



ARAPAHOE COUNTY
COLORADO'S FIRST

Board Summary Report

Date: July 6, 2020
To: Board of County Commissioners
From: Todd Weaver, Budget Manager
Subject: Discussion on Revised Intergovernmental Agreement for the Arapahoe County 911 Authority

Request and Recommendation

The purpose of the study session is to update the Board of County Commissioners on the status of the Arapahoe County 911 Authority and to review and discuss the proposed intergovernmental agreement that will be put forth at a future date for their approval and signature.

Background

The Arapahoe County 911 Authority is responsible for administering the installation, operation, maintenance, upgrade, and enhancement of emergency communication services to the agencies within the Authority. It supports 9-1-1 service within the jurisdiction in accordance with Emergency Telephone Service Law (Part 1 of Article 11 of Title 29 C.R.S.) and other applicable laws.

The Authority is governed by a board of directors (the “Board”) comprised of five members. All five members are appointed by the Arapahoe County Board of County Commissioners (the “BOCC”), but the BOCC must appoint two members from a list of persons nominated by the fire departments in Arapahoe County and two members from a list of persons nominated by law enforcement agencies in Arapahoe County. The fifth member is appointed at the discretion of the BOCC. The Authority Board hired an executive director, Bruce Romero, to run the Authority’s day-to-day business.

The Authority’s current intergovernmental agreement is titled the First Amended Intergovernmental Agreement for the Establishment of an Emergency Communications Service Authority (the “First Amended IGA”) and was dated in year 2000.

The Authority proposes a restated intergovernmental agreement titled the Second Amended and Restated Arapahoe County 911 Authority Intergovernmental Agreement (the “Second Amended IGA”). A copy of the proposed Second Amended IGA is also enclosed. The Authority desires that the parties to the First Amended IGA approve and adopt the Second Amended IGA.

The Second Amended IGA was sent to each signatory on the current IGA and legal staff at each of the entity reviewed, provided comments, and/or suggested edits to this document. Both John Christofferson and Tiffanie Bleau from the County Attorney's office reviewed the agreement and provided comments during a review earlier in 2019.

Discussion

In addition to a general overview and update on the status of the 911 Authority, staff will discuss the proposed Second Amended IGA. The Second Amended IGA includes a number of important changes that are highlighted below.

Process to Increase the 911 Surcharge/Fee: First and foremost, the Second Amended IGA enables the Authority to seek a 911 fee in excess of \$0.70 without obtaining the prior approval of the parties. Under the First Amended IGA, the Authority must obtain the approval of two-thirds (2/3) of the parties (see Section VIII of the First Amended IGA). This requirement is in addition to obtaining the approval of the Colorado Public Utilities Commission (PUC), which is required by statute and discussed above.

The Authority's Board believes it is appropriate to eliminate the requirement of obtaining approval of the parties prior to increasing the 911 fee above \$0.70. The Board is comprised of members appointed by the BOCC and largely nominated by first responders – so the Board is accountable to the Authority's stakeholders. The Board is also advised by a technical committee comprised of persons responsible for 911 in their agencies. Further, any increase in the 911 fee above \$0.70 must be approved by the PUC. Interested persons have the opportunity to have their voices heard before the PUC, and the PUC does a rigorous analysis of whether the proposed increase is warranted.

911 related costs are anticipated to increase over the next several years. The process to migrate the state to next generation 911 ("NG911") will result in fairly significant one-time costs to each public safety answering point ("PSAP") in the state, plus increased monthly recurring fees. Other PSAP and 911-related systems, including computer aided dispatch ("CAD") systems, recording systems, consoles, and radios, will also need to be replaced over time. These systems are not getting less expensive. Finally, the Authority has considered subsidizing 911 call takers and dispatchers in PSAPs, which is specifically authorized in the statute. To be able to assist PSAPs in paying for these and other eligible costs, the Authority may consider increasing the 911 fee above \$0.70.

Lobbying and Legislation: The Second Amended IGA also removes the prohibition on the Authority being involved with political lobbying activities, which the First Amended IGA prohibits (see Section IX of the First Amended IGA). In the past several years, the state and federal legislatures have dealt with issues addressing 911 and emergency communications. Particularly, some of the bills considered by the state legislature would have had a negative impact on the Authority and 911/emergency communications in Arapahoe County. The Authority was opposed to those bills but was concerned with how to express that opposition given the prohibition on political lobbying activities. The Board believes it is vital that Arapahoe County be represented when the legislation considers laws that impact emergency communications. Removing the prohibition clarifies that the Authority can take positions on legislation and be involved in developing state and federal 911 policy.

The Authority does not anticipate hiring a lobbyist, but the Authority believes that flexibility is important. Other 911 authorities across the state have discussed jointly hiring a lobbyist to

represent the larger 911 community's interests. If appropriate, the Authority might participate in such an effort, although there are no plans to do so at this time. In the past, the Authority has worked with lobbyists for the Colorado Municipal League, Colorado Association of Chiefs of Police, the County Sheriffs of Colorado, and the Colorado State Fire Chiefs. However, those entities do not represent 911 interests directly – so there is no replacement for the Authority being directly involved at the legislature.

Name Change: The Authority proposes to change its name from the “Arapahoe County E-911 Emergency Communications Service Authority” to the “Arapahoe County 911 Authority”.

There are various other changes to the language of the intergovernmental agreement, but they are minor. Importantly, the process for nominating and appointing directors will not change. There are changes to director terms and the process for removing directors from the Board.

Alternatives

The Board could choose not to approve or sign the Second Amended IGA. The current IGA provides that, if two-thirds of the parties to the intergovernmental agreement vote in the affirmative to the revised IGA and represent a majority of the population within the Authority, the amended IGA would be approved and go into effect. As of this study session, a number of other entities have approved this Second Amended IGA.

Fiscal Impact

There is no direct financial impact to Arapahoe County from approving and signing the Second Amended IGA.

Reviewed By:

Todd Weaver, Finance Director
John Christofferson, Deputy County Attorney

Attachments:

- Problem-Solution Graphic for Second Amended IGA
- Second Amended and Restated Arapahoe County 911 Authority Intergovernmental Agreement
- Current First Amended Intergovernmental Agreement