build a tower between Shelby and Cass County. It's going to be right on the line. It's going to serve both of us. That's a project that's cost effective for two counties. That's the kind of interpretation on the radios that I agree to.

Mr. Koppert – When it comes to phone systems, I rely on those that have the expertise. The same with radios. This body has a wide range of expertise among its membership with regards to the functioning of 9-1-1 and its related systems. That is the reason for this body to provide advice, based on that information, to you. This is nothing negative to you or your predecessors but how many of them have stepped in or worked in a PSAP and understood the nuances of a lot of these things and the mixture and the mixing of all of these things together in the field picture puzzle?

Mr. DeRouchey – That is the third time that you have made note of my experience in the last two weeks. I didn't like it the first time and I'm not going to apologize for that.

Mr. Koppert – It's not meant to be derogatory towards you, Blake. It's just that we are here to help you understand what you may not. Because I don't understand everything that you deal with, and I certainly don't understand everything when it comes to the network stuff, and I rely on you for that information, Laurie and other people. I think we need to go both directions on that and say it's important for everybody to listen to what everybody has to say and take their viewpoints.

Chair Ray – In Blake's defense, everybody needs to understand that whatever we do and say here, the only bad part about it is that we do not have any enforcement action. We are not a governing board. So what comes out in front of you on paper comes from 150 people on the hill and they don't always know what we do either. There's where some of the problem is.

Mr. Bryant – I'll give you an example of what I have said before. Senator Danielson still thinks there are three PSAPs in Black Hawk County and there's not. I have sat one on one with him and explained that to him. In June at our convention, part of the report that came out mentioned that the possible solution was to raise the surcharge by a quarter and it would be enough money in there to fund both. My fear of that now that I'm thinking, this bigger pot grows more...the more that's in the carryover somebody is going to take it. When I mentioned that in the the convention, Senator Danielson didn't recall that information. I talked to him afterwards and he said that he hadn't heard anything about that. You wonder how much of the report that he really did read then. That report is not new. I said that would be a possible solution. He only hears what he wants to hear and I told him that. That's the problem that we face. That core group on the hill is all over the board. My answer is: November is not that far away. You better be going to the legislator's fundraisers and tell them what we need and then hold them accountable after the election. That's where this starts. Don't start up there in January and then fight in March and April to get what we end up with. Now is when you have to figure what to tell these people what you need. And if we don't do it, we are going to be sitting right back here next year with \$6.8 million less and some other convoluted part of 34A change again that the puzzle still doesn't fit together. It's going to come down to the last hour and somebody needs their \$6.8 million and they are going to get it. The problem that Bob mentioned, are

we so messed up that we can't do anything? Well now guess what: there's an extra \$4.4 million available next legislative session if we say the law is so corky that we can't do anything right now. So the golden goose has laid more golden eggs.

Ms. Bearden – Well, couldn't you say that the point is that we can't do anything because the bill is not clear to the intent. Because there is black and there is gray in the law so we read in the gray as we see fit and distribute based on that and justify it. You argue in front of the people that are going to bless this. That's what you do in court. We have to look at it, the gray areas. So we are going to look at the gray areas and fight for what our PSAPs need. Because this is our stakeholder surcharge fund. They need to be represented. They need to be heard. We have a responsibility to them. We have to look at that grant.

Chair Ray – Yes, if there is too much ambiguity in there if you don't think you can come to an agreement on how some of this is spent....I really don't have an answer for you. I'll tell you, what we don't spend here, there will be no guarantees next session. This money was specifically allocated for consolidation efforts. So if you want to deny a county because they want to buy radios to get on the statewide radio network and the money doesn't get spent, I don't know what to tell you where it's going to go next year.

Mr. Seivert – The money will be spent though, Steven, because if we don't give to the consolidation grant it goes to that \$4.4 million pot that is equally distributed to all of us. We will get rid of the \$4.4 million.

Chair Ray – But my point is Bob, this is for consolidation efforts. If we don't get anybody that puts in applications because they can't then this whole point from up there is moot.

Ms. Bearden – It establishes a precedence then they are going to say you didn't spend the money we gave you a chance for consolidation so you don't need it. We don't want to establish this precedence because we are already punting part of the questions here. We're establishing a precedence there. So need to keep moving forward otherwise they are going to think inaction.

Chair Ray – Money lying around even though it gets put somewhere else, it doesn't stay very long.

Mr. Kaus – If we're talking about P25 consolidation. It seems to me the FCC came out sometime ago saying that you will upgrade your radio systems. How many of our radio systems and to what degree have been done? If they haven't then we're going to end up paying for it, right. Because if they want to get on the state LMR system they have to be P25. Right and we are going to pay for it. Two years ago we had these meetings at STARC on what we should recommend and we put in there that they shall be P25 and everybody said we can't do that. We better put on there that we recommend they be P25. Well now we are going to pay for that. It's about time we draw a line in the sand and say this is what we are going to pay for. This is what we've got the money to spend for rather than give the people on the Hill another \$4.5 million. State government can cut your taxes until your blue in the face but yet this is a tax. Any way you want to put it. Go back to Bob Hudson who said surcharge should be classified as a tax.

Mr. Byant – Question about the P25 radios: where did that come from?

Mr. DeRouchey – From the carryover grant, that existed last year.

Mr. Kaus – Did that get changed to "shall?"

Mr. DeRouchey – It had to be software upgradable to P25 if you used carryover grant to pay for it.

Sheriff Rotter – One thing we deal with in law enforcement is legislation is inherently dysfunctional. It just is to some degree. I don't care what the law is and as that law gets carried out if the legislature doesn't like the way it is done it will be their duty to fix it. So I agree with her (Ms. Bearden) that you do have to interpret that gray area the best that you can and move forward and if they don't like it, they'll eventually fix it. I don't think we can just say that we can't deal with it because they'll figure out a way to deal with it without us. There's too much of that going on now.

Chair Ray – There's a saying up on the hill, sometimes be careful of what you don't ask for.

Mr. Bryant – So do we just have the two applications?

Mr. DeRouche – We have a total of four with \$800,000 being asking for.

Chair Ray – How are you going to work this? We have a December deadline. How these are approved is probably going to determine what other applications that we see.

Mr. Koppert passed out a document with his opinions regarding consolidation grants.

Mr. Koppert – Maybe some guidelines or talking points. Keep in mind these are my thoughts, my opinions on this. After reading everything available, this is what I came up with. Maybe we can use this a basis to discuss some of this.

Mr. Kaus – We have four applications each for \$200,000. That's \$800,000. How many consolidations can we fund out of that \$4.4 million.

Mr. DeRouche – Twenty-two.

Mr. Kaus – Say that takes in two PSAPs per consolidation application. So out of 113 PSAPs, is this first come, first served?

Mr. DeRouche – Correct.

Mr. Halterman – So you are time stamping these?

Mr. DeRouche – Correct.

Mr. Kaus – What happens to the other ones that are late in the game? Is there any provision to take it out of old money?

Mr. DeRouche – No. We rolled out the program for the grants with the webinars and we can go back on that. I'm not that concerned about that. Along those lines of what you are kind of talking about, might get us out of this situation. We have deadline in December. In December, we take however many applications we have gotten at that point. It changes the program all together, we can do this and we take a look at which applications we've received and which ones we think best move the program forward that we believe consolidation to meet and we fund those.

Mr. Kaus – In other words, it is up to us.

Mr. DeRouche – I don't think there is anything in code that says we can't do that. It would all be in the rules of grant applications.

Mr. Kaus – But if we approve them as they come in?

Mr. DeRouche – We would have to wait until December or whenever we decide to cut that off.

Mr. Kaus – Are the applicants aware of that?

Mr. DeRouche – No. Whatever we do, people are going to be angry.

Mr. Halterman – The close could be reached in October if possible.

Mr. DeRouche – Doing this way, you're correct. It's always the way it has been done. It's the way the rules were written up whenever they were written up as first come, first served. I don't think there is anything in the law that says it has to be done that way.

Mr. Kaus – It would seem to me that I've got \$8.4 million in the old carryover just sitting not doing a darn thing that I run out of money on the \$4.4 million and I can't do anything else. That would tend to make me a little on the hot side.

Mr. Bryant – Blake, we do a similar thing on the Fire Service Emergency Response Council interest-free loan. First, is the application complete? If it's not, you're out. There is a series of scoring.

Mr. DeRouchev – That's a bit of what I am suggesting. More of a competitive-based. Our department deals with some Federal Emergency Management grants and that is how they are done.

Mr. Bryant – Is the elephant in the room whether money spent to join the LMR qualifies or not?

Mr. DeRouchev – I think that's elevated perception of what we are talking about.

Chair Ray – \_\_\_\_\_ applications. That's clearly the issue.

Mr. Bryant – Well, if that, to be consistent. That's an easy question. You've got to decide if it is a yes or a no. What qualifies? That would seem to me to be a place to start.

Mr. Brennan – Rob, I appreciate what you have written here. You and I have talked. I would respectfully like to add a different perspective. As it pertains to the PSAPs and the LMR system whether or not they should be eligible, we have similar circumstances where we have worked with a few of those grant applications already. Your bullet number two: the idea that consolidation grant projects will not provide funding for equipment for field devices such as mobile or portable radios, computers for squad cars or other devices. It seems to me a few years ago we kind of changed the grant guidance because at that time it kind of classified PSAP purchases as things that were specific to that PSAP address. I think we came full circle on that realizing that no, there is a lot of equipment and in fact there is field equipment or equipment that is not located at that PSAP address that is part of the receipt and disposition of 9-1-1 calls. And so we change the language to actually make sure that grant funding could be used for those types of purchases. Which at that time didn't include radios and as far as FCC guidelines – there's a requirement for narrowbanding. There's never been a requirement for P25. So P25 is still an optional thing. In light of what we knew of the legislative intent preparing agencies for migration to P25, if they so choose, is still optional. There is nothing mandatory. That being said, people are considering it. I think the way that the grant guidance has been interpreted over the last couple months in preparation for this, the consolidation or virtual consolidation, it's stimulated a lot of great conversation about people sharing technologies and resources of which I think the LMR is one of them and field devices is part of the receipt and disposition of 9-1-1 calls. Then the third bullet is the idea that the State LMR system is not a PSAP. I would look at that completely different. I think the State LMR system is in fact five PSAPs. There are five state patrol dispatch centers that are using that network. In one of the applications Tom Lampe signed off on Marion County's to acknowledge and recognize that yes, we are sharing technology. Sheriff Sanholdt is trying to use the State system which is a consolidation of technologies and savings of money. Obviously we're not interested in people joining the state Motorola system per se, but we have other agencies like where you mention Jasper and Polk, well Jasper County is looking at sharing and sharing radio towers and coverage with Polk. Black Hawk County is avoiding buying five positions of a dispatch center for their backup dispatch center because now Cedar Rapids is going to be their backup. I think there are several instances where we are reducing the amount of technology that has to be bought and spent because people are looking to share radio systems. I think, and Blake kind of the way you described it with Senator Danielson, that seems to be their legislative intent. We're not necessarily looking at the consolidation of addresses yet, but we're surely looking at the sharing of technology. And I absolutely agree that they're giving less and less money. The idea of not spending it just seems like we are setting them up to take more and more from the locals every year. These are projects that are sharing a lot of cooperation and discussion among the PSAPs. To me, the applications on the table seem very good and Blake, the idea of delaying things until December and then making them competitive at that point – that's a difficult thing to ask. People that have applications because they have projects that they need and want to move on today and there is the backend deadline that these need to be completed in June. I think it is a hard thing for locals to swallow. They are getting a lot less money showing up their way now we are making it more difficult to get access to it. I, as Racom, and the folks we work with,

they're eager and anxious to try and get access to this to support this type of collaboration with their neighbors. Whether it is the State radio system or it is regional systems that are being shared.

Ms. Morris – I agree, especially on bullet point number two that says that we are not going to provide funding for radios, field devices those types of things. I don't think that's a good idea at all not to do that. I think...check 34A and I know it doesn't address the grants. It addresses surcharge overall but it seems that we wouldn't go from one extreme to the other.

Mr. Koppert – Here's my reasoning for putting that in there, and maybe this will help you. Terry and I fully understand when you said we have had quite in depth conversations. I've talked to others in the organization and other vendors. Here's my reasoning for those two points: 1) This is an entirely new grant. Wiped every rule of the carryover grant in the past out. This is a consolidation grant between PSAPs. It should be for equipment to achieve that and for equipment for PSAP to PSAP consolidation. Buying a mobile radio that has nothing to do with consolidating PSAPs together....

Ms. Morris – Why doesn't it have anything to do? What if they have disparate radio systems? If I wanted to consolidate with Polk County, and I wanted to get on the Racom system? Racom can say you can get on for free, but we can't afford 300 and some radios. Why can't I buy radios that will allow us to consolidate?

Mr. Koppert – Then where does it end?

Ms. Morris – \$200,000 is where it ends. You can spend all the money you need but here's \$200,000 to give you a little boost.

Mr. Koppert – I understand that but I look at it from a standpoint that what we do and how we interpret this gray area that the legislature threw at us is going to have repercussions on 9-1-1 for years and years and years. Well, after everybody in the room is gone. Simply because of how we acted today and how we interpret what the intent of the legislature is. And you have one senator that thinks it should be on the LMR and another representative who said I think it needs to be up to the council to make advice and figure out and hash this out. Well, that's what we need to do. These are just my opinions and my viewpoints, and I erased every rule from the carryover grant and started basically with new rules and I don't see when you look at the general definition of what consolidation means that buying mobiles radios or portables or computers in squad cars meets any form of that definition.

Ms. Morris – If that's what is keeping you from consolidating, using your radio system, why wouldn't that be a part of it? Right now we share a CAD system. We have the same telephone system. Potentially we will have the same recorders, but the thing could potentially be that we don't have a radio system that's compatible with each other. So why wouldn't using that money to make that final step be...?

Mr. Koppert – To me that's more of an operational instead of a consolidation type issue.

Ms. Morris – But without radios how can you operate?

Mr. Koppert – I understand your viewpoint. I just don't necessarily agree where the money should be. It should be placed at the PSAP level and not at the field level.

Mr. Pion – You're back to restricting the money so it has to be specifically spent tied to the physical location. That's where you're headed. Am I right?

Ms. Morris – To that address, that is something we just got away from.

Mr. Koppert – To a point, yes. If you are going to be connecting two PSAPs together and they have disparate radio systems they need something in between to connect radio systems. I can see that as something. So it doesn't have to be tied to the physical address of the PSAP.

Mr. Dehnert – The language in here is specific about a PSAP, Public Safety Answering Point. I know in the last couple of years that it seems to have been loosened up a bit. Even sort of the expansion of that

definition to....it's not just the PSAP, the answering point but more of the communication center as a whole and more the receipt and disposition. But has that ever been codified anywhere in the rules?

Mr. DeRouchev – So in 2015, the carryover specifically spelled out receipt and disposition. Fiscal year 2016, the pass-through money spelled out receipt and disposition.

Mr. Dehnert – I don't want to argue that. Is there a pure PSAP in Iowa? I don't think so. That's only a PSAP. That's not a communications center. Does anyone know of one?

Ms. Morris – You mean that only answers 9-1-1?

Mr. Dehnert – Yes.

Mr. Kaus – I don't think there is one.

Ms. Morris – Probably not.

Mr. Dehnert – They're secondary PSAPs right?

Mr. DeRouchev – That don't meet the administrative rule definition of a PSAP and not 24/7.

Mr. Dehnert – It really seems like we're really hung up on this whole PSAP thing, and I almost think by reading this where you're hung up is the physical address piece and the 9-1-1 function – only not the broader function of the communication center that's also the receipt and disposition of the calls. It's another one of these gray areas. There aren't any PSAPs in Iowa that are pure PSAPs. There are now these multifunction communication centers that deal with the receipt and disposition of 9-1-1 calls which I agree with. I think that's the majority of what we are doing. We've got to get past that. Whether that's getting people to stop using the word PSAP and its communication center or whatever verbiage we are going to use and then it is this broader definition of receipt and disposition and we're not tied to some physical address. I'm all on board spending the money. I think the council should approve all four.

Ms. Morris – We want to encourage the use of that and think we did that with the previous carryover grants and I think a lot of people got assistance that wouldn't have otherwise.

Mr. Kaus – Is that not why we raise the cap to \$200,000?

Mr. Dehnert – There's a motion on the floor, Mr. Chair

Chair Ray – Do we have a second?

Mr. Seivert – What is the motion?

Chair Ray – To approve all of the applications.

Mr. Seivert – Point of order.

Mrs. Hall – This is not on the agenda. It is on tomorrow's agenda.

Mr. Dehnert – I withdraw my motion.

Mr. Seivert – The LR Kimball report that's going to report back on consolidation – when is that information going to be made public?

Mr. DeRouchev – That's due to the legislature January 15, 2017.

Mr. Seivert – That to me would seem to outline the parameters of that would define consolidation in Iowa or help do that. I agree. I don't think we should delay anything. Rob's point and yours about allowing funding for mobiles and portables. We do that, there is no equal distribution. Because everything one of

us can fall into that category and tell me at the end of the day when we spend \$4.4 million and we have 20 PSAPs purchase mobiles and portables, how does that reduce the cost to any of us as far as consolidation.

Chair Ray – I don't think it reduces at all Bob but the thing is...everybody has a valid argument on this. This is not DPS talking this is me after 30 years in this profession. I can tell you this the first time I saw this come out of the legislature and finalized I thought if you think you are going to have people coming in from counties all over knocking the doors down to get their \$200,000. They're going to shut down Humboldt County and you are going to go with Webster, you're crazy. It isn't going to happen. So if this is what is laid out before us and this is what these PSAPs are looking at trying to utilize radios like Des Moines and Polk County. That's what we're dealing with. Because the physical address part I don't see it. You've had some successful ones in the state and it's usually been well thought out. Board of Supervisors and city councils getting along and seeing the end result but by in large I'm a grandson of a sheriff. I know what my grandfather would have said if you and Bob Rice need to consolidate. They were good friends. They would have gone to task on who would have been in charge.

Sheriff Kruger – Twenty years ago they tried to shut down our courthouse and consolidate with Webster and that was a mess.

Chair Ray – To me it's the consolidation part relating to physical is so way out there I don't know how it is being thought of or discussed. The money's there. They want to do consolidation. They're not going to see it. So if we don't use it for the purpose of what some of these PSAPs are wanting in these four applications and whatever else is coming...if you don't spend, they will find other ways.

Mr. Dehnert – These might be incremental steps towards that. They make get to Jasper and Polk completely consolidating and the whole county being dispatched over in Newton.

Chair Ray – But it won't happen because of one legislative session.

Ms. Morris – Or \$200,000.

Mr. Kaus – To me, what has set this whole thing off is the legislature saying we will pay \$60 million for the state radio. I think that sticks in everybody's mind. We just don't like being told that our money that was taken in for other purpose being spent on the state's radio. Right now it is on a year-to-year basis.

Mr. Dehnert – Can we just take the temperature of the council before a vote tomorrow...that to see where we are laying? This may be a moot point to discuss this any further if the majority of us here think we should approve those four. Is there anyone not wanting to approve those tomorrow?

Mr. Seivert – I haven't seen all four of them.

Mr. Kaus – I have only seen two.

Mr. DeRouchey – I will send them out again. They came in two separate emails.

Mr. Koppert – When 9-1-1 happened I was the emergency management coordinator in Cass County and in 2002 and 2003 the federal government came out with huge amounts of money. Cass County got something like \$140,000 the first year for first responders to buy equipment. In 2004 we got \$115,000. Then they did a study. How to spend that money or what should have been the appropriate way to spend that money. If you look at the "known issues" at the bottom of the page, and Bob brought it up. The consolidation study contracted to L.R. Kimball hasn't been completed and the results published. This is exactly that same thing. We're spending money or they're asking us to spend money before we even have an idea of what we should be looking at what to spend it on.

Mr. Dehnert – The problem is it is August. The rules aren't going to pass until September. There's the December deadline. We're going to be giving this money back. Spend it.

Mr. Koppert – It's not going to go back. It's going to get distributed equally to all 113 PSAPs.

Ms. Morris – Don't you think in their eyes, that's giving it back. You can't identify a specific project. We just had to divide it up.

Sheriff Rotter – Do you think they are going to take a look at how many applications were submitted and approved? I would if I was a legislator. That's the first thing I would ask for.

Mr. DeRouche – Part of tracking the grant is documenting what those grants are spent on. That's nothing new. We have been doing that for the other grants.

Sheriff Rotter – My advice to a PSAP making an application...what you're talking about radios. Give the advice when you're making that application articulate how that piece of equipment whether it's a portable radio or whatever, is important in the overall plan of consolidating some kind of technology. If you can articulate that why that is important in this context, that's the thing I think we should be looking at right now and if the legislature corrects us later, well that's fine. They should do that. I think that's the easiest and the best way to distribute this money now. I love the idea of a competitive process. In a perfect world that would be great. If you had a date certain application period and a date certain award period and they were all in one bucket at one time that would work but what looks like a really good application today might look fuzzy compared to one you get a month from now. I don't know how you deal with that.

Mr. Seivert – I like your comment giving a more detailed explanation of how that fits consolidation. Is that something that can be worked into the application?

Mr. Pion – You already have four in. Are you going to change the requirements of the application now?

Mr. DeRouche – The project description is in there. We have contacted counties asked for clarification.

Mr. Seivert – The first two that I got, one was very ambiguous on how that tied into consolidation at all.

Mr. DeRouche – The FCC has a task force that specifically addressed consolidation. It seems that were are getting hung up on that word versus shared services or regionalization. When you look at the Black Hawk and Cedar Rapids application that makes sense for regionalization even if it doesn't fit the textbook definition of consolidation. In the NextGen world we are moving towards borderless PSAPs.

Mr. Bryant – Is it in a roundabout way? I know when I spoke with Representative Worthan he's talking about physical, meaning less PSAPs. Senator Danielson is more physical and/or virtual.

Mr. DeRouche – I think both of them seeing that number 113 and in their minds, not understanding the nuances of just what we were talking about, they just want that number to be lower. That money doesn't have to be lower to equal spending less money. There are a lot of things we can do to spend less money and that number can still be 113. That has been the messaging that we have been going with. There might be places where it makes sense to close doors but at the end of the day it's jobs. Most legislators you would think would be interested in jobs within the constituents. That number doesn't have to shrink to spend less money.

Mr. Bryant – Representative Worthan stated we have to start some place. The \$4.4 million is going to get spent whether a grant or equally distributed. I don't see it as a problem of not approving any because of the language issues and say it's not clear enough.

Mr. Seivert – As representative for the Emergency Managers Association, I have no clue of how to vote tomorrow. I need to take these discussions back to that group and let them give me some direction.

Chair Ray – The Administrative Rules Committee meets after our meeting next month. We are getting down to 60 days to try and figure out where this is headed.

Mr. Seivert – There is so much information here can't we plan for a couple more special meetings?

Chair Ray – We want to make sure that when we come to a meeting there is significant progress in order to have another one. Want to make good use of the time.

Mr. Dehnert – Would anyone vote “no?” Mr. Bryant and Mr. Seivert indicated they would vote “no.”

Mrs. Hall – One of my great concerns is, if we don’t spend the money the State is going to take it away from us. I don’t want the legislature to say that we didn’t do our job and then what little power we do have be taken away.

Sheriff Rotter – There is no way that we are going to be able to apply this 100 percent – the way each legislator that helped to pass this bill – the way they wanted us to. I would much rather err on the side of helping a county get a project done and then later on if they want to tighten something down that’s their prerogative to do that.

Mr. DeRouche – If a textbook application came across my desk now literally two PSAPs going into one, we have no way of saying no to that. So again we come back to the hold up, how do we apply radios?

Mr. Dehnert – The administrative rules were drafted by Homeland Security.

Mr. DeRouche – The administrative rules basically mirrors Chapter 34A. There is more clarification. What the administrative rules and the code gives us authority to write in authorized expenditures into the wireless operations plan. That’s kind of the third tier of authorization.

Mr. Dehnert – We approved this to move forward and get this passed.

Chair Ray – That’s what my letter to the committee said.

Mr. Dehnert – On page 6, “utilizing shared services technology to combine public safety answering point systems, including, but not limited to, 9-1-1 call processing equipment, computer-aided dispatch, mapping, radio and logging recorders.” I think that is broad enough that it covers it. It’s not the physical buildings. It is systems.

Chair Ray – I agree. If you are sharing a CAD, you’re consolidating an effort. If you need radios so you can all talk on the same radio system you’re consolidating an effort. Example: Story County they share a CAD system, phone and a recorder. Do I see Story County Sheriff’s Office giving up their communications center? No.

Ms. Bearden – Isn’t part of this to show the state a good faith effort that we are trying to consolidate so they don’t consolidate for us? So if we are preventing people from consolidating because it is so strict, then we are going to be forced to consolidate and people are going to lose their jobs.

Chair Ray – You might get a radical session and they decide how many PSAPs you’re going to have.

Ms. Bearden – We have to look out for the best interest of those we are serving and those we represent.

Mr. Seivert – These are matching grants. These counties have put in a significant amount of money.

Mr. Halterman – This is what the rules committee will adopt in September. We are going to be voting on something tomorrow that isn’t...

Mr. DeRouche – It is agreed upon contingent the passing of the administrative rules.

Mr. Dehnert – What if they don’t pass these rules?

Mr. DeRouche – We wouldn’t be able to kick money out the door. Compared to previous years this is a new program so we want to make sure the rules are in place before we give money out. We see no reason why this wouldn’t pass.

Mr. Bryant – I may change on my vote. I am going to have to go with my best gut feeling. From what I was told, for Story County to consolidate would create more jobs and be more costly. From Wright County – I know the bottom two thirds of them are not going to have enough money to join the State system and the \$38,000 going to them means a lot more to them than \$200,000. I know there are a lot of counties out there that are going to get less than they did a year ago because the grant's not there. More money, but less money without the grant.

Chair Ray – I agree with most of your points. What we have to remember here is money toward a consolidation grant. It is an effort to promote consolidation efforts.

There was further discussion on the previous carryover grants and the consolidation grants.

Sheriff Rotter – I think we will see a lot of application that aren't for getting on the State LMR system. There are plenty of things out there.

Mr. Hundertmark – How many counties last year didn't even apply for any money?

Mr. DeRouchey – Probably three or four.

Mr. Hundertmark – You always have some counties that never ask for anything and even with this grant you are going to have some counties that ask for less than \$200,000.

Mr. Griffith– There are probably some that say we don't understand it.

Mr. Hundertmark – It's a one page application.

Mr. Griffith – It's free money just get with it and do.

Mr. Brennan –The dramatic reduction that is available this year compared to last year...you need to send a message to the legislature that you're holding back another \$8 to 10 million and we need that money. \$38,000 doesn't begin to cover what these small counties need.

Mr. DeRouchey – The plan is that everything that comes in this year gets spent. This year should balance.

Mr. Hundertmark – If they have enough money for 22 applications at \$200,000 each – but you get in 80 applications. At least Blake has something to go to the legislature with and says the grant money all went out, but all of these projects we have to no money to do. So maybe next year they would free up more money.

Mr. Brennan – Six months ago we were talking about having enough money that we might be able to go to \$200,000 per PSAP, but the legislature keeps going in and taking it away from the locals.

Mr. Dehnert – Can the council recommend to the program director that we disburse the \$8.4 million based on the same logic as the \_\_\_\_?

Mr. DeRouchey – You can make the recommendation.

Mr. Dehnert – Does that send a message from the council to the legislature that we need that \$8.4 million? Disburse it like the remainder of the new carryover?

[The consensus of the other council members was that they agreed with that.]

Mr. Bryant – As State employees, I understand what you can do and say but for us that are paying the lobbyists, we need the ammunition to go the legislature. Time and time again you talk to the legislature, it's "well then, we should be hearing that from Homeland Security." I've heard we can't say anything. Our hands are tied. That's a problem.

Chair Ray – You also have to remember when you talk about spending these funds, and you talk about taxes – surcharge being a tax, but we got it raised up. Now all it takes is the legislature to come back and lower it down. So just keep those things in mind when we talk about how, when and if we are going to spend money.

Mr. Hundertmark – They can lower it until they get the radio system paid for.

Mr. Seivert – Looking at the LSA fiscal notes and in FY 2017 after all the money is spent and set aside, this looks like \$5.4 million anticipated carryover and that is not carried over into the 2018 budget. Because the 2018 projection starts with the same amount of revenue as... That \$8.4 million next year is going to be about \$14 million. Blake, what I'm seeing is in 2018, we are starting with the same revenue streams as 2017.

Mr. DeRouchey – I didn't help with the preparing of that information.

Mr. Seivert – This was done in April of 2016. Your motion to zero it out is great.

Mr. Koppert – We are going to have the eyes of the legislature upon us and we need to act very cautiously on how we interpret this if we are to get any further cooperation from the legislature in the future.

Chair Ray – I would like to add if hypothetically we wouldn't approve these, they are going to go their legislators.

Sheriff Rotter – That is one of the reasons why we should be on the side of giving the money, because I think the legislators are going to interpret as we're bucking their intent. I know their intent is very gray but obviously they put money there, and if we don't spend it they're going to think we snubbed them and I think they are going to take it out on us.

**Other Items for Discussion**

A draft amendment to the council bylaws was handed out for the review and will be put on the September regular council meeting agenda.

There being no further business, Chair Ray adjourned the meeting at 2:58 p.m.

Respectfully submitted,

Sally Hall, Secretary