



Dear Iowa NENA Members:

The President, First President and Second Vice President understand your frustration and concerns surrounding the recent letter Program Manager Blake Derouchev emailed to the Iowa 911 Community. While we acknowledge your concerns and share your frustrations. We have limited options to address the situation; however, we are fortunate enough to have options available to promote positive change. When dealing with an issue grounded in Iowa Code, we must turn to the Code to assess what potential relief, if any, is available. Unfortunately, Iowa Code Chapter 34A specifically addresses the Program Manager's actions. There are four important sections of Iowa Code a reader must read in order to understand the intent of the Code.

Iowa Code *g*(1) states:

If moneys remain in the fund after fully paying all obligations under paragraphs “a”, “b”, “c”, “d”, “e”, and “f”, and amount of up to seven million dollars shall, for the fiscal year beginning July 1, 2017, and ending June 30, 2018, be expended and distributed in the following priority order.

Iowa Code *g*(1)(C) states:

The program manager shall allocate an equal amount of moneys to each public safety answering point for costs related to the receipt and disposition of 911 calls, including hardware and software for the next generation 911 network and local costs related to accessing the state's interoperable communications system.

Iowa Code *g*(2)

Note withstanding section 8.33, any moneys remaining in the fund at the end of each fiscal year shall not revert to the general fund of the state but shall remain available for the purposes of the fund.

Iowa Code *g*(2)(h) states:

The director, in consultation with the program manager and the 911 communications council, shall adopt rules pursuant to chapter 17A governing the distribution of the surcharge and distributed pursuant to this subsection. The rules shall include provisions that all joint 911 service boards and the department of public safety which answer or service wireless 911 calls are eligible to receive an equitable portion of the receipts.

In reading the aforementioned Iowa Code Sections, it is clear the Program Manager was not acting outside Iowa Code, and there is nothing in the letter forcing anyone to join. If zero PSAPs

decided to take advantage of the \$12,500 appropriated to join the statewide interoperable communications system, then the 911 Program Manager would need to add the unused portion to the amount already designated to distribute equally amongst PSAPs.

There are also concerns about the last minute notice provided for funds appropriated to join the statewide interoperable communications system and the deadline to utilize such funds. Again, Iowa Code addresses these concerns. Specifically, Iowa Code Section 8.33 states, "No obligation of any kind shall be incurred or created subsequent to the last day of the fiscal year for which an appropriation is made, except when specific provision otherwise is made in the Act making the appropriation." Additionally, concerns regarding a deadline of August 27, 2018 to receive the \$12,500 was also a concern. Unfortunately, an August deadline is essential since Iowa Code Section 8.33 established an August 31 deadline for the expenditure of "all unencumbered and unobligated balances of appropriations made."

Today we began the process to protect your interests by meeting with our lobbyists at Advocacy Strategies. We requested them to address the priority levels of spending and potentially add additional notice requirements within Iowa Code. We will need your help throughout this process. Please email tracey.bearden@polkcountyiowa.gov by **July 16th** with any concerns and suggestions you have, and will work to revise the Code to reflect the concerns provided to us. We will keep all of our members as more information becomes available.

Respectfully,

Iowa NENA Officers

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