

To: Chittenden County Dispatch Governance Committee

From: Aaron Frank, Chair

Charlie Baker, CCRPC Executive Director

Date: January 17, 2017

Re: Regional Dispatch Governance Option Recommendation

We are recommending that the Regional Dispatch Governance Committee adopt a union municipal district as the preferred form of government for the regional dispatch entity.

This recommendation follows a meeting with CCRPC's attorneys Joseph McLean and Steve Stitzel. After we receive the attorney's written advice, we will update our governance report to incorporate the positions summarized below. This report will be updated before the presentation on January 31st so that it can be included.

The other four options, including intermunicipal service agreement with RPC, non-profit with RPC, non-profit with municipalities, and interlocal police services organization has the following flaws:

- They do not provide the ability for legislative authority (creation of ordinances) such as:
 - Alarm ordinances for businesses
 - Prosecution of false 911 calls and or reports to police

- Not for profits models would
 - require extra work and cost to obtain grants because they may not be eligible or would require a sponsoring municipality;
 - have no government immunity, and
 - have higher borrowing costs than government entities.

- Interlocal police services organization lacks certainty with regard to being a legal entity and having the power to employ its own employees, etc.

Attached is an organizational chart outlining our recommended structure and governance.

CHITTENDEN COUNTY REGIONAL DISPATCH – Governance Evaluation

Final Recommendation

January 20, 2017

A. Prior Background: In 2015, Chittenden County town and city managers and the Chittenden County Regional Planning Commission director discussed the creation of a regional entity—a Council of Governments—that could provide a multitude of regional services. Other states utilize Council of Government (COG’s) to link together multiple counties for planning and government services. This concept was shared with other regional, planning commissions, Selectboards and our legislative delegation. Authorization to amend Regional Planning Commission Authorizing Legislation to permit them to vote to become COG’s was requested. The legislature modified the COG bill by instead providing explicit permission for regional planning commissions to provide intermunicipal services under [24 VSA Section 4345b](#).

What the new legislation does: the legislation allows any regional planning commission to provide municipal services to one or more member municipalities. RPC regional services permits RPC’s to exercise any municipal power with the exception of essential legislative functions, eminent domain and taxation. This does not allow the RPC to issue tax backed debt.

B. Recent Background: The Chittenden County municipalities that provide local dispatch services and CCRPC are exploring creating a regional dispatch entity to replace the seven (Burlington, Colchester, Essex, Shelburne, South Burlington, Williston, Winooski) dispatch services operated by the larger communities (six 24/7/365 and one weekday). The other communities either a) contract for service with one of these seven communities taking advantage of economies of call volume and/or b) obtain free dispatch services from the Vermont State Police—a practice that is expected to end in the near future.

Existing Public Safety agencies: About 45 people work full-time as dispatchers for municipalities, most under local government/union agreements. There are only two full time dispatch supervisors in the entire county, although Burlington is working to hire a full-time manager. Dispatch is overseen by police chiefs and their management teams. Dispatch is for police, fire, and rescue and to a small degree public works. There are 10 police departments, 18 fire departments and 10 rescue organizations so 38 total organizations are dispatched in Chittenden County. We have paid for a consultant study of operations under a consolidated model, but left governance to figure out locally. The final consultant report was presented on January 31, 2017.

Existing Inefficiencies/Response Delays: Our current system which generally separates 911 “call taking” from local dispatch of emergency services. Except in Shelburne, when you dial 911, you first reach Williston or another Public Safety Answering Point. They transferred you to a local dispatcher. This adds on average an extra 60-90 seconds per 911 call. In addition to the extra time, this is not ideal for mutual aid (cross community) emergency services which happen on an ongoing basis in police, fire, or rescue, but which would be especially important in a large-scale catastrophe.

The municipalities providing dispatch services also identified a number of additional reasons to explore regionalizing dispatch including: 1) seven separate dispatch agencies with limited integration. 2) the

opportunity to improve calls for mutual aid. 3) There is a desire to improve the level of service to fire and rescue responders. 4) existing staff is spread too thin - too often, only one dispatcher on duty. Hard to handle multiple or multi-tiered emergencies. "We are often one call away from a very bad day". 5) Staffing/retention - Little or no career progression/upward mobility for dispatch staff. 6) Likely changes to come in State E-911/dispatching service. There is a desire to stay ahead of the curve regarding any changes that might impact our communities.

Consultant Findings: The preliminary study report shows that with computer aided dispatch, we could see a reduction to 32-38 total staff (of which 30-36 could be filled by dispatchers). These positions would create professional advancement opportunities and include trainer/QA/QC, and shift supervisors. There are administrative functions the dispatchers perform at times that would need to be resourced at local police departments if dispatchers were no longer at their locations.

There could be labor savings, but it is likely that we would have to rent a facility or expand an existing facility and purchase new/upgraded software, hardware and possibly radio equipment. Almost all (93%) current dispatch costs are labor, supervision, and overhead related thereto. Fixed overhead in local government would not go away when the dispatchers leave. Administrative support provided by the dispatchers would have to be provided by others. Police capacity that is now required to manage dispatch would be freed up and used for other police purposes. The goal is to do the job better for a similar cost, all things considered.

C. Topical Work: Managers and Public safety officials held six meetings to address the governance issue. *We agreed on eleven governance issues that different governance models need to address:*

1. Legislative/Enabling Authority
2. Role of CEO and board of directors to make decisions and provide policy and highest level decision making, including bylaws/charter, CEO responsibilities/Board responsibilities
3. Voting and financial contributions – generally including authority to tax or assess, allocate or bill expenses to member communities
4. Debt/capital over time (longer than one year)
5. Negotiate and enter union contracts, grievances, arbitration
6. Employee Management and Responsibility
7. Oversee organization, Stakeholder satisfaction, ongoing meetings coordination with all public safety agencies for which it provides dispatch services
8. Authority to bind contracts: leases, debt, purchase buildings, etc technology service contracts and equipment contracts.
9. Leveraging support functions: HR, finance, risk management and insurance, budgeting, buildings, IT infrastructure, telecom, etc.
10. Capacity to Grow/Expand

11. County-Wide Coordination and Capacity to Grow scope or communities served (responsibilities and authority) to consider in evaluating governance model's adequacy 'top ten' governance issues

We initially evaluated three different possible structures:

- *Inter-municipal contracting* –Capacity to do further consolidation under contracting including addressing cost sharing through cost sharing formulas, terms and capital contributions which Colchester and Milton have done; but it is not a long term countywide solution. Communities offering dispatch service under contract can hold meetings with the public safety agencies to maintain customer satisfaction, but it lacks a top-level involvement in governance by those paying. Those paying can “conclude” the contracts if they are not satisfied with service or cost, making a countywide expansion of infrastructure risky under a contract. *This was dismissed as it was not a long-term solution.*
- *RPC shared services* (services provided under the regional planning commissions –This model could be operational quicker than a new regional entity as it only requires action by each municipal legislative body. However, it lacks the power of mandatory assessments (indirect taxation); *it was perceived to* require a dual structure where the RPC Commissioners were responsible for vendor contracts, union contracts, bonding, etc. and then a subsidiary board of managers and public safety chiefs would provide ongoing oversight of the dispatch entity and advise the RPC commissioners on matters that legally had to go before the top board (RPC Commissioners).
- *Regional special purpose govt.* –Our model was the Central Vermont Public Safety Authority model, as it is potentially expandable to cover other public safety areas such as CUSI, animal control, rescue, technical rescue, K9, detectives, fire and also due to its power of member assessment (indirect taxation) and direct responsibility of public safety communications director to the member communities. But it takes legislation and a vote by the voters in each community to join so it isn't quick. As a result we didn't quite settle on it and continued to discuss other possibilities. [Central VT Public Safety Authority Charter](#).

A draft schedule for this option was drafted:

- Spring 2017 Legislation Authorized
- Spring 2018 Town Meeting votes on membership
- Summer 2018 Determine assessment that works based on actual members
- Fall 2018 Hire Exec Director: find building, arrange support services, arrange integration of radio systems, telecom, and upgrade CAD; benefits and pay, labor agreement--if needed, plan of dispatch agency integration;
- Fall/Winter 2018 Authority Board drafts budget and assessments to members who committed at Town meeting 2018
- December 2018 Municipal members cede dispatching authority as of 7/1/19
- February 2018 Begin to hire employees in a staggered manner to set up and test systems but leave municipal ops in place but build team
- **July 1, 2019** Agency begins providing dispatch services

D. Options: Realizing that the Regional Special Purpose Government was 2 ½ years away, we are looking at other possibilities in addition to those above including:

- 1) **Intermunicipal service agreement to provide dispatch services with CCRPC**
- 2) **Not for Profit with CCRPC**
- 3) **Non Profit formed by Municipalities**
- 4) **Municipalities form an interlocal police services organization**
- 5) **Municipalities form a union municipal district dispatch organization.**

Below follow detailed descriptions, benefits, drawbacks, and conclusions of each option.

1) Intermunicipal service agreement to provide dispatch services with CCRPC with the 7 urban communities which now provide dispatch services under the intermunicipal services authorizing legislation: [24 VSA Section 4345b](#). The intermunicipal authority of the RPC requires that a service agreement for dispatch services would need to be approved by the CCRPC board as well as any participating municipal legislative body.

Benefits:

- authorizing language and legislative authority exists
- requires only authorization of Selectboards/Councils and RPC board
- leverages existing organization for finance, geographic information systems, intergovernmental coordination, and facilitation
- Promotes regional cooperation and communication

Drawbacks:

- RPC board has 19 municipal members with only 7 communities that operate dispatch facilities 24/7/365 (Burlington, Colchester, Essex Town, South Burlington, Shelburne, Williston, and Winooski). There is a concern about the other 12 municipalities making decisions for the seven, particularly in regards to budget, hiring, and union contracts.
- Cost of dispatch operations are over \$3,000,000, just for staff costs. Per advice from Sullivan and Powers, while the RPC could operate a dispatch entity as an enterprise fund (or other govt. or non-profit entity wholly owned by the RPC), if it lost money in any year, its resulting negative fund balance would also be part of the RPC's fund balance, as a part of the organization wide financial statements. Likewise turning a profit would result in an increase in CCRPC's organization wide fund balance.
- Does not have municipal governmental immunity.
- Cannot adopt ordinances which may be desired.
- Such an operation could distract from other RPC goals.

Conclusion: The target date for dispatch beginning to be operated by the new entity is July 1, 2018. So, while this structure has advantages of speed, it has disadvantages which make other options worthier of exploring further.

2) Not for Profit with CCRPC. Under this model, a not for profit dispatch entity would be established under the RPC's intermunicipal services authorizing legislation: [24 VSA Section 4345b](#). The RPC and

the not for profit would have an intermunicipal services agreement with the governments currently operating dispatch services. The agreement would provide for the not for profit board to be run by representatives of the participating municipalities. The not for profit would operate the dispatching services. The not for profit would have a contract with the RPC to provide support services such as GIS and finance

Benefits:

- organization could be set up very rapidly
- requires only authorization of Selectboards and RPC board
- leverages existing organization for finance, geographic information systems, intergovernmental coordination, and facilitation
- Promotes regional cooperation and communication
- Entity would be a not for profit created by CCRPC with a board of directors from just those municipalities currently providing dispatch services

Drawbacks:

- All of those included in #1.
- Entity providing service is not a government and not granted governmental immunity which could be important due to public safety liabilities. Given the entity would purchase insurance and that fire and rescue are often provided by not for profits, this is not an enormous concern. (PACIF said they would consider it depending on the corporate documents adding that they provide insurance to not for profit fire departments.)
- While this construct is used by municipalities to provide other services including fire and rescue, it is not specifically authorized under Vermont law.
- The not for profit is not “owned” by the governments, but rather the board of directors. The board could change its bylaws regarding board representation or other aspects not palatable to the governments paying for the service. This is unlikely as the not for profit’s continued existence would be dependent on the support of the governments. This could also be addressed through the agreement between the municipalities and the not for profit.
- Assets acquired by the not for profit would be the not for profit’s although this could probably be addressed in the intermunicipal services agreement with the towns providing funding.

Conclusion: The target date for dispatch beginning to be operated by the new entity is July 1, 2018. So, while this structure has advantages of speed, it may have actual or perceived disadvantages which make other options worthier of exploring further.

3) Non-Profit formed by Municipalities. The concept is that [24 VSA 33 subchapter 003, section 872 \(a\)](#) states “The selectboard shall have the general supervision of the affairs of the town and shall cause to be performed all duties required of towns and town school districts not committed by law to the care of any particular officer.” Vermont towns contract with not for profits for fire, rescue and public transportation. So, it must be legal to contract with a not for profit to provide services. We can enter into a contract with other towns so they can provide services under [title 24, chapter 121, subchapter 004](#). “Any one or more municipalities may contract with any one or more other municipalities to perform any governmental service, activity, or undertaking which each municipality entering into the contract is authorized by law to perform,” “For the acquisition and maintenance of

property, forces and services which the municipalities participating in the contract are authorized by law to acquire and maintain.” Proposal: enter into an interlocal contract with the seven cities and towns for the “undertaking” of contracting with a not for profit dispatch entity, for “services...we are authorized by law to acquire and maintain.” CCRPC could be contracted with to provide finance, GIS, and other services.

Benefits:

- organization could be set up very rapidly
- requires only authorization of Selectboards
- leverages CCRPC existing assets for finance, geographic information systems, intergovernmental coordination, and facilitation in support of non-profit
- Promotes regional cooperation and communication

Drawbacks:

- Entity providing service is not a government and not granted governmental immunity which could be important due to public safety liabilities. Given the entity would purchase insurance and that fire and rescue are often provided by not for profits, this is not an enormous concern. (PACIF said they would consider it depending on the corporate documents adding that they provide insurance to not for profit fire departments.)
- While this construct is used by municipalities to provide other services including fire and rescue, it is not specifically authorized under Vermont law
- The not for profit is not “owned” by the governments, but rather the board of directors. The board could change its bylaws regarding board representation or other aspects not palatable to the governments paying for the service. This is unlikely as the not for profit’s continued existence would be dependent on the support of the governments. This could also be addressed through the agreement between the municipalities and the not for profit.
- Assets acquired by the not for profit would be the not for profit’s although this could probably be changed through a contractual agreement with the towns providing funding.

Conclusion: The target date for dispatch beginning to be operated by the new entity is July 1, 2018. So, while this structure has advantages of speed, it may have actual or perceived disadvantages which make other options worthier of exploring further.

4) Municipalities form an interlocal police services organization. Under this model, the municipalities which currently operate dispatch services would enter into an intergovernmental police services agreement under [24 VSA Sec. 1938\(b\)](#). This is an interesting option as it allows for an interregional service, but does not require voter approval and is exempt from 24 VSA Chapter 121 involving survey committees etc. The agreement could include the RPC to provide support services and address funding, board membership, etc.

Benefits:

- This organization could be set up very rapidly
- requires only authorization of Selectboards
- If there is a contract with the CCRPC it could leverage existing organization for finance, geographic information systems, intergovernmental coordination, and facilitation
- Promotes regional cooperation and communication

Drawbacks:

- This is not a separate legal entity, but rather a way for municipalities to work together.
- Employees would still be employees of their municipality making it more difficult to have an integrated organization.
- Organizational challenges would be significant including, budgeting, consistent human resources rules, pay, and benefits, insurance/liability, etc.

Conclusion: Lack of a common employer for all employees makes this an impractical long term solution.

5) **Municipalities form a union municipal district dispatch organization.** Under this model, the municipalities currently providing dispatch services would create a union municipal district under [24 VSA Chapter 121 Subchapter 3](#). This is similar to the rejected Central Vermont Public Safety model, except that it is one year quicker as it avoids state legislative approval. The union municipal district could enter into a contract with CCRPC to provide support services.

Benefits:

- This organization could be set up after a town meeting day vote in March 2018
- Creates a legal municipal entity
- If there is a contract with the CCRPC it could leverage existing organization for finance, geographic information systems, intergovernmental coordination, and facilitation
- Promotes regional cooperation and communication

Drawbacks:

- The organization would need to hire a director and incur external expense at least four months in advance of the July 1, 2018 go live date.
- Will require a significant communications effort to explain to voters.

Conclusion: Best long term option, but needs augmentation to meet July 1, 2018 target date.

E. Proposed Solution: Utilize CCRPC's regional services model in the short term and to assist with establishing a union municipal district under option 5. CCRPC could, with the appropriate agreements with municipalities and approved by its board: hire a dispatch executive, temporarily house them at the RPC, and support them in arranging for actions in advance of the union municipal vote in March 2018. This would provide the time needed to purchase software, obtain a location, arrange for telecommunications and radio equipment and services and have at least two dispatch entities consolidate as of July 1, 2018. Other municipalities could follow (according to an agreed upon schedule finalized after the union municipal vote) as onboarding, training, normalization of regional operations occur. Agreements for real estate, software, and services could be agreed to and signed by vendors but not executed by the authority until after the union municipal district is established.

The RPC could have an ongoing contract to provide for administrative and GIS support to reduce the overhead generally required for special purpose government and to support the regional coordination needed for such an endeavor.

A draft schedule for this option is:

- Spring 2017 - CCRPC Bylaws approved
- Spring 2017 – draft an intermunicipal services agreement that will form the basis of the union municipal district agreement
- Late Spring/Summer 2017 – obtain commitment of initial participating municipalities by approval of the intermunicipal services agreement, including funding to hire part time interim Exec Director in FY 17
- Fall 2017 - draft budget and assessments prepared for proposed members (those who fund intermunicipal agreement)
- Fall/Winter 2017 – communications go out to all participating towns in preparation for Town Meeting Day votes
- Fall/Winter 2017 – CCRPC hires interim Exec Director: find building, arrange support services, arrange integration of radio systems, telecom, and upgrade CAD; benefits and pay, labor agreement--if needed, plan of dispatch agency integration;
- Winter 2017-2018 - Towns who fund the intermunicipal agreement and will be voting on membership in regional entity budget for dispatch services, in such a manner that it could go to the new regional entity (if the municipality votes to join) or to retain service in house (if the municipality votes not to join). Municipalities would need to budget the greater of (cost under authority or cost under dispatching in house) in their FY19 budgets.
- Spring 2018 - Town Meeting votes on membership
- Spring 2018 Determine costs, assessment and onboarding plan (which municipal dispatch centers close when) that works based on actual members
- April 2018 - Municipal members cede dispatching authority as of 7/1/18
- April 2018 - Begin to hire employees in a staggered manner to set up and test systems but leave municipal operations until each is transitioned to the regional center
- **July 1, 2018** - Agency begins providing dispatch services
- **December 31, 2019** - All agencies which voted to join have been consolidated under single operation (assumes one local dispatch centers operations are onboarded into the new regional center every three months)

E. Conclusion: The recommendation below was considered and approved by the Regional Dispatch Governance Committee on January 20, 2017.

Aaron Frank, Chair of the Regional Dispatch Governance Committee, and Charlie Baker, CCRPC Executive Director, recommended that the Governance Committee decide to pursue a union municipal district as the preferred form of government for the regional dispatch entity.

This recommendation followed a meeting with CCRPC’s attorneys Joseph McLean and Steve Stitzel. Based on that discussion, their written opinion, and the conversations of the Committee, we concluded that the other four options, including intermunicipal service agreement with RPC, non-profit with RPC, non-profit with municipalities, and interlocal police services organization have the following flaws:

- They do not provide the ability for legislative authority (creation of ordinances) such as:
 - Alarm ordinances for businesses
 - Prosecution of false 911 calls and or reports to police

- Not for profits models would:
 - require extra work and cost to obtain grants because they may not be eligible or would require a sponsoring municipality;
 - have no government immunity, and
 - have higher borrowing costs than non-government entities.

- Interlocal police services organization lacks certainty with regard to being a legal entity and having the power to employ its own employees, etc.

Members of the Regional Dispatch Governance Committee were:

Steve Locke, Burlington Fire Chief
 Charlie Baker and Lee Krohn, Chittenden County Regional Planning Commission
 Joe Colangelo and Ann Janda, Shelburne Town Manager
 Kevin Dorn and Tom Hubbard, South Burlington City Manager
 Ray Coffey, Winooski Interim City Manager
 Donna Barlow Casey, Milton Town Manager
 Rick McGuire, Williston Town Manager
 Dawn Francis and Aaron Frank, Colchester Town Manager
 Geoffrey Urbanik, Richmond Town Manager
 Pat Scheidel, Essex Town Manager

Others that participated in some Governance Committee meetings were:

Trevor Whipple, South Burlington Police Chief
 Steve Bourgeois, Malletts Bay Fire Volunteer Fire Department (Colchester) Chief
 Al Barber, Hinesburg Fire Chief
 Dan Manz, Essex Rescue Chief
 Jeff Barton: Colchester Police Lieutenant

Prepared and submitted by:

*Aaron Frank, Colchester Deputy Town Manager and
 Charlie Baker, CCRPC Executive Director*