

# **BYLAWS**

## **POLK COUNTY JOINT E911 SERVICE BOARD**

The following shall establish and govern the operation of the Polk County Joint E911 Service Board.

## **ARTICLE I NAME**

The official name of this organization shall be the Polk County Joint E911 Service Board, hereafter referred to as the E911 Service Board.

## **ARTICLE II LEGAL STATUS**

- Section 1.     **Establishment** - The Polk County E911 Service Board was established on March 7<sup>th</sup>, 2000
- Section 2.     **Joint undertaking** - The Board of Supervisors of each county shall maintain a joint E911 Service Board. The E911 Service Board shall be a joint undertaking of Polk County and each of the political subdivisions having a public safety agency serving territory within the county E911 service area.
- Section 3.     **Authorization** - It is the intention of the parties to the agreement that this E911 Service Board shall be a legal entity according to Code of Iowa as authorized by the Code of Iowa Chapter 34A Enhanced 911 Emergency Telephone Systems and established through Iowa Administrative Code Section 605-10.
- Section 4.     **Official address** - The official address of the Board shall be: Polk County Joint E911 Service Board, 1907 Carpenter Avenue, Des Moines, Iowa 50314.
- Section 5.     **Recorded** - These bylaws shall be recorded with the Polk County Recorder, 111 Court Avenue, Des Moines, Iowa 50309.

## **ARTICLE III PURPOSE**

- Section 1.     **Public interest** - Enhanced 911 emergency telephone communication systems and other emergency 911 notification devices further the public interest and protect the health, safety, and welfare of the people of Polk County, Iowa.
- Section 2.     **Public benefit** - The purpose of the Board is to provide for the orderly development, installation, and operation of enhanced 911 emergency telephone systems and to provide a mechanism for the funding of these systems, either in whole or in part. These systems shall be operated under governmental management and control for the public benefit.

## **ARTICLE IV MEMBERSHIP**

Section 1. **Voting members** - Each political subdivision of the state, having a public safety agency serving territory within the Polk County E911 service area, is entitled to one voting membership. For the purposes of this section, a township that operates a fire department providing fire protection services to the township, or a city that provides fire protection services through the operation of a fire department not financed through the operation of city government, shall be considered a political subdivision of the state having a public safety agency serving territory within the county. The political subdivisions eligible for voting membership are:

Altoona  
Ankeny  
Bondurant  
Clive  
Delaware Township  
Des Moines  
Elkhart  
Grimes  
Johnston  
Mitchellville  
Pleasant Hill  
Polk City  
Polk County  
Runnells  
Saylor Township  
Urbandale  
West Des Moines  
Windsor Heights

Section 2. **Nonvoting members** - Each private safety agency, such as privately owned ambulance services, airport security agencies, and private fire companies, serving territory within the county E911 service area, is entitled to a nonvoting membership on the board. The private entities eligible for nonvoting membership are:

Fraser Ambulance  
Iowa Health Ground Transport  
Life Flight  
Mercy Medical Center/Mercy One/Mercy Ambulance  
Mid West Ambulance

- Section 3. **Members headquartered outside service area** - Public and private safety agencies headquartered outside but operating within a county E911 service area are entitled to membership according to their status as a public or private safety agency.
- Section 4. **Contracted services** - A political subdivision that does not operate its own public safety agency but contracts for the provision of public safety services is not entitled to membership on the joint E911 Service Board. However, its contractor is entitled to one voting membership according to the contractor's status as a public or private safety agency.
- Section 5. **Jurisdiction and agency appointments** – Each eligible political subdivision and public safety agency is responsible for appointment of their primary and alternate representatives to the E911 Service Board. The term of such appoints will be at the discretion of the appointing jurisdiction or agency. All appointments to the E911 Service Board by a jurisdiction shall be made by official resolution. Private agencies shall provide a letter signed by the chief executive officer with their agency's appointment. Appointment shall become effective upon the receipt of the resolution or letter by the E911 Service Board. Alternate appointments are considered members of the E911 Service Board and will be recognized as the voting member in the absence of the primary member. If both the primary and alternate members are in attendance, only the primary member will be recognized and eligible to cast a vote.
- Section 6. **Submission of membership list** – The E911 Service Board shall annually submit a listing of members, to include the political subdivision they represent to the state E911 program manager. A copy of the list shall be submitted within 30 days of adoption of the operating budget for the ensuing fiscal year.

## **ARTICLE V RULES OF CONDUCT**

- Section 1. **Procedural rules** - The business meetings of the E911 Service Board shall be generally governed by Robert's Rules of Order.
- Section 2. **Officers** - The E911 Service Board shall elect from its membership a Chairperson and Vice Chairperson. Officer elections shall be held biennially in even numbered years during the first meeting of the calendar year. Officers take office on the following July 1.
- Section 3. **Executive board** - The E911 Service Board elects not to establish an executive board but reserves the right to establish an executive board in the future by amending these bylaws according to Section 9 of this Article.
- Section 4. **Advisory committee** - Each of the primary local Public Safety Answering Points (PSAPs) shall appoint a member to serve on the advisory committee. The responsibilities of the advisory committee shall include: serving as a technical recommending body to the E911 Service Board; developing an agenda for all regular and special meetings of the E911 Service Board; and other duties and responsibilities as assigned by the E911 Service Board. Members of the advisory committee are not required to be members of the E911 Service Board.
- Section 5. **Other committees** - The Chairperson may appoint technical, administrative, and other such committees as is needed to conduct the business of the E911 Service Board. Committee members that serve on these committees can be voting or nonvoting members, public or private agency representatives, or technical specialists not on the E911 Service Board.
- Section 6. **Secretary** - The E911 Coordinator shall serve as Secretary to the E911 Service Board and is responsible for records, minutes, documents and all other matters pertaining to the operation of the business meetings. The E911 Coordinator may delegate duties to other personnel appropriate to conduct the E911 Service Board's business.
- Section 7. **Meetings** - The E911 Service Board shall not meet less than once per year. Required business includes: consideration and adoption of a budget, election of officers, and approval of the service plan. The E911 Service Board shall also meet when called by the Chairperson or Vice-Chairperson. The provisions of Iowa Code Chapter 21, "Official Meetings Open to the Public," are applicable.
- Section 8. **Voting and quorum** - A quorum shall consist of those voting members in attendance at the meeting. A minimum of 51% of affirmative votes of members present at the meeting shall be sufficient to pass all motions, resolutions or other matters proposed. Proxy and electronic voting will not be recognized as an official vote, however, these methods may be used for opinion polling.

Section 9. **Amendments** – The terms of these bylaws may be amended by a minimum of 51% of affirmative votes of members present at the meeting shall be sufficient, provided that, under the Chairperson’s authority and at least thirty days prior to the meeting, each individual member shall have received by mail or electronic mail an exact copy of each proposed amendment.

## **ARTICLE VI POWERS AND DUTIES**

Section 1. **Service** – Provide E911 service within the service area.

Section 2. **Referendum** – Before a joint E911 Service Board may request imposition of the surcharge by the state program manager, the board shall submit the question to the voters if a monthly surcharge on each telephone access line should be imposed. The questions must receive favorable vote from a simple majority of persons submitting valid ballots. A copy of the abstract of election shall be provided to the state program manager showing passage of the referendum along with a letter signed by the Chairperson of the E911 Service Board requesting that the surcharge be imposed within the E911 service area.

Section 3. **Service Plan** – The E911 Service Board shall maintain an enhanced 911 service plan encompassing the entire county. A political subdivision having a public safety agency within its territory or jurisdiction shall participate in joint E911 Service Board and cooperate in maintaining the 911 service plan. Plan and amendments shall be submitted to the state E911 program manager, public and private safety agencies in the service area, and local exchange service providers affected by the plan.

Section 4. **Coordination** – The E911 Service Board shall coordinate planning with each contiguous joint E911 Service Board.

Section 5. **Local exchange information** – E911 Service Board may request, not more than once per quarter, the information from the local exchange service provider. This may include: number of lines which the surcharge was applied, the number of refusals to pay, number of lines exempt, and the amount retained by the exchange.

Section 6. **Service fund** – The E911 Service Board shall establish and maintain as a separate account an E911 service fund to be used for nonrecurring and recurring costs of the 911 service plan.

Section 7. **Restrictions** – E911 Service Board shall use local exchange service information solely for the purposes of providing E911 service or providing related 911 call alert services.

Section 8. **Enhanced wireless 911 plan** – The E911 Service Board shall cooperate with the E911 program manager in preparing an enhanced wireless 911 service plan for statewide implementation.

- Section 9. **Wireless E911 communications fund** – The E911 Service Board shall make requests for eligible wireless E911 funds to the state program manager according to the available funding and designated formula.
- Section 10. **Operational and technical standards** – The E911 Service Board shall ensure that the E911 system employs the following features: automatic location identification, automatic number identification, selective routing, and provide two emergency seven-digit numbers to telephone companies for transferring a calling party.
- Section 11. **Minimum standards** – The E911 Service Board shall ensure that the public safety answering points adhere to the following minimum standards: operate 24 hours per day and 7 days per week, publish 911 as the primary emergency number, maintain radio and land line interagency communications, maintain standard operating procedures for each public safety answering point, maintain a system to document call details, maintain 99 percent reliability of transferred calls, employ physical security measures and access control systems at public safety answering points, ensure that all telephone company employees with contact with 911 facilities are familiar with safeguarding of facilities procedures, provision of continuous electrical power in the event of a power failure and sustain it for 48 hours, disallow intrusion of automatic dialers and alarm systems, and provide for the installation and use of telecommunications devices for the speech and hearing-impaired.

## **ARTICLE VII FINANCE**

- Section 1. **Contracts and expenditures** - The E911 Service Board may enter into contracts and make expenditures for services, administration, or planning in order to carry out the purposes of these bylaws. The E911 Service Board may cooperate with, contract with, and accept and expend funds from federal, state, or local associations, public or semi-public corporations or private individuals and businesses for E911 projects and activities consistent with federal, state, and local law and these bylaws.
- Section 2. **E911 Service Fund** – The Polk County Board of Supervisors shall establish in the office of the County Treasurer a E911 Service Fund. Collected surcharge moneys and any interest thereon, as authorized by Iowa Code Chapter 34A, shall be deposited into the E911 Service Fund. E911 surcharge moneys must be kept separate from all other sources of revenue utilized for E911 systems.
- Section 3. **Withdrawals** – Withdrawals of moneys from the E911 service fund shall be made on warrants drawn by the county auditor, per Iowa Code section 331.506, supported by claims and vouchers approved by the Chairperson or Vice-Chairperson of the E911 Service Board or the appropriate operating authority so designated in writing. Withdrawals that exceed \$10,000 shall be signed jointly by the Chairperson and the Vice-Chairperson.
- Section 4. **Reserve funds** – All funds in the E911 Service Fund account remaining at the end of the fiscal year shall carry over into the next fiscal year either as reserve funds, encumbered funds, or for general expenditure.
- Section 5. **Public safety answering point budgets** – Each public safety answering point shall prepare its own budget based on a July 1 through June 30 fiscal year considering the expected available funds and submit it to the E911 Service Board for consideration. The public safety answering point budgets should be submitted to the E911 Service Board by December 31 each year.
- Section 6. **Operating budgets** – The E911 Service Board shall adopt a budget consistent with all federal and state laws, rules, and policies. During the third quarter of each fiscal year, the E911 Service Board shall consider a budget for the E911 Service Board for the ensuing fiscal year and shall propose and adopt a budget not later than March 15. Within 30 days of adoption, the budget for the ensuing year shall be submitted to the state E911 Program Manager.
- Section 7. **Audit provisions** – The E911 Service funds shall be subject to examination by the Iowa Homeland Security and Emergency Management Division at any time during usual business hours. E911 Service Funds are subject to the audit provisions of Iowa Code Chapter 11.

## **ARTICLE VIII PROPERTY**

Section 1. **Acquiring, holding and disposing** - The Board may purchase, hold, and dispose of property necessary and incidental to its operation. Any such property will be owned and maintained by the Board. A complete inventory shall be required of all property utilized by the Board. All articles shall be marked in a manner to easily identify the owner of the property. The Board shall have power to sell or otherwise dispose of any of the properties belonging to them when no longer required for their purposes.

## **ARTICLE IX EMPLOYMENT PRACTICES**

- Section 1. **Employees and contract services** – The E911 Service Board may employ such employees, staff, and firms or consultants as it may deem necessary to carry out the purpose of these bylaws and for which it has arranged funding.
- Section 2. **Hiring, disciplining, and terminating** - Employees shall be treated in a manner consistent with the employee manual, policies, and practices of the Polk County Human Resources Department.
- Section 3. **Supervision** - Immediate supervision of employees shall be the responsibility of the Polk County Emergency Management Director with oversight provided by the advisory committee and the E911 Service Board in ascending order of authority.

## **ARTICLE X SEVERABILITY**

- Section 1. **Invalidation** – Nullification of any provision or application of these bylaws shall not affect other provisions or applications.

## **ARTICLE XI DISSOLUTION**

- Section 1. **Duration** - The E911 Service Board shall not be dissolved by an action other than that caused by changes in federal or state laws dissolving or significantly reorganizing the organization, structure and operational processes of the 911 Service Board.
- Section 2. **Liquidation of assets** - Upon dissolution of the E911 Service Board, all assets of the Board shall be liquidated and distributed among the voting member jurisdictions according to the percentage share of funds paid to the E911 Service Board. Liquidation and distribution of assets will be completed within eighteen months of dissolution.

## **ARTICLE XII ADOPTION**

These bylaws are hereby adopted by a majority vote of the Polk County Joint E911 Service Board under Chapter 34A, Code of Iowa, as of this 15th day of March 2012.