

**Dakota Communications Center
Executive Committee
Meeting Minutes: 05/08/2013**

Members Present: Tom Lawell – Apple Valley; Heather Johnston – Burnsville; Brandt Richardson – Dakota County; Dave Osberg – Eagan; David McKnight – Farmington; Melanie Mesko-Lee - Hastings; Steve Mielke – Lakeville; Justin Miller – Mendota Heights; Dwight Johnson – Rosemount; Steve King – South St. Paul; Sherrie Le – West St. Paul

Members Absent: Joe Lynch – Inver Grove Heights

Alternates Present: BJ Jungmann – Burnsville; BJ Battig – Dakota County

Others Present: Diane Lind, Cheryl Pritzlaff, Jen Hildebrandt – DCC; Dennis Feller – DCC Fiscal Agent, City of Lakeville; Jay Stassen – DCC Legal Counsel; Bud Shaver - Joint Operations Committee Co-Chair

1. **Call the Meeting to Order:** Chair McKnight called the meeting to order at 2:00 pm.

2. **Roll Call**

3. **Approve Agenda**

Action: Motion by Mielke (Lakeville) to approve the agenda. Second by Miller (Mendota Heights). Motion passed unanimously.

Consent Agenda

4.

- a. **Approve minutes from the April 3rd, 2013 Executive Committee Meeting.**
- b. **Approve March 1st – 31st, 2013 Paid Claims.**
- c. **March, 2013 Unaudited Financial Reports.**
- d. **Receive Minutes from Operations Committees.**
 - **April 4th Law Enforcement Operations Sub-Committee Meeting - Cancelled.**
 - **April 25th Fire/EMS Operations Sub-Committee Meeting – Cancelled.**
- e. **Receive Report on Contracts & Service Agreements Executed by the DCC Executive Director between the dates of April 3rd and May 8th, 2013.**
- f. **Statutory Tort Limit.**

Discussion:

None

Action: Motion by King (South St. Paul) to approve the consent agenda. Second by Mielke (Lakeville). Motion passed unanimously.

Regular Agenda

5. **Refund 2012 Excess Fund Balance**

Discussion:

Lind (DCC) informed members that 2012 revenues exceeded estimates by \$52,346 and 2012 expenditures came in under budget by \$352,838 with a result of an 18% fund balance of \$1,305,784. Lind reminded members that the fund balance policy stated that any balance in excess of 14%, which was currently \$1,016,489, was to be refunded to members agencies. Lind continued stating that the DCC would be reimbursing \$289,295 to member agencies.

Lind (DCC) reported that the excess revenues were due in large part to Mass Telephone Notification Fees reimbursed by member agencies for non-emergent needs per DCC policy as well as E-911 reimbursements from the State of Minnesota. Lind added that the savings on expenditures was due to unanticipated savings on personnel expenses, facility costs, technical consulting services, contract

equipment repairs, telephone backbone connections, conferences and LOGIS membership fees.

Lind (DCC) informed representatives that members could expect their portion of the refund to be at the same percentage as what they were charged in 2012 member fees.

Action: Motion by Johnston (Burnsville) to recommend the Board of Directors direct staff to proceed with issuing refunds as presented. Second by Johnson (Rosemount). Motion passed unanimously.

6. 2014 DCC Operating and Capital Budget

Discussion:

Lind (DCC) reminded members that the DCC JPA required that the Executive Director prepare a proposed annual operating and capital budget for the Executive Committee by May 1st. Lind explained that because the CAD fees had not yet been negotiated, the budget had been developed based on un-negotiated CAD estimates which were believed to be worst-case estimates based on the LOGIS RFP. Lind clarified that staff would not be requesting recommendation for approval of the budget until accurate CAD fees had been obtained and the proposed 2014 budget was adequately updated. Lind then thanked Joe Lynch, Justin Miller and Steve Mielke for participating on the 2014 Budget Workgroup which was tasked with evaluating the budget detail prior to compilation and presentation to the group. Lind then reviewed the proposed 2014 operating and capital budget with members.

Johnston (Burnsville) referred to the 911 tariffs the DCC received from the state that were adjusted every 10 years based on census figures and asked if that was when the surcharge came into place as well as if there had been any discussion at legislature on this topic. Lind (DCC) responded that there had been some allowances considered, but there were also identified technology gaps that were being worked through. Lind added that she did not believe there was anything on this topic coming up in the next legislation session and assured that staff was watching this topic every year.

Johnson (Rosemount) referred to the 2018 Capital Fund Balance on page 43 of the packet and asked why the consortium would need to issue \$1,000,000 of debt if there was a \$505.00 positive balance. Feller (DCC Fiscal Agent) clarified that the numbers were premised on the belief that debt was being issued in 2018.

Mielke (Lakeville) referred to the Fire Alerting Control System debt issuance in 2018 and commented that it was a very important large expense. Lind (DCC) agreed stating that the replacement of the system would be an ISO requirement unless ISO requirements changed in which case the item could be eliminated from the budget. Lind stated that a decision could be made to go to an alpha-numeric paging system but there would then be the requirement to own all the associated software. Lind added that VHF had been around for many years. Jungmann (Burnsville Fire) agreed stating that it would be very hard to move away from the VHF. Jungmann stated that ISO was more about how it was owned and operated and less about the functionality. Battig (Dakota County) commented that this system was installed in 2005 so at 2018 it would be at a 13 year technology life span and even if there were changes, updates would be coming. Battig added that equipment life as well as how long Motorola would service the equipment were also factors for consideration. Mielke (Lakeville) asked what sort of payment members would have if debt was issued. Feller (DCC Fiscal Agent) responded that average annual levy for capital projects and/or capital project debt in 2019 and 2020 would be approximately \$250,000.

Johnston (Burnsville) asked for clarification on how the DCC body issued debt. Feller (DCC Fiscal Agent) responded that the DCC entity would issue the debt and at the time of issuance each member would have to adopt a resolution pledging to the debt obligation based on CAD calls at that particular time. Feller added that the cost would be frozen over a period of five years.

Lind (DCC) informed members that a CAD decision would be needed in June so the updated budget document would likely be brought back to the group for endorsement at the July 3rd meeting with Board presentation on August 15th.

Osberg (Eagan) commented that although it may be true that members would see a 0% fee increase, he

was struggling with the genuineness of the statement that member fees were remaining unchanged as they were going up almost 7%. Feller (DCC Fiscal Agent) agreed. Osberg (Eagan) suggested considering changing the statement to say that the fees to support the operation were increasing by 7%, but the total impact was 0%.

Action: No action. Preliminary information only.

7. CAD Software Acquisition

Discussion:

Lind (DCC) reminded members that at the last meeting there was discussion about how the DCC Consortium could protect itself if the decision were to continue as a member of LOGIS for the CAD/Mobiles service. Lind stated that DCC Legal Counsel, Jay Stassen was present to discuss possible recommendations.

Stassen (DCC Legal Counsel) commented that when the DCC originally decided to participate with LOGIS in the acquisition of the Motorola Premier one system, there was a lot of discussion on if that was the best path. However, in the end the decision was to proceed with LOGIS and members were optimistic that the decision would be viable and provide a relatively long-term solution. Stassen then commented that the Motorola Premier One product ultimately proved not to be ready for operation at the level required and discussions quickly turned to what options the DCC had. Stassen reminded that it was at that time that there were deficiencies in the contract that protected the DCC collaborative operating within another collaborative. Stassen stated that the authority and control over terms of the agreement. Stassen acknowledged that it was fortunate that with much assistance from LOGIS staff, the LOGIS consortium was able to negotiate a reasonable outcome in closing the unsuccessful deployment. Stassen expressed the need for members to learn from the experience and consider and discuss the desire to be a more active player in any CAD/Mobile LOGIS agreement and software vendor selection. Stassen commented that the DCC Consortium needed to ensure that the same experience didn't happen going forward and identifying points that the group would like to see in a contract would be a good first step.

Lind (DCC) commented that one thing she learned was that while the DCC Consortium had a voice in choosing the product, there was no allowance for participating on discussion on how to remedy the problem. Lind added that the DCC Consortium also felt as though it didn't have a lot of say in how the agreement was structured, especially during the testing period. Lind referred to the complexity of the DCC Consortium and stated that the timeframe was not long enough to adequately test the system once the DCC and all the members agencies were up and running. Lind then acknowledged that another piece of the previous meeting discussion focused on the possibility of bringing licenses in-house and not having to pay a penalty for doing so.

Stassen (DCC Legal Counsel) commented that there were two main parts that he felt members should consider. The first was how the DCC could protect itself and make sure there was adequate testing periods after implementation and prior to acceptance. The second was once the system had been tested and accepted, if the DCC were to choose to no longer be part of the LOGIS consortium, there should be a clear path for how to do that without losing the time or money expended.

Osberg (Eagan) acknowledged the various steps that the DCC Consortium might take to protect itself but asked what that would look like or how it would be done. Stassen (DCC Legal Counsel) responded that the group would need to discuss the suggested ideas and agree on an actual direction. Stassen reminded members that with the previous Motorola effort, the DCC basically signed a participation memo that said it agreed to participation. Stassen recommended the DCC Consortium enter into a lengthier detailed participation agreement with LOGIS that would be brought back to the Executive Committee and Board of Directors, as well as the LOGIS Board, for final approval. Stassen acknowledged that an agreement like this would be out of the ordinary and the DCC Consortium would likely receive some push-back but that was all the more reason to have a signed agreement that set for the participation and obligations.

Mielke (Lakeville) commented that he did not disagree with the recommendations. Mielke reminded members that as complex as the DCC Consortium was, it was still only one member of the LOGIS

Consortium and he cautioned that requesting special consideration over other members may not be taken well. Stassen agreed that the DCC Consortium would be asking for special consideration because it was a very unique entity that was placed in the same category as individual cities that may be able to function using less capabilities than a multi-jurisdictional member like the DCC or Rice-Steele. Stassen stated that if the group didn't attempt to carve out some unique rules, it would be put back in the position of being a multi-agency operation trying to succeed on a system that better fit stand alone operations. Mielke (Lakeville) then suggested that the recommendations, if good for the DCC Consortium, should also be good for the other LOGIS members and as such, they could be made without sounding like the DCC was looking for special treatment. Stassen agreed. Stassen then reiterated that after looking at the LOGIS agreement with Motorola, there was inadequate pre-production testing timelines and the testing was being done in an environment that attempted to duplicate live operations but did not allow for the level of use that the DCC would require. Stassen then stated that he would like to see at least a 180 day acceptance timeline opposed to the 30 day timeline previously experienced. Mielke (Lakeville) agreed stating that the DCC could draft a letter to the LOGIS Board addressing the desire to have all the suggested points, which would benefit all members, included in the contract and that inclusion or exclusion of any points could impact the DCC Consortium decision to participate. Stassen (DCC Legal Counsel) reminded that if the DCC wasn't a party to the agreement, it wouldn't have a final signoff as the agreement was between LOGIS and the selected vendor. Stassen clarified that he wasn't sure it was in the DCC Consortium's best interest to blindly hand off full negotiating authority to LOGIS.

Richardson (Dakota County) asked what percentage of the total purchase price the DCC Consortium was. Lind (DCC) commented that the DCC was 17%. Stassen (DCC Legal Counsel) agreed and added that the total acquisition cost of the previous product included \$1,000,000 from the LOGIS fund balance which was from member agency contributions so the DCC Consortium actually accounted for 24% of the total. Richardson (Dakota County) recapped that the DCC was one of 32 agencies and held 24% of the financial interest. Richardson then asked if the DCC held any rights in that regard. Stassen (DCC Legal Counsel) responded that the only right the DCC obtained was the right to declare participation or not and if the decision is not to participate, the Consortium loses access. Mielke (Lakeville) commented that the same could be said of the DCC JPA and cautioned treating LOGIS like a vendor. Mielke reiterated that he agreed with telling LOGIS what the DCC Consortium felt was important and beneficial to all members. Mielke added that he liked the idea of the portability which would allow any member choosing to leave to take their investment with them.

Johnston (Burnsville) reminded that the decision to participate needed to be made before the LOGIS contract was even negotiated. Johnston agreed with expressing the desires as they would benefit all members, not just the DCC. Stassen (DCC Legal Counsel) confirmed that intent needed to be declared prior to negotiations and that was why there was the need to clarify desires prior to that time.

Lawell (Apple Valley) commented that he had not spoken with LOGIS recently and he agreed with all of the identified concerns but also cautioned about looking like the DCC Consortium wanted special treatment. Lawell added that he was not opposed to offering Garris DCC staff or legal assistance in the effort as it may be very welcome. Lawell stated that he was not sure LOGIS would want to give an "early out" options that may have negative impacts on the other members. Lawell reminded members that at the last meeting, when asked about the length of the commitment, Mike Garris responded that it would be five years. Garris acknowledged that a member could opt out early but that the commitment would still be there. Lawell then asked where the Anoka, Ramsey and Hennepin County RFPs were at. Lind (DCC) responded that the previous week she heard that Ramsey and Anoka Counties were in negotiations and that Anoka was watching the LOGIS decision as if it were TriTech, they would consider joining that the LOGIS effort. Lind added that Ramsey County was still looking at bringing in their product at \$4,000,000.

Richardson (Dakota County) commented that he felt the letter should state that the DCC Consortium would base their decision on participation on whether or not the identified terms were in the agreement.

Lawell (Apple Valley) commented that the consortium could certainly create and deliver a letter addressing desired points and that the DCC Consortium may base its participation decision on response to

the letter but that he would like to discuss a possibly plan B.

Le (West St. Paul) questioned the possibility of developing a subcontract that allowed for additional provisions including a longer testing period, etc given the belief that the DCC Consortium was more complex than other members. Le added that she didn't think that some of the other members would need or care about some of the provisions that the DCC Consortium desired.

Mielke (Lakeville) commented that he didn't disagree with saying, "here are is what we would need to be more comfortable with entering into the LOGIS CAD/Mobile agreement". However, Mielke reminded members that the RFP was largely build around the DCC Consortium needs and added that he would like to see the desires added into the negotiations process to benefit all participants. Mielke then referred to the RMS and added that the membership may ought to be looking at that differently as well as he would like the contract written to allow members to also opt in at a later date without penalty. Mielke stated that he would encourage LOGIS to make the decision easier for members also as organizations should not fear leaving LOGIS, nor should they fear joining LOGIS.

Stassen (DCC Legal Counsel) reiterated that the process used to garner affirmative votes to proceed with the previous Motorola contract were fairly unsophisticated and other than the initial opt in or opt out choice, there was very little bargaining or authority opportunity. Stassen also reiterated that the DCC Consortium was a very unique entity participating in the acquisition.

Lind (DCC) acknowledged that members were concerned about LOGIS participation given the previous experience but reminded that LOGIS had treated the DCC very well and staff considered them a partner whom they worked very closely with on a daily basis. Lind agreed that some of the items discussed could be addressed in a letter addressing points that were desired to be discussed during negotiations on behalf of all members. Lind referred to Rice-Steele and agreed that she would like the multi-jurisdictional members to have longer testing periods.

Lawell (Apple Valley) suggested instead of requesting a separate agreement, a letter could be sent stating the desire to have this points incorporated into the overall contract. Lawell added that he would also like to offer legal assistance during the negotiations process. Stassen (DCC Legal Counsel) confirmed that a letter stating the concerns and desired contract terms could be sent. Stassen reminded members that there would be nothing binding LOGIS to include the desires as terms in the contract. Lawell (Apple Valley) acknowledged but stated that the more the DCC Consortium represented concerns on behalf of the all members, the better it would be received. King (South St. Paul) agreed stating that all the points raised were valid but he was concerned about the tone asking for special consideration and offering a set at the negotiations table may relay. King reiterated that he would be more comfortable with submission of a letter on behalf of all members. Mielke also agreed with a letter requesting the identified provisions be considered on behalf of all members. Mielke commented that time was of the essence and questioned who would participate in a potential meeting to discuss terms desired. Lawell (Apple Valley) commented that it would likely be Mike Garris, Deltawrx and DCC representation. Lawell then reiterated that maybe a letter from Executive Director Lind on behalf of the group indicating discussion points with a request to meet as soon as possible.

Lawell (Apple Valley) commented that with the Motorola contract there were up front costs that he did not believe TriTech or Intergraph would get. Mielke (Lakeville) commented that LOGIS would have to issue a certain amt of debt so the members part of that JPA could get that expense built into their 2014 budgets.

Richardson (Dakota County) referred to the potential meeting and asked who would sit at that table. Lawell commented that the results of the meeting would likely be brought back to the LOGIS Board and cautioned anyone on that board being part of the meeting.

Osberg (Eagan) questioned DCC Consortium reluctance to push for terms in the contract that would benefit all participants. Osberg stated that the Consortium could ask vs. demand and if the response was "no", the consortium could then evaluate any leverage and potential consequences. Osberg commented

that if LOGIS saw the terms as valuable, they should want to add them to the contract. Mielke (Lakeville) agreed stating that he was not afraid to ask for them but he wanted to avoid the appearance of making demands. Osberg (Eagan) then stated that the Executive Director could send a letter addressing the terms expected to be in the contract when the financial commitment agreement came back to the DCC Consortium to sign. Osberg commented that he did not want to overcomplicate the process. Lind (DCC) acknowledged that a letter could be drafted with the assistance of DCC Legal Counsel and she had no problem sitting down with Mike Garris. Lind commented that she could bring the points forward in conversation and follow up with the letter explaining the reasons the Consortium believed the terms would be beneficial to all LOGIS members.

Mesko-Lee (Hastings) commented that she felt the DCC Consortium was taking the previous experience and building on it and commented that efforts should be made to protect member interest.

Johnson (Rosemount) reminded members that the decision to proceed with LOGIS CAD/Mobiles participation was yet to be made and he did not want to take any steps that pinned the DCC Consortium into a corner either way. Le (West St. Paul) agreed and commented that LOGIS efforts to include the requested terms in the contract would go a long way toward helping the DCC Consortium make a decision. Stassen (DCC Legal Counsel) asked if making a decision to participate in the LOGIS CAD/Mobiles product was imminent. Johnson (Rosemount) responded that the decision had not been made but it would be difficult to bring CAD/Mobiles in house at this point in time. Lind (DCC) informed members that both vendors were scheduled to return to LOGIS and provide the workgroup members with follow up demonstrations as after site visits both products left members with concerns. Pritzlaff (DCC) stated that the workgroup was scheduled to meet on Wednesday, May 15th to discuss findings and had to report their decision to the Public Safety Steering Committee by May 21st. Lind (DCC) added that members needed to state commitment by June 14th on the current schedule. Lind reported that currently the workgroup preference was split between what CAD needed and what MDC users wanted. Johnson (Rosemount) commented that the group would need to be prepared to make a recommendation at their next Executive Committee meeting, which was scheduled for Wednesday, June 5th.

McKnight (Farmington) recapped that the DCC Executive Director, with the assistance of DCC Legal Counsel would develop a letter addressing all the terms identified and also meet with LOGIS representation. Mielke (Lakeville) reminded that the DCC Consortium would benefit from not giving the appearance of a bully and to simply present the points identified as items that would help the DCC Consortium better evaluate whether or not it would participate in the LOGIS CAD/Mobiles venture. Mielke added that it would be important to let LOGIS know that the DCC Consortium would need response prior to the June 5th Executive Committee meeting. Johnston (Burnsville) agreed commenting that she would like the response in letter form.

Action: No action. Direction provided.

8. Fire Dispatch Protocol

Discussion:

Lind (DCC) informed members that the Burnsville Fire Department approached the DCC through the Fire/EMS Operations Sub-Committee with a request for consideration of implementing a Fire Dispatch Protocol. Lind explained that EFD was similar to EMD (Emergency Medical Dispatch). Lind reported that when the recommendation was forwarded from the Fire/EMS Operations Sub-Committee to the Joint Operations Committee for consideration there was considerable discussion about associated costs. Lind clarified that there would be initial costs, training costs as well as ongoing soft costs. Lind explained that the Joint Operations Committee endorsed the recommendation for implementation based on funding of initial and training expenses through grants. Lind stated that the Burnsville and Apple Valley Fire Departments had researched available grants and would be working to obtain the funding to cover this expense. Lind informed members that the use of EFD, much like EMD gave dispatch staff tools to evaluate the severity of incoming fire calls and what level of response, both personnel and equipment, was needed.

Action: Motion by Le (West St. Paul) to recommend approval of purchase and implementation of

Emergency Fire Direction as grant funding became available to cover initial purchase, implementation and training costs. Second by Johnston (Burnsville).

Further Discussion:

Lawell (Apple Valley) asked for clarification on the process. Lind (DCC) responded that when the initial call came in, dispatchers would be presented with a series of questions. Lawell (Apple Valley) then asked what the impact was on response times. Lind (DCC) responded that Burnsville Fire Chief Jungmann and DCC Operations Director Pritzlaff had both done some research on that and found that the initial impact was increased response time but that overall processing times eventually decreased. Lind (DCC) acknowledged the benefit of identifying needs up front to allow for dispatching of correct personnel and equipment. Johnston (Burnsville) commented that Minneapolis implemented EFD and their findings confirmed what Lind reported stating that response got slower initially but then leveled off and ultimately improved. Johnston added that use of EFD allowed for members to tailor their response. Jungmann (Joint Ops Fire Chair) added that reports reflected increased processing times for 90 to 120 days after which time they returned to neutral or improved response. Lind (DCC) commented that DCC staff was hoping for decreased response times.

Mielke (Lakeville) commented that anything that made the process more efficient was beneficial but questioned future replacement costs. Lind (DCC) clarified that future upgrades to the system were included in the estimated \$11,000 yearly soft costs. Lind acknowledged that there would be some additional training costs when it came time for dispatcher recertification which was required every two years. However, Lind commented that she believed there was adequate funding already available in the training budget to cover that expense.

Mielke (Lakeville) referred to the EMD and asked if that system was still flip cards. Lind (DCC) clarified that both EMD and EFD were computerized but backup flip charts were available if needed.

Mielke (Lakeville) commented that the DCC was supposed to have at least one fire dispatcher on duty at All times. Mielke then asked for clarification if all calls went to that dispatcher. Lind (DCC) confirmed that there was always one dispatcher assigned to fire. Lind clarified that when calls came in, the call takers in that zone handled the call processing and then forwarded the information to the dispatcher to send the CAD call to responding agencies.

Mielke (Lakeville) asked how many licenses were covered in the anticipated \$11,000 expense. Lind (DCC) responded that the expense covered 21 licenses which was the 19 dispatch workstations and two supervisor stations as backup. Lind added that the expense included the quality control pices, similar to EMD Aqua.

Richardson (Dakota County) asked if there was hope for a grant to cover this initial and training expense. Jungmann (Joint Ops Fire Chair) confirmed stating that there would be the need for fiscal responsibility but that regional grants were looked upon fondly so members were hopeful. Lind (DCC) concurred. Lind reminded that Lakeville sponsored the EMD grant when that was processed.

Motion approved unanimously.

Action:

9. Executive Director Update

Discussion:

EOC Equipment and exercise – Lind (DCC) informed members that the DCC would be hosting an EOC training for member communities on May 22nd, coordinated by Dan Carlson. Lind added that the EOC would be open for County-wide testing at that point. Lind stated that the DCC Training room, acting as the County EOC would be receiving another whiteboard, television and the DCC would be receiving some cots, upgraded supervisory phones and two IPADs that would aid in DCC operations thanks to Dakota County grants.

Active Shooter Training – Lind (DCC) reported that DCC Staff was currently receiving Active Shooter

training. Lind explained that Emergency Medical Direction (EMD) had an active shooter protocol and staff felt it important to train on how the DCC would handle an active shooter event. Lind stated through the assistance of MAAG and County-wide Fire personnel, Rose Kruchten, Doris Buls-Lake and Rachel Keeler developed a staff training. Lind thanked members of the MAAG team for participating in the training and also thanked Lakeville for inviting dispatch staff to their 3 Echo training. Lind offered to bring the DCC Dispatcher Active Shooter training to any interested member agencies so they would know what DCC staff would be capable of in the event of an active shooter.

CPR Training – Lind referred to the DCC and Allina Medical Direction agreement that included providing a doctor umbrella, medical direction and regular CPR training. Lind stated that Allina had provided spectacular training and guidance in attempts to maintain EMD standards and thanked them for the very good partnership.

Action: No action. Update only.

Other Business

Miscellaneous

Discussion:

None

Action: None

Adjourn

Action: Motion by Johnson (Rosemount) to adjourn. Second by King (South St. Paul). Motion passed unanimously. Meeting adjourned at 3:45pm.

Next Regular Meeting:

June 5th, 2013

1:30 pm

DCC Training Room