

Board of Directors Study Session Minutes

Meeting Date: June 16, 2021
Meeting Time: 9:00am
Meeting Place: WebEx video conference

I. **Call to Order** - Chair Lillian Hunter called the meeting to order at 9:00am.

II. **Roll Call** -

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| 1. Michael Brandstetter, City of Lakewood Councilmember | present |
| 2. Bruce Dammeier, Pierce County Executive | present |
| 3. Julie Door, City of Puyallup Mayor | present |
| 4. Matt Holm, Central Pierce Fire & Rescue Commissioner | present |
| 5. J. Kelly McClimans, City of Bonney Lake Councilmember | excused |
| 6. Pat McElligott, East Pierce Fire & Rescue Commissioner | present |
| 7. Bill Pugh, City of Sumner Mayor | present |
| 8. Dan Rankin, West Pierce Fire & Rescue Commissioner | present |
| 9. Robert Thoms, City of Tacoma Councilmember | excused |
| 10. Derek Young, Pierce County Councilmember | present |
| 11. Lillian Hunter, City of Tacoma Councilmember | present |

III. **Public Comment**

- Clerk Mandy Walters advised that no written public comments were received, however Chief Daniel Olson from Central Pierce Fire & Rescue requested to speak.
- Chief Daniel Olson addressed the Board in support of moving the DEM 911 functions and the E911 funding to South Sound 911. He noted that historically it made sense for DEM to oversee the usage and functions of the 911 dollars when Pierce County had multiple PSAPs. Now that those multiple PSAPs have been merged under South Sound 911, the functions and funding belong with South Sound 911.

IV. **Consent Agenda**

1. A motion was made to approve the consent agenda as presented (Door); 2nd (Brandstetter), passed – unanimously.

V. **Discussion with State 911 Office regarding use of 911 excise tax**

- Chair Hunter welcomed State E911 Coordinator Adam Wasserman and Attorney Dawn Cortez from the Attorney General’s office and advised the Board that both are present to answer questions from the state’s perspective.
- General Counsel Peter Beckwith gave an overview of each document that was presented in the agenda packet.
- Vice-Chair Julie Door asked what the state’s anticipated outcome was after sending letters to the State Auditor’s Office and the County Coordinators regarding the E911 tax revenue. Mr. Wasserman advised the anticipated outcome was to have a discussion and come to a resolution. Mr. Wasserman also noted the FCC will be issuing additional rules and definitions regarding fee diversion on June 25, 2021. Vice-Chair Door asked if the state collects a 911

excise tax in addition to the 70 cents collected by Pierce County. Mr. Wasserman advised the state levies an excise tax of 25 cents.

- Boardmember Derek Young advised he is aware discussions regarding the E911 excise tax have been longstanding and it is clear that it needs to be resolved. He has heard from both Pierce County and South Sound 911 and has asked his own staff to do some analysis to determine what an appropriate step for the Pierce County Council would be.
- Boardmember Michael Brandstetter noted that when multiple PSAPs were operating in Pierce County, the role of DEM to collect and distribute funds was necessary. Now that a primary PSAP is in place, it is necessary to determine what transition or change will be needed. Boardmember Brandstetter asked if there is an enforcement mechanism in place at the federal, state, and/or local level that finds instances of fee diversion. Mr. Wasserman advised that the FCC is working on this at a federal level, the state has mechanisms in place regarding the 25 cents, and counties are asked to provide the state information specific to their counties. The state does not have any enforcement of the counties.
- Boardmember Brandstetter asked what Mr. Wasserman's opinion was in regards to the line between connecting the public to emergency services through the 911 system and the costs associated with dispatching first responders. Mr. Wasserman indicated this was the biggest challenge to the State 911 Office and anything outside call-maker to call-taker is a gray area. Boardmember Brandstetter noted working on clarifying where this line is at a state level may require modification of legislation.
- Chair Hunter asked Mr. Wasserman how the 1/10th of 1% sales tax funding coordinates with the E911 excise tax in terms of getting help to a 911 caller. Mr. Wasserman advised that a legislative report was created to review the total cost of 911 and it was found that the 95 cents collected covers 33% of the total cost. It was noted that funding radios is an appropriate use of the 1/10th of 1% sales tax dollars.
- Chair Hunter called upon Ms. Cortez to share any additional thoughts regarding the State's position appropriate E911 uses. Ms. Cortez commended General Counsel Beckwith on his legal analysis. Ms. Cortez also advised that the list of items listed in the WAC is the state's perspective on how the excise tax money can be used.
- Boardmember Bruce Dammeier, Mr. Wasserman, and Ms. Cortez discussed the State Auditor's review of Pierce County's E911 spending for 2017 and 2018. It was noted that no questions regarding radios were brought to the attention of the State 911 Office, only questions regarding the Everbridge system. The Attorney General's Office has not recently issued any formal opinion in regards to E911 fee diversion.
- Boardmember Dammeier suggested that previous dialogs regarding the transitioning of services from DEM to South Sound 911 need to resume.
- Chair Hunter called on Chief Jim Sharp and Chief Pete Fisher as Chair and Vice-Chair of the Public Safety Communications Operations Committee. Chief Sharp advised that the Pierce County Fire Chiefs Association discussed this matter and the group believes the 911 program office should be moved to South Sound 911 and the 70 cent E911 excise tax should go directly to South Sound 911. Chief Fisher added that the Pierce County Police Chiefs Association is in agreement, as determined by a vote. It was noted that the City of Tacoma, the Pierce County Sheriff's Department and the Washington State Patrol did not participate in the vote.

- Boardmember Bill Pugh advised that he is looking forward to the upcoming FCC guidance and is hopeful it will provide some clarity to this issue moving forward.
- Boardmember Pat McElligott asked for clarification regarding the discussions of transitioning the DEM 911 office to South Sound 911. Boardmember Dammeier and DEM Director Ferguson noted that there were discussions to move the Program Coordinator position and the public education component to South Sound 911 over two or three budget cycles but a timeline was never finalized.
- Vice-Chair Door suggested the Board create a transition workgroup to move those DEM 911 functions to South Sound 911 and what the next steps are moving forward. Chair Hunter advised that the Chair and Vice-Chair will work with Executive Director Deborah Grady to create a proposal of what a transition group could look like. Chair Hunter noted that she would like to get this issue resolved before the end of the calendar year.

VI. **Adjournment** - A motion was made (Door) to adjourn the meeting at 10:31am; (Pugh) 2nd, passed – unanimously.

Mandy Walters, Clerk of the Board