

**Dakota Communications Center
Executive Committee
Meeting Minutes: 06.05.2013**

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

Members Absent: Heather Johnston – Burnsville

Alternates Present: BJ Jungmann - Burnsville

Others Present: Diane Lind, Cheryl Pritzlaff, Jen Hildebrandt – DCC; Bud Shaver – Joint Operations Committee Co-Chair

Call the Meeting to Order

Chair McKnight (Farmington) called the meeting to order at 1:30 p.m.

1. Announcements

None

2. Additions to the Agenda

None

3. Approve Agenda

Discussion:

None

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

Consent Agenda

4.

- a. **Approve minutes from the May 1st, 2013 Executive Committee Meeting.**
- b. **Approve April 1st – 30th, 2013 Paid Claims.**
- c. **Approve April, 2013 Unaudited Financial Report.**
- d. **Receive Operations Sub-Committee Meeting Minutes - Joint Operations Committee dated May 30th, 2013.**
- e. **Receive Report on Contracts & Service Agreements Executed by Executive Director between May 1st and June 5th, 2013.**

Action: Motion by Le (West St. Paul) to approve the consent Agenda. Second by Mesko-Lee (Hastings). Motion passed unanimously.

Regular Agenda

5. LOGIS CAD Product Selection

Discussion:

Lind (DCC) reported that the LOGIS Public Safety Steering Committee met on May 21st and received a recommendation from the CAD/Mobiles/RMS Software Selection Committee to proceed to contract negotiations with TriTech. Lind stated that Dakota County representation on the Software Selection Committee was Cheryl Pritzlaff and Rose Kruchten from the DCC, BJ Jungmann from Burnsville Fire, Josh Otis from Inver Grove Heights PD and Tom Venables from

Burnsville IT. Lind informed members that although TriTech may not have been the first choice for CAD capabilities, it had robust Mobile and RMS capabilities and participating CAD users felt the CAD features were workable. Lind stated that the recommendation to proceed to negotiations with TriTech would be brought before the LOGIS Executive Committee at their June 27th meeting and ultimately to the LOGIS Board of Directors that same day. Lind referred to page 32 of the packet and briefly reviewed the scoring comparisons with members. Lind then referred to page 33 of the packet and reminded members that the numbers presented in the packet, as well as used in the preliminary budget document presented in May were unnegotiated and costs were believed to be negotiated down. Lind stated that the product was endorsed by the DCC and both the Fire/EMS and Law Enforcement Operations Sub-Committees. Jungmann (Burnsville) concurred stating that both products presented were good tier one products but the belief was that TriTech was the better option of the two.

Lind (DCC) referred to the May, 2013 DCC Executive Committee meeting and reminded members that the discussion at that time was focused on identifying parameters the DCC Consortium wanted built into LOGIS/TriTech negotiations that protected LOGIS members. Lind stated that staff was directed to work with Legal Counsel to formulate a letter to LOGIS identifying the parameters and stating that inclusion of the parameters in the contract would be heavily considered in determining DCC Consortium participation in the venture. Lind reported that the letter, which was included in the packet, had been delivered and was also reviewed in person with Mike Garris and Tom Folie of LOGIS. Lind commented that the letter and follow up conversation was well received by LOGIS. Lind added that the LOGIS response was received on Monday, June 3rd and forwarded out to members that same day.

Lind reviewed each point address with LOGIS stating that they were in agreement with, and expanded on, almost every point. Lind clarified that the one parameter that was of concern was the transferability of licenses to members without payment of additional licensing fees if any agency elected to withdraw from LOGIS after a pre-determined number of years from the date of system acquisition. Lind explained that LOGIS expressed concern of how this would impact the remaining participants. Lind continued stating that LOGIS also expressed concern in that TriTech stated in their proposal that license transfers were specifically prohibited. Lind commented that although this would be a business decision for LOGIS, any change of this sort would also require agreement by TriTech. Lind continued stating that during negotiations, LOGIS would be represented by LOGIS staff, LOGIS legal counsel and Deltawrx, who also assisted in the Ramsey and Anoka County and that DCC Legal Counsel would also be allowed to review the contracts prior to signing.

Lind (DCC) affirmed that based on the response received from LOGIS, staff recommendation was to proceed in participation in the current LOGIS CAD/Mobiles venture for the identified time-frame. Lind clarified that after implementation and successful testing of the TriTech product, the consortium could begin a thorough end-to-end evaluation of the feasibility of either relocating the current product or installing a new product in-house. Lind commented that proceeding with LOGIS for the current venture would allow sufficient time for a comprehensive review of what is needed to bring a full suite service in-house.

Le (West St. Paul) clarified that after the installation and successful testing of the TriTech product, the plan would be to determine needs, develop an RFP and get everything in place so that membership could go out for bid if the evaluation resulted in the belief that it was in the consortiums best interest to bring a suite in-house. Lind (DCC) confirmed stating that the consortium would thoroughly prepare for the discussion on whether or not bringing a full suite in-house was the correct course of action.

Lynch (Inver Grove Heights) referred to the license transfer topic in the discussion with LOGIS and asked for clarification on who would own the licenses in the current planned LOGIS acquisition. Lind (DCC) clarified that LOGIS was asked to negotiate the contract to allow for a

LOGIS member agency to be able to take their CAD, MDC and RMS licenses with them if they were to decide to leave LOGIS and bring a product in-house. Lynch asked if the five year timeframe was the same for both CAD and Mobiles. Lind (DCC) confirmed that the five year financial plan covered the CAD, Mobiles and RMS product hardware currently being considered. Lind acknowledged that a member could elect to withdraw from LOGIS prior to the five years, but would still be committed to their financial responsibility in the acquisition of the hardware.

Richardson (Dakota County) asked if staff knew what the TriTech CAD/Mobiles licenses would be worth in five years. Richardson commented that this would likely be a negotiation with LOGIS and the Vendor and questioned why the licenses couldn't be issued in the members' names from the start. Lind (DCC) responded that she didn't know what the licenses would be worth in five years and added that normal process was that the licenses were in the name of whoever managed them. Lind added that staff did request in the meeting that the DCC Consortium would like to have the licenses issued to LOGIS "on behalf of", and then list the participating agency names.

Richardson (Dakota County) referred to the budget and asked what the cost would be. Lind (DCC) responded that worst case scenario, which was included in the preliminary budget presentation in May, reflected 1.7 million dollars. Lind reminded that was an unnegotiated cost. Richardson (Dakota County) clarified that it had been determined that we could afford this 1.7 million dollars and the cost may come out cheaper. Lind (DCC) confirmed.

Johnson (Rosemount) referred to the license issuance to members and asked if that discussion was something that would need to be held with LOGIS or TriTech. Lind (DCC) responded that she thought that the request kind of caught LOGIS off guard as it wasn't really normal business practice. Lind added that LOGIS responded stating they would consult their attorney and see what they could work out. Lind commented that she wasn't sure that LOGIS was opposed to the idea, just that they needed to consult their attorney before giving a response.

Richardson (Dakota County) asked if there had been any assessment to date on what might happen if the Consortium were to make the five year commitment contingent on LOGIS agreeing to transfer the licenses to member agencies in five years. Lind (DCC) responded that DCC Consortium was a large part of the LOGIS public safety suite and that she thought LOGIS would make every attempt to work with members.

King (South St. Paul) referred to the timeline and asked when the license acquisition would take place. Lind (DCC) responded that it would be part of the upcoming negotiations. Lind added that it was believed that the DCC would be implementing the product in 18 to 24 months. King (South St. Paul) commented that would allow the Consortium roughly three years to conduct the study then. Lind (DCC) confirmed.

Lynch (Inver Grove Heights) commented that for the next 18 to 24 months, the Consortium would continue to work on the current Printrak system and pay and pay an increased fee that has been identified for 2015, with a potential go-live date that would also include the Consortium's fair share for the hardware. Lind (DCC) confirmed.

McKnight (Farmington) referred to the implementation line item on page 33 of approximately 1.5 million dollars and asked if that was directly related to the 1.7 million identified in the budget. Lind (DCC) – confirmed and added that the yearly maintenance accounted for the difference. King (South St. Paul) commented that he had been under the impression that there would be a payment in 2014. Lind (DCC) responded that LOGIS didn't yet know for sure and that there may be one payment in 2014 for approximately \$250,000. However they would not know until after negotiations. Lynch (Inver Grove Heights) asked if that \$250,000 was accounted for in the budget that was presented in May. Lind (DCC) confirmed stating that

Fiscal Agent Dennis Feller's participation in the LOGIS committee was beneficial during DCC budget time. Lind stated that the unnegotiated numbers were in the capital and operating budgets for 2014 and 2015. Johnson (Rosemount) asked what the anticipated 2015 numbers were. Lynch (Inver Grove Heights) responded that he believed the capital and operational costs combined were approximately 785,000. Lind (DCC) stated that sounded correct but that she would have to confirm. Lind reminded members that the LOGIS costs were all-inclusive and that LOGIS provided both the DCC and member agencies many other services related to finance, payroll and web access that contributed to the identified costs.

Action: Motion by Lynch (Inver Grove Heights) to recommend the DCC participation in the LOGIS Consortium and its purchase of the TriTech product contingent on successful negotiation that licenses purchase on behalf of any LOGIS member agency are either directly issued to that member or are transferrable at any time that member elects to opt out of the LOGIS Consortium. Second by Richardson (Dakota County).

Further Discussion:

Mesko-Lee (Hastings) asked if there needed to be the inclusion of an established timeline for the study to evaluate the feasibility of bringing a system in-house. Le (West St. Paul) commented that she agreed there should be some action to that effect but that she did not think it was in connection with the motion on the table. Le then suggested a friendly amendment to the motion to include recommendation also be contingent on successful negotiation of the other items as outlined in the letter. Lynch (Inver Grove Heights) and Richardson (Dakota County) agreed to the amendment.

Mielke (Lakeville) reiterated that the motion identified that should the DCC or any other LOGIS member wish to withdraw after the five year commitment, the contract with TriTech should allow for that without any additional licensing fee. Richardson (Dakota County) confirmed and added that the second part was to request that negotiations include the licenses be issued in the names of the members.

Lawell (Apple Valley) commented that he was pleasantly surprised that LOGIS agreed with most of the items identified in the letter. Lawell reminded members that the TriTech proposal stated that the licenses would be issued to LOGIS and were not transferrable. Lawell then commented that there may be some issue with requesting LOGIS commit to something that they may not have control over. Mielke (Lakeville) agreed and asked what course of action the DCC Consortium would take if LOGIS reported that they were unable to meet the condition of direct license issuance or the transfer of licenses after five years. McKnight (Farmington) commented that then the DCC Consortium would have to pay for new licenses if the decision were to bring a product in-house. Lind (DCC) agreed stating that the Consortium would either have to go out with RFP for a new CAD system or have to pay for new licenses. Mielke (Lakeville) commented that either way, the five year obligation would still be there. Richardson (Dakota County) responded that he didn't think that the commitment was there unless LOGIS reported successful negotiation of the direct license assignment or the transfer of licenses if a member elected to leave the venture. Johnson (Rosemount) commented that if the negotiation wasn't successful, the Consortium would have the opportunity to pull out of the venture.

Mielke (Lakeville) asked for clarification again on the commitment date of whether the DCC Consortium was participating or not. Lind (DCC) reminded members that the decision needed to be presented to LOGIS by June 14th, which was just over one week away. McKnight (Farmington) asked if there was any way the DCC could obtain an estimate of what the licenses would cost in five years. Lind (DCC) commented that she could attempt to obtain that information but with how quickly technology changed, it would likely be a guesstimate. Le (West St. Paul) asked if the value was in the software or the licensing. Lind (DCC) responded that at the five year point, it would be the value of the licenses because the software would

already be in place. Le (West St. Paul) then asked what the current value of a license was. Lind (DCC) responded that the current total unnegotiated license cost was approximately \$960,000 and there were roughly 300 licenses for all LOGIS membership. Miller (Mendota Heights) commented that each license cost approximately \$3,000. Lind (DCC) added that the DCC currently had 26 licenses but reminded members that they each had their individual MDC licenses.

Mielke (Lakeville) reiterated that the motion was almost making a demand that LOGIS had no control over because it was Tri-Tech who was stating that the licenses were non-transferrable. Lawell (Apple Valley) agreed stating that LOGIS would not want to make the commitment to the DCC Consortium without contemplating the same for the other members, or the impact on the other members. Lawell added that making this request really altered the terms of the RFP. Lawell commented that he was not against attempting to get it but that he was not sure it should be a barrier to our participation. Lawell added that he hadn't heard what Plan B might be if the negotiation of that term was unsuccessful.

Lind (DCC) commented that with quickly changing technology, it would not be unusual for the DCC Consortium to go out for RFP at the five to seven year mark. Lind stated that it is possible that any purchase the Consortium participated in today, may be obsolete at that point. Mielke (Lakeville) commented that he supported looking at a future independent option but he was just not sure the DCC should make a demand of LOGIS that was out of LOGIS control. Mielke reminded members of the amount of time it would take to possibly bring a solution in-house. Richardson (Dakota County) commented that he was not arguing with the decision to make a 5 year commitment, but the transferability of the licenses. Richardson then acknowledged that given the possible decreased value of the licenses, it may not be worth the discussion. Richardson commented that he would expect LOGIS to come back to the group if there was a huge problem in negotiating the request. Lynch (Inver Grove Heights) concurred stating that if LOGIS couldn't make it happen, they could come back to the group with that feedback. Johnson (Rosemount) also concurred stating that the group could then decide whether or not to proceed with the venture based on the inability of LOGIS to meet the identified requests.

King (South St. Paul) suggested posing the request similar to how the previous letter was done. King clarified that the Consortium could express the desire for the direct issuance or transferability of the licenses to be brought to TriTech in negotiations.

Lawell (Apple Valley) referred to the DCC Legal Counsel participation in the process and asked where that was at. Lind (DCC) responded that LOGIS was open to letting Jay Stassen review the contract prior to signing. Lynch (Inver Grove Heights) asked if Stassen would be participating in the negotiations. Lind (DCC) clarified that Stassen would not be sitting at the table but that LOGIS legal counsel would be forwarding the documents to Stassen for review prior to signing. Richardson (Dakota County) commented that the motion should either state that the recommendation was approval contingent on successful negotiation of direct issuance or transferability of licenses and then give enough time for LOGIS to bring the findings back to allow for further discussion, or, have DCC Legal Counsel Stassen at the table participating in negotiations.

Mesko-Lee (Hastings) commented that she wasn't sure the first option was particularly viable as the DCC didn't really have an identified alternative for leverage. Mesko-Lee then stated that a month prior a letter was written with a request for a response and she felt it would be beneficial to respond stating that there was one outstanding issue that led the Consortium to the desire to have DCC Legal Counsel at the negotiations table. Mesko-Lee then reiterated her belief that a directive should be given on establishing a plan of action for moving forward evaluating the viability of bringing a suite in-house.

Mielke (Lakeville) requested the motion on the table be repeated.

Revised Action: Motion by Lynch (Inver Grove Heights) to recommend continued participation in the LOGIS purchase of TriTech CAD/Mobiles with the expectation that the items addressed in the letter be addressed in negotiations. Motion further to request LOGIS attempt to negotiate the license rights be either immediately assigned to LOGIS members or be transferrable after the five year. Motion also to include DCC Legal Counsel Jay Stassen in negotiations to aid in successful negotiations of those items.

Mielke (Lakeville) suggested a friendly amendment to the motion to replace "expectation" with "continued desire" as he did not feel it was appropriate to expect something of LOGIS that was out of their control.

Lynch (Inver Grove Heights) accepted the amendment. Richardson (Dakota County) also accepted the amendment as long as DCC Legal Counsel was at the table participating in negotiations.

Mielke (Lakeville) asked for a repeat of who would be at the negotiating table. Lind (DCC) reiterated that LOGIS, LOGIS Legal Counsel and Deltawrx would be at the table. Lind added that DCC Legal Counsel would be allowed to review contract material and provide input prior to contract signing in an attempt to ensure DCC Consortium interests are met. Lind stated that the request was never made to allow DCC Legal Counsel to directly participate at the negotiating table. Lawell (Apple Valley) commented that everyone in the meeting had been party to many negotiations, and the last thing anyone wants is a third party advocate. Lawell stated that the LOGIS attorney would have to be OK with Stassen's participation at the table. Richardson (Dakota County) then suggested Stassen participate in the license provisioning discussion. Mielke (Lakeville) clarified that TriTech could wind up negotiating the contract with LOGIS, and the also the DCC on the licensing. Mielke cautioned that LOGIS and the DCC could, in theory, be on opposite ends of that conversation, which wouldn't work as TriTech signed the contract with LOGIS, not the DCC. Mielke commented that he liked DCC Legal Counsel receiving the document and having the ability to provide input prior to signing but that a three-party negotiation seemed unwieldy.

Le (West St. Paul) asked for followup clarification on who would own the licenses, LOGIS or TriTech. Mielke (Lakeville) responded that LOGIS would be granted the licenses and that according to the proposal they would not be transferrable without TriTech approval. Lynch (Inver Grove Heights) commented that whether the license value was \$200 or \$2,000,000 allowing transferability of the licenses would eliminate that potential expense if the DCC Consortium were to decide to bring a service in-house.

Lind (DCC) clarified that the concern was based on the "non-transferrable" portion in the TriTech proposal and that the desire would be to change that to "transferrable" at the end of the five year contract. Richardson (Dakota County) questioned why, despite the RFP, the negotiations could be to have licenses assigned directly to the member agencies. Mielke (Lakeville) commented that he thought it would be a good idea to encourage LOGIS to do that. However, he didn't want to argue over minimal license expenses in anticipation of a potentially very large expenditure in five years. Mielke stated that it was not worth putting the condition in a motion. Mielke reiterated that LOGIS should be encouraged to make every attempt to address this topic and that the Consortium needed to trust that they would do that.

Richardson (Dakota County) commented that the licenses only had value if the holder of the license stayed with that vendor's system. Le (West St. Paul) commented that the only reason the Consortium would care if it had ownership of the licenses was if the decision was to

continue with TriTech in the future. Lind (DCC) confirmed. Richardson (Dakota County) commented that TriTech was the prevailing product locally.

Final Revised Action: Motion by Lynch (Inver Grove Heights) to recommend continued participation in the LOGIS purchase of TriTech CAD/Mobiles with negotiations inclusion of the items identified in the May 21st, 2013 DCC letter and agreed to by LOGIS representation on May 31st, 2013. Motion also to request LOGIS make every effort to negotiate the license rights be either immediately assigned to LOGIS members or be transferrable in five years. Motion finally that DCC Legal Counsel be kept apprized of negotiation proceedings as they take place and allowed input opportunity prior to contract signing. Second by Richardson (Dakota County).

Further Discussion:

Richardson (Dakota County) asked what happens if Jay Stassen has a concern. Mielke (Lakeville) responded that the charge to Stassen should be to bring anything concerning back to the DCC as well as provide assurance on how the process was proceeding. Lind (DCC) agreed and stated that staff would call an special meeting if Stassen had any concerns that may be "show stoppers". Lind stated that the intent was to have negotiations completed by the beginning of August.

Motion passed unanimously.

6. Shared Phone System

Discussion:

Lind (DCC) referred to page 34 of the packet reminding members that the DCC had been participating in an MESB facilitated evaluation of the possibility of entering a joint venture to purchase a phone system with nine other jurisdictions. Lind updated members stating that the effort had proceeded to the preliminary draft of a cooperative agreement that was included in the packet. Lind assured that the document members were looking at was a first round draft and that no action was being requested. Lind explained that given a number of operational efficiencies that included continuity of operations, call-load overflow opportunities and cost sharing, the ten agencies had drafted the agreement that was written by Jay Arneson and Jay Stassen. Lind directed attention to page 37 of the packet and reviewed how the ownership costs were arrived at as well as identified sites for the two servers. Lind stated that the DCC was identified as one of the locations that could potentially house a server. Lind added that there would be follow up discussion on how the two locations that housed the servers would be compensated for associated electrical and other costs. Lind commented that the agreement was designed to prevent any one agency from having controlling interest. Lind informed members that the workgroup was drafting an RFP that was scheduled to go out the end of June with a response deadline in September. Lind stated that staff would evaluate if participation in the shared phone system would benefit the DCC both operationally and financially and would be bringing that evaluation back for consideration in future months. Lind stated that the shared phone system concept was working in Rhode Island, New Hampshire and some other areas along the West Coast.

Johnson (Rosemount) commented that the concept seemed like a good idea and pointed out two areas for consideration. The first was section 8.08 where it talked about the open meeting law. Johnson stated that he didn't think the requirement for an open meeting law would apply and suggested review of that point. The second was near the end of the document where it stated members would need to give an 18 month notice of departure from the cooperative agreement. Johnson stated that seemed like a long time. Lind (DCC) referred to the 18 month notice and stated that was identified because it would allow the other members to adjust budgets as needed if a member were to opt out.

Mielke (Lakeville) agreed that the concept seemed like a good idea and asked for some context

around the costs associated. Lind (DCC) responded that the current budget allowed for a \$230,000 expense. Lind stated that although the initial implementation was anticipated to be approximately that much, the actual savings was estimated at 10 – 15% on yearly maintenance costs. Lind stated that translated to approximately \$20,000 per year.

Lind (DCC) closed stating that the DCC would be looking at the possibility of reusing some of the current equipment to save additional costs.

Action: No action. Update only.

Information Updates/Discussion Items

7. Executive Director Update

Discussion:

DVS Audit and Inquiries

Lind (DCC) informed members that the DCC had been chosen as one of the sites for a DVS audit. Lind reported that two dispatchers were audited for a six month period of time and of the ninety administered searches, staff was able to identify that all ninety of them were legitimate searches.

Lind stated that due to heightened attention to use of DVS for personal searches, the DCC had received a letter from an attorney requesting justification for eleven inquiries on one person from 2008 to 2012. Lind stated that the letter and findings were turned over to representation at the League of Minnesota Cities. Lind assured that documenting use of DVS had been a continual topic of discussion on the Dispatch floor.

Storage Room

Lind (DCC) informed members that DCC staff had cleaned out the storage room in preparation for Dakota County Facilities occupancy. Lind clarified that Dakota County Facilities would be working to convert a large portion of the DCC storage room into office space that would house three members of their staff at a cost of \$800 per month.

Action: No action. Update only.

Other Business

Miscellaneous

Discussion:

None

Action: No action. Update only.

Adjourn

Action: Motion by Johnson (Rosemount) to adjourn. Second by Lynch (Inver Grove Heights). Motion passed unanimously. Meeting adjourned at 2:46 pm.

Next Regular Meeting:

July 3rd, 2013
DCC Training Room