

**Dakota Communications Center (DCC)**  
**Board of Directors**  
**Minutes of Meeting: 08/17/2017**

**Members Present:** Burnsville – Bill Coughlin; Dakota County – MaryLiz Holberg; Eagan – Gary Hansen; Farmington – Jason Bartholomay; Inver Grove Heights – George Tourville; Mendota Heights – Ultan Duggan; Rosemount – Jeff Weisensel; South St. Paul – Lori Hansen;

**Members Absent:** Apple Valley – John Bergman; Hastings – Joe Balsanek; Lakeville – Colleen LaBeau; West St. Paul – Dick Vitelli

**Alternates Present:**

**Others Present:** DCC – Tom Folie, Cheryl Pritzlaff, Jen Hildebrandt; Executive Committee Vice Chair – Heather Johnston; DCC Legal Counsel – Jay Stassen

**1. Call the Meeting to Order:**

There being a quorum Chair Tourville called the meeting to order at 8:00 am.

**2. Pledge of Allegiance**

**3. Roll Call:**

Members in attendance are noted above. Introductions were made.

**4. Approve Agenda:**

**Discussion:**

**Action:** No motion to approve the agenda.

***CONSENT AGENDA***

**5**

- a. **Approve minutes from the regular Board meeting dated May 18<sup>th</sup>, 2017.**
- b. **Adopt and ratify the Executive Committee's approval of paid claims:**
  - **April 1<sup>st</sup> – 30<sup>th</sup>, 2017**
  - **May 1<sup>st</sup> – 31<sup>st</sup>, 2017**
  - **June 1<sup>st</sup> – 30<sup>th</sup>, 2017**
- c. **Approve Financial Report**
  - **April, 2017 Unaudited Financial Report**
  - **May, 2017 Unaudited Financial Report**
  - **June, 2018 Unaudited Financial Report**

**Discussion:**

**Action:** Motion by Duggan (Mendota Heights) to approve the consent agenda as presented. Second by Coughlin (Burnsville). Motion passed unanimously.

## ***REGULAR AGENDA***

### ***Action Items***

#### **6. Management Control Agreement – FBI-CJIS**

##### **Discussion:**

Folie (DCC) informed members that the BCA superintendent was in attendance at the May Police Chiefs meeting where he referred to the FBI Criminal Justice Information System (CJIS) rule and noted that the DCC may be out of compliance. He stated that the rule requires any non-criminal justice entity who has access to the CJIS to be solely managed by a law enforcement agency, with respect to law enforcement information. Folie noted that DCC Legal Counsel Jay Stassen had compiled a memo summarizing the issue for the group.

Stassen (DCC Legal Counsel) commented that the issue at hand was important to the Board and DCC in general because this matter of Criminal Justice Agency (CJA) control over all systems and access to the FBI CJIS information was something that seems to be elevated in recent times. Stassen noted that through BCA audits, PSAPS that were not solely controlled by criminal justice entities were being found out of compliance to the FBI CJIS regulation.

Stassen (DCC Legal Counsel) suggested that decisions made on management control would impact continuance of the JPA amendments being discussed in item 9, Strategic Planning. Stassen noted that the summary provided in handout at the meeting provided the group with a high level outline of the issue at hand, what the FBI CJIS security policy required, and possible options on how the consortium may proceed.

Stassen (DCC Legal Counsel) recapped that the fundamental issue to be resolved was that the Consortium, made up of cities and the county, had created the DCC, an entity governed by non-law enforcement personnel that needed access to the FBI CJIS. Stassen recognized that while DCC staff provided a critical criminal justice function, it was run by civilians. Stassen explained how this was a fundamental problem relating to control over those people who have access to the CJIS which was all DCC personnel. Stassen acknowledged that it had been relayed by the BCA that the Consortium would need to come up with a solution for control over this access.

Stassen (DCC Legal Counsel) noted that there were a lot of joint communication centers across the country. Stassen clarified that some were operated as true joint co-op ventures while others were operated by individual cities or counties. Stassen added that there were some cities and/or counties that owned and operated their own centers and had inter-local agreements with other cities or counties. Stassen described how there were different approaches on how to deal with management and control over the people using these systems and it was up to members of the Consortium to determine which approach best fit the needs of the Consortium. Stassen then presented a few different options.

1. The Consortium could insert the control required by the CJIS security rule directly into the DCC JPA as an amendment. This could be done in a section where it discussed access to CJI and spelled out that type of control was required to comply with the security agreement. Stassen explained that this would require approval of all councils/boards. Stassen commented that the downside of this option would be that any changes over time to FBI regulations or to how the control or management was going to work may require additional JPA amendments which could be cumbersome. Stassen added that this option would also require the JPA be executed by all chief law enforcement officers receiving

services through the consortium. Stassen clarified that the police chiefs and sheriff were considered the criminal justice agencies for purposes of utilizing the CJI and had to be part of the agreement, giving their consent to the management control section of the JPA. Stassen commented that in essence, they would be signatories on the JPA.

2. The DCC could enter into multiple MCAs with member agencies. Stassen explained that since each law enforcement agency in the county was a criminal justice agency and had personnel that needed to access the CJI, each chief and the sheriff could sign an agreement with the DCC essentially contracting the DCC to perform this part of their criminal justice agency function. Stassen clarified that the DCC would have twelve (12) individual agreements, one with each agency. Stassen further explained that within those agreements there would be management control aspects of the relationship. Under this agreement, the JPA would have to be amended to account for this change in the organizational structure. Stassen explained that as the JPA was currently written, the Executive Committee and Board would continue to have power and authority to control the activity at the DCC, but control over the CJI would be left to law enforcement. Stassen noted that this option could prove to be challenging for the DCC without requiring all of those MCAs to be identical clearly identifying the limitations.
3. The DCC could enter into one MCA with one law enforcement agency. In this scenario, the law enforcement agency would step up as the criminal justice agency that would oversee and control compliance to the FBI CJIS security rule. Stassen noted that in this situation, the JPA would have to be amended to remove authority from the Executive Committee and Board to control that part of the business and leave it to law enforcement. Stassen noted that this option could burden the one agency holding the responsibility, and would give them total control over DCC CJIS activity. Stassen speculated that the other chiefs may want the opportunity to have input on how the DCC conducted business so there would likely be the need for an advisory committee at a minimum.

Stassen acknowledged that the issue for the board was two-fold. First, when should the consortium move forward with the modifications to comply with the FBI requirement, and second, which option felt most fitting for the consortium and DCC operations. Stassen reiterated that the regulation did not require the Executive Committee nor Board to give up authority over general budgeting issues, large purchase approvals, etc. Those would continue. It would simply carve out the CJIS section according to what options was selected.

Tourville (Inver Grove Heights) thanked Jay Stassen for his presentation and noted that the three options were not the only options on the table, but were used as examples for the group to help get clarity on the issue at hand.

Holberg (Dakota County) asked for a brief report on potential liability issues for an agency that may enter into the MCA with the DCC. Stassen (DCC Legal Counsel) explained that the level of liability and who had it would depend on the form of the agreement entered into, but it would likely be dealt with right in the agreement(s). Stassen noted that because the DCC was a separate JPA and had insurance, he would recommend a provision in the agreement where the DCC would remain responsible for its own actions. This provision would also indemnify agencies from damages resulting from negligent actions by the DCC and its staff. Stassen cautioned, however, that the agreement could not release the group from their obligations and

responsibilities to ensure the DCC was following FBI CJIS policies and regulations. Stassen commented that he didn't see it as a financial liability as much as a compliance issue identified in an audit. Holberg (Dakota County) noted that she was assuming the individual law enforcement agencies also had access to the databases and could be at risk of access restrictions if there was a really big issue. Stassen (DCC Legal Counsel) confirmed stating that each chief had the obligation to ensure the staff they were in charge of was complying. Stassen noted that it would have to be severe for consideration of pulling full agency access as the BCA and FBI understood the necessity of access to the information. Stassen clarified that restricted access would likely be more on an individual or group level than a full agency.

Tourville (Inver Grove Heights) commented that he assumed that the Fire/EMS group may have concerns about this issue.

Johnston (Executive Committee Vice Chair) commented that the Executive Committee had not seen the options presented at the Board meeting. Johnston explained that the Executive Committee was really trying to understand the practicality of implementing any of the solutions and ensuring that they didn't interfere with how the Executive Director did their job. Johnston added that the Executive Committee acknowledged that this was not an emergency and didn't need to be done immediately so it was important to understand all the intended and unintended consequences. Johnston represented that there was a strong desire to understand what each option meant to DCC operations and members of the consortium.

Weisensel (Rosemount) asked how it worked in member agencies currently when information was pulled for efforts outside the police department. Folie (DCC) assured that this would not impact current governance and was specific to operations. Weisensel (Rosemount) then asked if this was an effort to fit the paperwork around the management structure. Folie (DCC) commented that was one way of putting it. Folie referred the group to the list of executive director responsibilities at the bottom of page one of the handout and stated that those responsibilities had to be done by a law enforcement agency. Weisensel (Rosemount) asked if the executive director would be restricted from pulling data for reporting for the County. Folie (DCC) clarified that as long as an agreement was in place under any option where a criminal justice agency had control over access to the CJIS data, DCC staff would be allowed to pull the information. Weisensel (Rosemount) asked if that wasn't already identified in the JPA. Stassen (DCC Legal Counsel) clarified stating that the entities that have given authority to the DCC to exist and operate and set up systems and access are the governing bodies of the cities and the county. Stassen further clarified stating that the governance within those entities controlled budgetary, full time employees, facility and all other activity excluding law enforcement activity. Stassen explained that by law, governance of law enforcement activity was reserved for the chief law enforcement officer in each entity. Stassen noted that this was the exact point the FBI was making. Stassen commented that the FBI was OK with a joint dispatch center and consortium control over everything within it excluding the law enforcement activity, particularly access to FBI database information. Stassen (DCC Legal Counsel) commented that these agreements actually existed internally at member cities and the county already. Weisensel (Rosemount) acknowledged and stated that it sounded as though it wasn't originally addressed in the JPA and just needed to be clarified to ensure adherence to the regulation.

Folie (DCC) acknowledged that many agencies had addressed this issue already, and in many different ways. Folie noted that one such agency was Red River Valley, the dispatch center for Fargo/Morehead. Folie noted that Red River Valley was informed they weren't in compliance so they took a copy of a MCA, had their director sign it along with the sheriff and that was it. Folie noted that while they had a signed MCA on file, it was not yet determined if they would pass their audit because there was no mechanism for control. Folie referred to Kansas where a police chief was using an MCA with their PSAP as a weapon attempting to strong arm how a dispatch center conducted operations. Folie noted that there was potential for issues if not written correctly. Folie noted that the rule had been around for a long time and was being enforced at member agencies going back many years. However, it was just recently that it started to be enforced at the PSAP level.

Stassen (DCC Legal Counsel) emphasized the importance of learning from the issue going on in Kansas and also understanding that a signed MCA gives the law enforcement agency control to oversee anything related to the security of CJIS data. Stassen then referred to Anoka County and how they were audited by the BCA in 2015 and were still working to resolve the issue. Folie (DCC) clarified that the BCA was the MN Agency authorized to oversee access to FBI CJIS data. Folie stated that while the BCA may not pull a city or county connection to the CJIS, they were accountable to the FBI. Folie noted that the FBI was expected to come to MN in the second quarter of 2018. Folie added that it was expected that they would audit the BCA and 10 – 15 other metro area agencies which may or may not include the DCC.

Tourville (Inver Grove Heights) asked what staff was looking for at the current meeting. Folie (DCC) responded that this was really an update and opportunity to ask questions. Folie summarized that staff was working with legal counsel and the executive committee to evaluate options and potentially a recommendation that would be brought back to the Board for consideration. Tourville (Inver Grove Heights) referred to JPA amendments. Stassen (DCC Legal Counsel) acknowledged that there were a number of items in the JPA, including restructuring of the committees, that the groups were interested in continuing.

Tourville (Inver Grove Heights) speculated that the County was well represented at the Executive Committee meetings. Johnston (Burnsville) assured that either Matt Smith or BJ Battig were present at the Executive Committee meetings.

Duggan (Mendota Heights) questioned if anyone really knew what was at stake and suggested the effort was looking at control of access to information protected by the FBI and how the DCC, a non-criminal justice agency, was obtaining access to the information. Stassen (DCC Legal Counsel) noted that it was a good question as the DCC had not yet been audited by the FBI and had not yet been informed that it was out of compliance. Stassen suggested, however, that it seemed clear that would be the conclusion. Duggan (Mendota Heights) asked what all was involved in an audit. Folie (DCC) explained that there were two audits. The first was from the MN agency authorized to grant access to the FBI CJIS data, the BCA. Folie stated that the BCA audited agencies every three years and the DCC was currently in the midst of that audit which seemed to be going well. The second audit was an FBI audit where they came to MN to audit the BCA and also a variety of other agencies. It had yet to be determined if the DCC will be part of that audit. Tourville (Inver Grove Heights) speculated that this was an attempt to get ahead of the curve.

Hansen (Eagan) asked what sort of timeline the effort was looking at. Folie (DCC) responded that was not yet known. Folie stated that as of now, the DCC had not been informed that it was out of compliance. Folie suggested that if notified, the clock would start ticking and there was usually a 30 day window to resolve an issue or identify a plan. Folie expressed the desire to have, at a minimum, a plan in place in anticipation of the FBI audit 2<sup>nd</sup> quarter of 2018. Stassen (DCC Legal Counsel) noted that the consortium would need to determine if proposed amendments to the JPA would follow the same timeline as this effort and how quickly that would be.

**Action:** No action. Update only.

## **7. Dispatch Union Tentative Agreement**

### **Discussion:**

Folie (DCC) recapped the terms of the tentative 2018 – 2019 dispatch union agreement. Folie thanked Justin Miller for his contribution to this effort.

**Action:** Motion by Hansen (Eagan) to authorize the Executive Director to enter into an agreement with LELS Local 336 for the 2018-2019 dispatch union contract. Second by Hansen (South St. Paul). Motion passed unanimously.

## **8. Supervisor Union Negotiations Update**

### **Discussion:**

Folie (DCC) reported that the supervisor group noted that they would be amenable to the contract terms as noted in the dispatch contract if they also received an 8% wage increase for time worked in absence of executive and operations directors. Folie noted that after some discussion supervisory representation expressed the desire to go to mediation which would be taking place on September 21<sup>st</sup>.

**Action:** No action. Report only.

## ***Information Updates/Discussion Items***

### **9. Strategic Planning Update**

#### **Discussion:**

Folie (DCC) referred to the JPA document that was distributed with the agenda packet. Folie reminded members that the Consortium was looking at restructuring the executive committee to include both fire/EMS and law enforcement representation. Folie added that there was also some desired “clean up” of the document now that it was ten (10) years old.

Stassen (DCC Legal Counsel) reviewed the document and suggested modifications with the group.

Holberg (Dakota County) inquired if it made sense to hold off on continuance of modifications until the MCA discussion had progressed to a point that appropriate amendments could be included in the revised JPA. Tourville (Inver Grove Heights) acknowledged the question stating that it wasn't yet known what the answer was to the MCA discussion. Johnston (Executive Committee Vice Chair) suggested that the Executive Committee desire was to obtain input from the Board to ensure everyone was in agreement on the current direction. Johnston noted that the request wasn't for action or execution at this time. However, the desire was to get the document ready for continuance and make sure everyone was comfortable with the changes being

proposed. Stassen (DCC Legal Counsel) commented that he suspected there were operational issues of concern to the Chiefs that were outside the MCA realm and it may be good to continue efforts on that front.

Tourville (Inver Grove Heights) suggested there be consideration of a way to ensure that Board and Executive Committee chair positions were not held by the same agency at the same time.

Duggan (Mendota Heights) complimented the efforts on the JPA and eliminating no longer relevant information. Tourville (Inver Grove Heights) agreed stating it looked great. Tourville suggested continuing with the corrections and then holding the final draft.

**Action:** No action. General direction to proceed with suggested modifications.

## **10. Executive Director Report**

### **Discussion:**

BCA NCIC Audit – Folie (DCC) reported that the NCIC portion of the BCA audit went well and there were no anticipated issues.

CAD Stability – Folie (DCC) noted that while CAD had been fairly stable recently, it was not attributable to redundant fiber. Folie commented that the State had been terribly slow to respond which was causing some concerns at both the DCC and County.

Text-to-911 – Folie (DCC) informed members that the DCC was in the second group to go live with Text-to-911. Folie stated the first group was going live in November and it was anticipated the second group would be early 2018.

Staff Recognitions and Awards – Folie (DCC) reported that there had been some recent staff recognitions that he wanted to share with the group. Folie noted that Theresa Reyer, recently retired, had received a lifesaving award a couple months back for guiding CPR over the phone. Folie noted that Noah Murphy had just received a lifesaving award the week prior for guiding CPR over the phone. Both Theresa and Noah received the opportunity to meet the victims they helped save. Folie noted that Cindy Ryan had recently received a stork award for pre-arrival delivery instructions leading to a successful birth. Folie expressed pride he had in the DCC staff and their daily lifesaving efforts.

Upcoming Projects – Folie (DCC) briefly noted a couple upcoming large projects, one of which was the VHF overhaul that was originally reported to be an \$800,000 expense. Folie noted that it was later reported that this project was going to be less, coming in at \$500,000. Folie explained that Motorola may be offering an additional \$50,000 - \$70,000 discount if the project was to be started in 2017. Folie assured that this project was in the approved budget and would be brought to the Board in October for further consideration.

Staffing/Hiring – Folie (DCC) noted that while the DCC was currently at full staffing, long-time dispatcher Heidi McQuoid would be retiring in September. Folie stated that the hiring process had begun and the DCC had 24 applicants scheduled for testing the week of August 21<sup>st</sup>.

Everbridge Mass Telephone Notification System – Folie (DCC) reported that Burnsville had issued a MTN on a missing person and Mendota Heights had issued a MTN on a Robbery/Homicide.

Building Efficiencies – Folie (DCC) noted that the Executive Committee had inquired about DCC building efficiencies back in June and while it was difficult for Facilities staff to determine it was estimated that the DCC used 35% more energy per square foot than the County libraries. Folie commented that considering the level of technology and the fact that the DCC was a 24/7 operation, that seemed fairly good. Weisensel (Rosemount) suggested considering an energy agreement that had fixed rates to see what sort of savings could be experienced. Weisensel also suggested it might be a way to observe operational costs.

**Action:** No action. Update only.

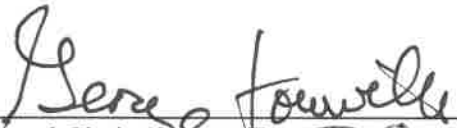
***OTHER BUSINESS***

Tourville (Inver Grove Heights) noted that he was not available on October 19<sup>th</sup> and asked if there was any issue with moving the October meeting date up one week to October 12<sup>th</sup>. Consensus agreed that should be fine. Jen Hildebrandt will send an updated invite out to the group.

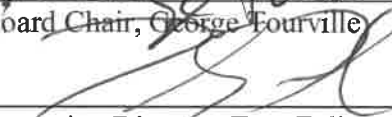
**Adjourn**

**Action:** Motion by Duggan (Mendota Heights) to adjourn. Second by Weisensel (Rosemount). Motion passed unanimously. Meeting adjourned at 9:38am.

**Next Meeting:**  
**October 12<sup>th</sup>, 2017**  
**8:00 am**  
**Location: DCC**

  
\_\_\_\_\_  
Board Chair, George Tourville

12/14/2017  
Date

  
\_\_\_\_\_  
Executive Director, Tom Folie

12/14/2017  
Date