



MOTION NO: M2016-003

MOTION

AGENDA DATE: 3/9/2016

TITLE: Motion No. M2016-003, a motion from the floor authorizing the Combined Communications Network Executive Board Chair to sign the Memorandum of Understanding, Radio System Access Fees for 2016 (MOU), provided that prior to signature, the SS911 Executive Director submit to CCN a letter clarifying the intent of section #2 and #3 as required by the Executive Board at its March 9, 2016 meeting.

ORIGINATOR: Danielle Colo, Interim Board Clerk

ASSOCIATED ITEMS:

Memorandum of Understanding, Radio System Access Fees for 2016 (MOU)—signed by City of Tacoma and South Sound 911 (unsigned by CCN)

revised MOU—prepared by CCN staff

COORDINATING DEPARTMENT(S): N/A

ATTACHMENTS: N/A

APPROVED FOR SUBMITTAL: Lowell Porter, Combined Communications Network Executive Director

BUDGET INFORMATION

Required Expenditure for	2016 Expenditure Amount	Budgeted for 2016? Y
Full Project	\$1,800,000	
\$1,800,000	\$1,850,029	
<i>\$1,850,029</i>		<i>Scrivener's 4-6-16 Error</i>
Length of Contract? One Year		<i>PC</i>

BACKGROUND:

The Memorandum of Understanding – Radio System Access Fees for 2016 (MOU) was presented to the Combined Communications Network Executive Board at the February 26, 2016 Retreat meeting and discussed in detail. The CCN Executive Board members requested that the CCN Executive Director research the following concerns regarding the MOU:

- The MOU perhaps should be two separate 2-Party MOU's.
- Section #2 – The phrase "...CCN...net annual operating costs of \$3,726,480" does not accurately reflect the CCN approved 2016 Annual Budget."

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- Section #3 – The phrases “...any savings of public safety operations and maintenance expenditures shall be used to offset future assessments to the public safety agencies served by the Parties” and “Allowable reimbursements to the owners/operators may be adjusted up or down by SS911 ... as additional information becomes available at the discretion of SS911 thirty (30) days prior to the quarterly payment” appear to apply beyond the term of the MOU and to authorize SS911 to reduce CCN’s payment in 2016.

At the March 9, 2016 CCN Executive Board meeting, the CCN Executive Director provided information regarding the aforementioned concerns, and presented a modified MOU (prepared by CNN staff). The SS911 Executive Director provided a letter of intent for attachment to the MOU which addressed some of the Executive Board’s concerns. The Board members expressed a preference to accept and sign the modified MOU; however, the Board members decided that the timeline for the City of Tacoma to consider and perhaps also approve the modified MOU was not feasible. The Executive Board members stated that they would support the MOU as signed by the City of Tacoma and South Sound 911 if their concerns regarding Sections #2 and #3 were fully addressed with an additional letter of intent from the SS911 Executive Director, specifically that:

- The CCN net annual operating costs amount is the same as the CCN approved 2016 budget;
- The payment by SS911 to CNN is \$1,850,029 for 2016, and cannot be changed by SS911;
- The payments will be accounted for in accordance with appropriate audit requirements; and
- Such accounting will distinguish between Public Safety revenue and expenses.

ACTION:

A motion was made from the floor authorizing the Combined Communications Network Executive Board Chair to sign the Memorandum of Understanding, Radio System Access Fees for 2016 (MOU), provided that prior to signature the SS911 Executive Director submit to CNN a letter clarifying the intent of sections #2 and #3 as described above (Rick Talbert); 2nd (Joyce McDonald);
Approved - Unanimous

CCN Executive Board

 _____ Chair
3/29/16 _____ Date

ATTEST/AUTHENTICATED



Clerk of the Board

March 4, 2016

Ms. Sue Dreier
Board Chair
Combined Communications Network
Via email to sdreier@piercetransit.org

Mr. Lowell Porter
Executive Director
Combined Communications Network
Via email to lporter@co.pierce.wa.us

Dear Sue and Lowell,

This letter is to confirm and clarify some language in the MOU as discussed with the Combined Communications Network (CCN) Executive Board at their retreat late last week. As you are aware, the intent of the MOU is to keep public safety radio access fees standardized for 2016 while we work on the future role of South Sound 911 with radio systems.

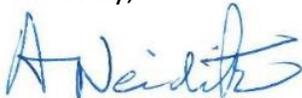
The CCN 2016 Budget amount of \$3,726,480, as detailed in Appendix B of the MOU, was the result of numerous conversations between the former CCN Chairperson, CCN Staff and South Sound 911. South Sound 911 recognizes that the approved CCN operating budget was \$4.35M. The approved adjusted operating amount of \$3,726,480 was used to determine South Sound 911's contribution of \$1,850,029, which is the reason why the lower amount is referenced in the MOU.

In regards to the concerns raised from Section 3 of the MOU, the language was intended to ensure that the taxes allocated to South Sound 911 for public safety communications are used solely for public safety. This section also clarifies that if either system experienced savings in operating costs, those savings would be applied to future assessments. Although the MOU specifies only public safety agencies, it is understood that any potential future budget savings of the CCN would be applied to all users of the systems, including Pierce Transit.

As you are aware, both the South Sound 911 Policy Board and Tacoma City Council have approved the current language of the MOU. I hope this letter helps clarify the intent of the language in the MOU and provides justification of the adjusted operating budget amount used to calculate the agreed-upon contribution of South Sound 911 in 2016.

South Sound 911 looks forward to discussions with the CCN as well as the cities of Tacoma and Puyallup on our long term roles and responsibility for public safety communications.

Sincerely,



Andrew E. Neiditz
Executive Director

March 14, 2016

Lowell Porter
CCN Executive Director
2501 South 35th Street, Suite D
Tacoma, WA 98409
Sent via email to: lporter@co.pierce.wa.us

Dear Mr. Porter:

This letter serves as a of clarification regarding the proposed Memorandum of Understanding (MOU) involving South Sound 911 (SS911), the City of Tacoma (COT), and the Combined Communications Network (CCN) - Radio System Access Fees for 2016.

During the last CCN Executive Board meeting, there was concern regarding the proposed MOU – Radio System Access Fees for 2016 – Page 2 of 6 – section #3:

“Allowable reimbursement to the owners/operators may be adjusted up or down by SS911 up to the maximum available funding of \$2,500,000 as additional information becomes available and at the discretion of SS911 thirty (30) days prior to the quarterly payment.”

During these discussions, SS911 Assistant Director Tim Hannah clarified for the CCN Executive Board that SS911’s intent was:

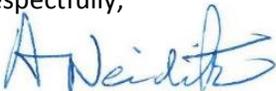
1. The funding from SS911 will be \$1,850,029 for 2016
2. It is my expectation that the CCN will fully expend the above funds
3. The expended funds from the CCN and SS911 will be accounted for in accordance to appropriate audit requirements
4. Such accounting will distinguish Public Safety revenue and expenses

The CCN Executive Board stated they want to support this MOU initiative in a way that would not cause significant delays, but with a full and clear understanding of the level of funding that is being committed by SS911 in 2016 is \$1,850,029. The CCN Executive Board agreed by Motion that if this clarification were provided as outlined above, they would support the signing of the MOU and the moving of these discussions forward.

As the Executive Director, I am confirming for the CCN Executive Board the clarification provided by Mr. Hannah and our commitment to the intent of the MOU language as stated above.

If you have any questions, or if you need any additional information, please let me know.

Respectfully,



Andrew E. Neiditz
Executive Director