

**Dakota Communications Center
Executive Committee
Meeting Minutes: 08/02/2017**

Members Present: Tom Lawell – Apple Valley; Heather Johnston – Burnsville; Matt Smith – Dakota County; Dave Osberg – Eagan; Melanie Mesko-Lee – Hastings; Justin Miller – Lakeville; Mark McNeill – Mendota Heights; Logan Martin – Rosemount; Steve King – South St. Paul; Ryan Schroeder – West St. Paul

Members Absent: David McKnight – Farmington; Joe Lynch – Inver Grove Heights;

Alternates Present: BJ Battig – Dakota County; Brian Lindquist – Farmington

Others Present: Tom Folie, Cheryl Pritzlaff, Jen Hildebrandt – DCC; Jay Stassen – Civil Legal Counsel

1. Call the Meeting to Order

Observing a quorum, Chair Miller called the meeting to order at 3:00.

2. Roll Call

Members in attendance noted above.

3. Approve Agenda

Discussion: None

Action: None

Consent Agenda

4.

- a. **Approve minutes from the June 21st, 2017 Executive Committee meeting.**
- b. **Approve paid claims.**
 - **May 1st – 31st, 2017**
 - **June 1st – 30th, 2017**
- c. **Receive Financial Reports**
 - **May, 2017 Unaudited Financial Report**
 - **June, 2017 Unaudited Financial Report**
- d. **Receive report on Contracts & Service Agreements executed by Executive Director between June 14th and July 26th, 2017.**
- e. **Operations committee meeting minutes**
 - **June 29th, 2017 Fire/EMS Ops Sub-Committee**

Discussion:

Action: Motion by Mesko-Lee (Hastings) to approve the consent agenda. Second by King (South St. Paul). Motion passed unanimously.

Regular Agenda

Action Items

5. Management Control Agreement – FBI-CJIS

Discussion:

Folie (DCC) commented that efforts were still under way to address potential DCC non-compliance of an FBI regulation requiring governmental non-criminal justice agencies to have a management control agreement (MCA) in place with a law enforcement agency. Folie

assured that the DCC had not previously been notified that it was out of compliance, but noted that this regulation had only recently started being enforced locally through BCA audits.

Folie explained how all DCC employees had access to CJII (Criminal Justice Information) and how it was used throughout every day by DCC staff to help ensure responder safety.

Folie detailed the hierarchy of control of CJII data, and how state-wide information was controlled by the BCA while out-of-state information was controlled by the FBI. He added that while both agencies conducted individual audits, the BCA was also audited by the FBI and required to include adherence to FBI regulations in their audits. Folie clarified that license plate searches, criminal histories and numerous other searches could be accessing the two different databases depending on if they were internal to the State of MN or across state borders.

Folie (DCC) referred to Anoka County stating that they did not pass their BCA audit in 2015 because they did not meet the MCA requirement and how they were still struggling to identify an arrangement that would bring them into compliance.

Folie (DCC) reported that the BCA had recently begun an audit of the DCC and how staff was fully expecting to receive a report of non-compliance to the FBI MCA regulation.

Stassen (DCC Legal Counsel) assured that there were many MCA examples that seemed to be acceptable to the FBI across the nation and that it was just a matter of identifying one that was palatable to all members of the consortium. Folie (DCC) agreed noting two possible options:

1. A law enforcement agency takes over control of DCC.
Example: DCC becomes a department of the Sheriff's Department.
This would make this requirement a moot point, but it would also give total DCC operating control to the one department.
2. One agency or a group of agencies signs an MCA with the DCC that gives management control of personnel who have access to CJII (in DCC case, all employees) to that agency or group for the purposes of its dealing with Criminal Justice Information.
Example: DCC signs MCA with Farmington Police Department who then has management authority of the agreement provisions to that agency or group.

Osberg (Eagan) asked if there was the option of a legislative exemption. Stassen (DCC Legal Counsel) responded that the FBI had an administrative policy board that collected input and reviewed recommendations in relation to FBI security rules. Stassen noted that the DCC could certainly seek legislation but cautioned of competing pressures and opinions. Stassen added that there were a lot of centers that had already dealt with this issue and he was not certain there would be interested in creating a new rule. Folie (DCC) agreed stating that APB (Administrative Policy Board) for the FBI had been addressed twice already by the BCA in attempts to get this rule changed. Folie stated that both attempts had been denied.

Johnston (Burnsville) asked what the MCA actually applied to. Johnston clarified her question stating that if signing of an MCA meant that the one entity/group that the DCC signed the agreement with worked on policies, she would have less of an issue with it than if it allowed overall and personnel control. Folie (DCC) cautioned that the rule addressed oversight including personnel authority of CJII-authorized employees in their dealings with CJII. The FBI security policy rule did not extend beyond those bounds.

Stassen – talked about eliminating the OPS committee and what if they came the LE agency dealing with CJIS issues and access?

Lawell (Apple Valley) asked what policies were currently in place and if they were written by the DCC. Folie (DCC) responded that the policies in place were developed over the years by the DCC to ensure adherence to regulations. Stassen (DCC Legal Counsel) agreed noting that policies had been developed based on BCA directives. Lawell then asked if this topic would also affect radio traffic. Folie responded that it could affect radio traffic down the road and there had already been a discussion of keeping the radio audio logger within the secure Criminal Justice Data Network. Battig (Dakota County) reminded members that as oversight continued to develop and evolve, new versions of the BCA rules had come forward. Stassen (DCC Legal Counsel) agreed stating that he believed they were on version 5.5 of the CJI Security Rules.

Lawell (Apple Valley) asked if it could be a statement in the JPA that was currently being modified. Stassen (DCC Legal Counsel) responded that it could potentially be done that way and that Folie made an observation that it might be beneficial to wait and see how the BCA security audit report comes out before continuing the JPA restructuring. Lawell commented that he liked the idea of following through with BCA and FBI to ensure how the consortium is proceeding is acceptable.

Miller (Lakeville) suggested the possibility of a law enforcement chiefs group, by a developed agreement, serving as an oversight committee for operational security policy. Stassen (DCC Legal Counsel) acknowledged that could be one possible scenario. Stassen noted that it could be more of an amendment to the JPA that either changed the scope of the operations committee based on the need, or the operations committee could be done away with entirely and the DCC could enter into an interagency agreement with one or multiple law enforcement agencies to set policies. Stassen cautioned that when audited, the DCC is going to have to demonstrate that one or more law enforcement agencies have given the authority to control that part of operations.

Miller (Lakeville) asked who the Executive Director would report to. Stassen (DCC Legal Counsel) responded that the position could still report to the Board. Stassen noted that as the newly formed committee encountered issues, they would talk with Tom but they would also have the ability to interact with the Board of Directors on their needs. Stassen commented that whichever agency was given control over CJI could not be impeded by non-law enforcement agencies and that they would have almost a dictatorial control over the policies. Folie (DCC) noted that was his understanding as well.

Mesko-Lee (Hastings) inquired about how often and how much discretion the new committee would have over the policies. She also asked how often they changed resulting in policies. Folie (DCC) responded stating that the committee would have total control of anything that went through the FBI information channels including license plates, driver's licenses, etc from out-of-state inquiries. Folie commented that he was not yet certain how in-state information would be impacted as that is BCA regulated with different parameters. Stassen (DCC Legal Counsel) commented that going forward, changes would have to be considered as to continue adherence to any FBI and BCA rule modifications.

Schroeder (West St. Paul) asked why agencies weren't having the same discussion with their police chiefs. Stassen (DCC Legal Counsel) explained it was because they were a true law enforcement agency. Stassen reminded that this rule only applied to governmental non-criminal justice agencies. Stassen commented that while the police chiefs reported through the agency chain of command for most things, they were required to adhere to BCA/FBI regulations for anything related to CJI data, rules and regulations and that was not subject to civilian/administrator/council control.

Schroeder (West St. Paul) referred to hire/fire authority and asked for clarification. Folie (DCC) clarified that the FBI states that the CJJ data is within their control so if there is misuse of that data by an employee who has access to it, the FBI directs that action must be from a law enforcement agency/group. Stassen (DCC Legal Counsel) acknowledged that if LE agency in charge of CJJ security felt there was an employee violating policy, that LE agency could bring concerns to the executive director and say that they would no longer allow the person to have access because of how they were handling data. Stassen noted that the agency may not have the right to terminate the employee, but they could make it practically impossible for him to keep them as there aren't any positions at the DCC that don't fall into this category.

King (South St. Paul) commented that he believed there were dimensions of current DCC process that could still be administered through the current structure as long as it stayed out of the area dedicated to info and staff dictated by CJJ regulations. Folie (DCC) agreed.

Schroeder (West St. Paul) questioned if any agency would be even interested in holding this MCA with the DCC. Smith (Dakota County) asked if there had been any discussion among the law enforcement agencies whether or not anyone would see this as a benefit to their organization. Lindquist (Farmington/Law Enforcement Chair) responded stating that it hadn't been discussed. Lindquist stated that he didn't know if this was a matter of needing a dually appointed representative, simply a law enforcement agency to stand in front of the agreement or if it was total control. Lindquist speculated that no agency would be interested in the latter of the two options.

Lawell (Apple Valley) noted that this was likely something each member had to deal with also and asked if it would be in the LOGIS security procedures. Folie (DCC) responded that it was part of the BCA audit procedures and he was assuming each agency had been audited over the past few years and would have been informed if there were issues.

Folie (DCC) explained that if it would be highly desirable if it was just a matter of signing an MCA with a member agency and continuing current practice. He cautioned, however, if the BCA or FBI were to look deeper into the control, that would be an issue.

Johnston (Burnsville) noted that if an agreement allowed for continued operations with simply oversight of the CJJ use, she had fewer concerns. Johnston expressed concerned over the rule and enforcement of in this situation. Stassen (DCC Legal Counsel) acknowledged and stated that the FBI had concerns about the security of the databases it maintains and allows people to access. Stassen noted that the FBI only had leverage over those agencies with signed agreements with them to access the data, the law enforcement agencies. The FBI looks to those law enforcement agencies to enter into MCAs with non-law enforcement agencies like the DCC to enforce security. Stassen stated that if the MCAs are not in place, it allows for a whole segment of users who they do not have control over.

Miller (Lakeville) referred to timing and asked when the audit of the DCC would be completed. Pritzlaff (DCC) responded stating it would probably be completed in the next month. Miller then speculated that the BCA would issue a letter of non-compliance with the further parameters. Folie (DCC) confirmed that was what was expected. Folie noted that while the BCA audit was finishing, the FBI audit of the BCA was not expected until second quarter of 2018. Folie commented that it was his understanding part of that audit would include a random selection of 10-15 MN agencies and that selected group was usually from the metro area. Miller suggested Folie and Stassen work to draft language on what some different options might look like in MCAs. Miller noted that no option for addressing this should be excluded at this time.

Osberg (Eagan) agreed stating that an outline of what it might look like would be very beneficial. Stassen (DCC Legal Counsel) acknowledged stating there were quite a few joint dispatch centers in the nation and certainly some of them have had to deal with this already. Miller (Lakeville) recapped that the group could expect some different options and the framework of each for review and discussion at the September meeting.

Lawell (Apple Valley) asked if the law enforcement group was going to be discussing this topic. Folie (DCC) confirmed stating that there was a LE Ops meeting later in the month and that the topic would be added to the agenda. Folie stated that the Fire/EMS group received the report at their June meeting so they are aware that this is a topic of discussion.

Osberg (Eagan) asked how the group would have a discussion about the sheriff taking over the center. Smith (Dakota County) responded stating that there was a wide range of possibilities. Smith stated they ranged from the DCC becoming a Dakota County operation funded by the County with the Executive Director appointed by the Sheriff to the Sheriff taking over responsibility for CJI data only. Smith noted that he got the sense from the Sheriff that he was not interested in taking on the whole thing but that he would be willing to step into a lesser control role. Mesko-Lee (Hastings) cautioned not to discard any options yet. Put them all on the table to see what they look like.

Stassen (DCC Legal Counsel) noted that the group could bring outlines of what it might look like for consideration.

Schroeder (West St. Paul) asked where else this topic would need to be presented if there were actual organizational structural changes. Stassen (DCC Legal Counsel) explained that if it was an amendment to the JPA, each member of each member council/commission would have to approve it.

Osberg (Eagan) referred to Scott and Washington Counties and asked how they run their dispatch centers in relation to cost to the cities within the county. Martin (Rosemount) confirmed there was no city stipend. Schroeder (West St. Paul) agreed noting that they still had some sort of advisory group which was maybe made up of the chiefs and the sheriff but there was no actual city authority. Lawell (Apple Valley) likened it to where the consortium came from with their own individual dispatch centers and acknowledged there were probably a few cities with elected officials who would want continued involvement. Johnston (Burnsville) acknowledged and reminded the group that a county take-over would be extremely concerning to the Fire/EMS group who had already voiced their concerns over the county taking over the center.

Action: No action. Update only.

6. Union Negotiations

Discussion:

Folie (DCC) reported that the DCC had reached a tentative agreement with the Dispatcher Union but was headed to mediation with the Supervisor Union.

Folie (DCC) recapped the items tentatively agreed upon along with modifications to the dispatch contract and noted that staff was looking for a recommendation for approval that would then be forwarded to the Board at their August 17th meeting.

Folie (DCC) reviewed the one item that would be mediated with the Supervisor's Union. He stated that mediation would be in September so the group could potentially see a tentative agreement in October.

Minimal discussion resulted in a motion.

Action: Motion by Johnston (Burnsville) to recommend to the Board of Directors approval of the tentative dispatcher agreement as presented. Second by Mesko-Lee (Hastings). Motion passed unanimously.

Information Updates/Discussion Items

7. Strategic Planning Update

Discussion:

Miller (Lakeville) referred to the draft revised JPA that was included in the packet.

Stassen (DCC Legal Counsel) asked if the group wanted a detailed or high level review. Johnston (Burnsville) suggested a high level review. Stassen proceeded accordingly and recapped modifications to the draft document. Stassen identified the following modifications:

1. Elimination of reference to transition from previous dispatch agencies as it no longer applied.
2. Elimination of reference to Executive Committee with replacement of governance committee as previously directed to include 6 administrators/managers, 3 law enforcement representatives and 3 fire representatives. Stassen added that representation was based on a 8 year rotation that allowed continuance of good balance of roles and representation.
3. Elimination of reference to the operations committee(s).

Smith (Dakota County) referred to the section regarding consideration of new members and asked if there was a reason that was in there. Folie (DCC) explained that he thought it was put in there to allow for future growth without revising the JPA. Folie noted that Rice/Steele had approached the DCC consortium previously with an expressed interested but after evaluation it did not happen.

Lawell (Apple Valley) referred to page 34, attachment B and asked if because it referenced the original startup, it had to still be in there. Stassen (DCC Legal Counsel) acknowledged that it did not need to be in there as the JPA had been amended via resolution in 2009 to modify that section.

Lawell (Apple Valley) referred to page 10, section 6.4c and noted that it stated that operations level would be able to address the Board if needed but it didn't say anything about administrators who may not be in their rotation on the governance committee. Lawell asked if administrators should also have that ability. Stassen (DCC Legal Counsel) acknowledged that while he hadn't drafted the document that way, he could certainly modify it to include that.

Miller (Lakeville) noted that this was a good start and that there were still some pending discussions that might impact furtherance of the document at this point.

Action: No action. Update only.

8. Executive Director Update

Discussion:

BCA/NCIC Audit – Pritzlaff (DCC) reiterated that the NCIC portion of the audit was completed two weeks prior and that the technology portion of the audit had been completed earlier in the week. Pritzlaff speculated that staff should receive the committee report soon but verbal reports were that everything seemed in order.

Redundant Fiber Connection – Folie (DCC) noted that this ongoing topic was frustrating as while he had the responsibility to make it happen, he couldn't make MNIT do the work. He noted that he, BJ Battig and LOGIS have all been pushing to get this effort underway and while it was believed to be moving forward, getting response from the necessary parties at MNIT had proven very difficult.

Text-to-911 – Folie (DCC) reported that the DCC was part of wave 2 of Text-to-911 go live and that was expected to take place in early 2018. Folie added that an advertising push would be starting in November.

Staffing/Hiring Update – Folie (DCC) reported that while staffing was at 52 (three of whom were in training), long-time dispatcher Heidi McQuoid had submitted her letter of intent to retire. Folie noted that the DCC was going through a hiring process and had received 31 applications expressing interest in the dispatcher position.

Everbridge Notifications – Folie (DCC) noted that when mass telephone notifications were sent out the phone number of the agency directing the message was provided. Folie explained, however, that the DCC still consistently received complaints that residents did not want to be bothered.

Mendota Heights robbery/homicide – Folie (DCC) informed members that he believed the DCC staff did an excellent job handling the Mendota Heights robbery/homicide on July 29th.

Building efficiencies – Folie (DCC) reminded members that there had been a request for a report on building efficiencies in a previous Board of Directors meeting. Folie stated that after talking with Dakota County facilities who managed the building it was reported that the dispatch center utilizes 35% more energy per square foot than the average library. Folie noted that this was reportedly pretty good considering the amount of technology used in the facility and its 24/7 operation.

Life Saver Award – Folie (DCC) mentioned that dispatcher Noah Murphy was scheduled to receive a Life Saver award on August 10th for his CPR guidance on a recent event.

Action: No action. Update only.

OTHER BUSINESS

None

Adjourn

Action: Motion by Johnston (Burnsville) to adjourn. Second by King (South St. Paul). Motion passed unanimously. The meeting adjourned at 4:26pm.

Next Regular Meeting:

September 6th, 2017

3:00pm

Dakota Communications Center
Training Room