

Joint Survey Committee for Chittenden County Public Safety Services

9/27/17

Colchester Town Hall, 781 Blakely Road

draft meeting minutes

Call to Order: The meeting was called to order at 8: 07 A.M.

Present: Aaron Frank (Colchester), Darren Adams (Milton), Joe Colangelo (Shelburne) – by phone, Steve Locke (Burlington), Jessie Baker (Winooski), Kevin Dorn (South Burlington), Rick McGuire (Williston), Pat Scheidel (Essex); also Irene Wrenner (Essex), Charlie Baker (CCRPC), and Lee Krohn (CCRPC).

Agenda Approval: motion by Scheidel to approve the agenda; seconded by Adams and approved unanimously.

Public comment: Wrenner offered corrections to typos in the draft minutes from 8/30/17.

Approval of Minutes: Motion by Locke to approve the minutes of 8/30/17 as corrected; seconded by Scheidel and approved unanimously.

Technical Advisory Group update: Locke reported that members of the group met at the proposed dispatch site on Gregory Drive with dispatch workstation design and sales consultant (offered by them at no cost); they will draft possible dispatch center layouts. Locke also reported that Burlington is moving forward to purchase the Tyler CAD system, including an interface with Valcour; and with a two-year option to buy into the RMS part of the software. This will go to the City's finance committee and then the full Council in October.

Update - Communications with Public Safety Staff: Shelburne management met with their public safety staff, which went well. Colchester may do the same, to share current progress and big picture concepts.

Frank and J. Baker met with labor counsel Kerin Stackpole regarding concerns with the construct of the UMD agreement from a labor perspective. There were no labor issues of concern in the draft charter. Frank noted that he and Scheidel spoke about the importance of understanding that employees that are party to a collective bargaining agreement are represented by a labor union, and that there are contracts and a body of law that need to be adhered to in working with these employees. This can impact how and with whom certain conversations can occur.

Adams asked if we might include a representative from each dispatch agency on the technical advisory group? Given the issues above, and that the JSC is still working through the charter, it may be better for communities to provide information to all public safety staff as Shelburne has done.

Union Municipal District Agreement (Charter Drafting)/Funding Formula and MOU Drafting: The latest draft charter and MOU as reviewed with legal counsel were considered. Have any substantial changes requested by legislative bodies not yet been addressed? Adams raised questions from the Milton Selectboard as noted below under each Section of the drafts.

6(A): Can action be taken by a majority of a quorum present at a meeting? No – as per standard practice, a full quorum of the Board is needed in order to hold a meeting, and a majority vote of the full Board is needed in order to take any action.

6(E) Compensation and Expenses: This language was copied from another regional entity. After discussion, it was agreed to delete the possibility of a stipend, but leave in the possibility of reimbursement of expenses.

11(A): Should the Board Treasurer be able to approve warrants on their own? It was noted that this is functionally similar to schools and other entities where a board may not meet regularly enough to approve warrants and pay bills timely, but business must still be conducted. The Treasurer still must report on these matters at each Board meeting, so checks and balances remain.

16(B)(2) Budget: Should we require that more than one public hearing be held in more than one member municipality? What about a formal notice following adoption? It was felt that one hearing is sufficient, considering that each Selectboard or Council must also vote on the budget, but that it would be good practice to publish a formal notice of the budget once approved; this will be included in subsection C.

16(C)(4) Indebtedness: Does this imply that debt can be issued by the Board without member municipality approvals, even though any debt becomes owed by all members? No – a General Obligation bond backed by property taxes requires approvals through a vote of voters in all member municipalities. An earlier section of the agreement specifically references the statute through which a bond may be issued.

17(A) Cost sharing: There was concern about including the funding formula MOU in the agreement. Burlington found it important to reference the MOU here, although the original premise was to keep it separate, as new regional entities may typically develop a funding MOU after the voters vote on the agreement creating the government. Since the Joint Survey Committee had developed an MOU in conjunction with the agreement, the survey committee had agreed that they would be separate documents but to include the MOU as part of the agreement.

21(B) Withdrawal: Does this mean that a municipality can't pull out until counsel OK's the agreement to withdraw? No; a dispute resolution process was developed and would apply in this case as well.

21(B)(3) Withdrawal: Can we clarify the meaning of defense costs and judgment rendered? Section 21 (b) 3 no longer exists in the most current version of agreement.

24(A) Amendments: Can the MOU be changed only by the Board of Directors? No – any amendments must first be proposed by the Directors; these then must be submitted to the member legislative bodies for approval before changes may be made.

24(B) Amendments: Does approval require a simple majority of Directors, or a 2/3 majority? The agreement is structured that it requires 2/3 board members to vote to propose charter amendments. Then it would need to receive approval by a majority of members' legislative bodies to adopt the amendment. There was discussion of a supermajority of legislative bodies, but it was agreed with a small number of members, a supermajority would be more than 2/3 of members.

Adams noted that Milton felt the concern remains that the Board of Directors must be comprised of municipal managers. It was noted that in the Charter, a manager can delegate that seat to another person; this is a local decision. Ultimately, a Selectboard or Council can also direct a manager to appoint someone else to a Director's seat.

Other questions/concerns: Essex had asked before whether a petition of 5% of the electorate could require Selectboard/Council action even if they did not approve the Charter and the voters thought it should be approved? This would not be permissible based on the document crafted. From a practical perspective, the JSC felt that regional dispatch could not realistically move forward in a municipality without Selectboard/Council approval.

What if a Director's seat becomes vacant? The Selectboard/Council may appoint a new Director. Can there be alternates? Yes, a Director can send someone to represent the municipality, but they won't have a vote.

With the changes and clarifications agreed to above, it was agreed that these documents should be prepared in final form for submittal to the Attorney General and the Public Safety Commissioner. Locke will arrange a meeting with the Commissioner to keep him informed. The Charter should be ready to send to the Attorney General by the end of next week. There may also be edits to the MOU as well, so that it works as an appendix to a more formal document and not a standalone funding document.

McGuire moved that the UMD agreement for the Chittenden County Public Safety Authority be sent to the Attorney General, including the MOU as appendix A, and including the changes as discussed above; seconded by J. Baker and approved unanimously. If the AG takes no action within 30 days, then it is supposed to be approved automatically. Then the documents are ready to be sent to Selectboards/Councils for consideration/approval to be placed on the 2018 Town Meeting warnings.

It was agreed to have legal counsel draft a resolution for all to use for that purpose.

Funding and Expense Report: C. Baker reported that total contributions/revenue to date were \$91,000, and that every municipality made a proportional contribution for this fiscal year. Total expenses to date are \$53,880.44, including a current legal bill of \$3,101.05. After that bill, there remains a balance of \$37,119.56. Scheidel moved to approve the financial report and pay the current bill; seconded by J. Baker and approved unanimously.

JSC and Management Matters and Communications: Discussion of whether to approach the legislature again for funding; this was not thought likely to be successful. Discussion with Vermont Emergency Management indicated the possibility of funds for capital equipment expenses. The E-911 Board meets again on October 11, and the agenda may include discussion of prospective transition of the Shelburne PSAP to the CCPSA. J. Baker thought we should suggest that the legislature authorize a statewide grant program for capital expenses for innovation in regionalization, for which we could apply.

South Burlington and Colchester are still working toward their 'first step' dispatch consolidation, but given other competing priorities, this may take longer than originally anticipated.

Next Meeting: Wednesday, November 1 at 8:00 A.M. at Colchester Town Hall.

Locke suggested that a job description be prepared now, while we work on other matters. It was agreed to do so. With no other business, the meeting was adjourned at 9:10 A.M.

Respectfully submitted by Lee Krohn.