

Fiscal Court Orders

COURT MET IN SPECIAL SESSION, PRESENT COUNTY JUDGE-EXECUTIVE DEAN WATTS AND THE FOLLOWING NAMED MAGISTRATES: KEITH METCALFE, SAM HUTCHINS, BERNARD ICE, JEFF LEAR AND JERRY HAHN.

Nelson Fiscal Court Special Meeting Agenda Nelson Fiscal Court Room

May 26, 2016
9:00 a.m.

1. Discuss all aspects of Central Dispatch – including, but not limited to, funding.

County Judge-Executive Dean Watts opened the May 26 special meeting of Nelson Fiscal Court, explaining his efforts to sit down last week with the Mayor of the City of Bardstowen to try to work out E-911 dispatch issues, with little feedback from that office. Nelson Fiscal Court will now move forward with proposals for funding E-911.

Proposal discussed with the City of Bardstowen follows--

Add the following amendments to the inter-local agreement for 911 dispatching:

- The County and City will repeal the current 911 fees on telephone bills (landlines)
- The County will enact an ordinance placing \$2 per month on all garbage bills. All revenue shall be turned over to the 911 center
- Composition of the Dispatch Board shall change as follows:
 - City Police Chief (or designee)
 - County Sheriff (or designee)
 - City Fire Chief
 - Volunteer Fire Chief representative
 - EMS Director
 - City Police officer (appointed by Chief)
 - Deputy Sheriff (appointed by Sheriff)
- All agencies shall submit to the Board all complaints in writing, detailing conflicts and problems
- All capital expenses not included in the budget shall be approved by Bardstowen City Council and Nelson Fiscal Court
- All agencies shall be responsible for their own radios

Judge Watts also told Court members of his attempts to bring utility companies on board with a proposal that they allow adding a \$2.00 E-911 fee to customers' utility bills; however, several did not choose to cooperate, nor is it anticipated that there will be cooperation from Bardstowen's mayor.

With multiple options having been explored and considered not available, Judge Watts said his proposal today is that \$2.00 a month, or \$24 for the year, be placed on property tax bills. PVA Administrator Barbara Tichenor has been included in this conversation. Ordinance governing this action states that these funds are to be used only for funding E-911 service.

Question posed to various county agency heads and county officials: Why should Nelson County keep their own dispatch center versus going to the Kentucky State Police (a topic that was discussed over a year ago)? Is this the best way to do dispatching for the County?

**Debbie Carter, Nelson County Dispatch Center Director: Carter reviewed her experience with the development of Louisville Dispatch—in general, multiple agencies taking 911 calls determined, over a period of time, that shared information through a centralized office is more efficient and more beneficial to all—this even before modern technology was introduced into the mix. Addressing technological advancements, and the differences between the Zuercher CAD system (which is “going live” at the Nelson County Dispatch Center today) and Interact, a company which the Dispatch Board had contracted with several months ago for an updated CAD system, Carter indicated failure by Interact (being touted by a city employee as the “best”) to deliver on promised requirements needed to pass audits which tested the Dispatch Center's E-911 compliance. She said she could not speak to certain issues concerning Interact due to having signed a non-disclosure agreement at the time their contract agreement was terminated; however, she did state that Nelson County Dispatch wanted cutting-edge technology so that when New Generation 911 becomes the standard, local dispatch has necessary systems in place. She then explained important features available through the Zuercher system, including elimination of a third-party vendor, reporting capabilities, and ability to keep maps updated and to dispatch emergency equipment

Fiscal Court Orders

by the quickest route and with “turn by turn” directions. KSP is currently using Interact, older version—they do not have an up-dated system. Magistrate Jeff Lear, whose background is in computer architecture, said that he is very impressed with the design of the Zuercher system.

****Joe Prewitt, EMS Director:** Prewitt outlined his forty years of experience with local emergency services, detailing the beginning of communications with Fire Departments at a time when they were alerted to a fire by a siren at the station, moving forward to dispatch as it has developed through the years and his role, beginning in 1975-76, in developing a system of communication incrementally between various countywide agencies, eventually developing one dispatch center as a solution to ending redundant expenditures by city and county. His assessment is that, regardless of the technologies that have developed over the years, city and county continue to save money with a central dispatch rather than with two independent centers. He described dispatch as a public service, an answering service, with emergency calls only a fraction of the calls that are actually answered. Noting an issue of a few months ago when dispatch discontinued taking city utility calls, he described the problem of an overwhelming number of calls at night and on weekends that dispatch felt they could no longer handle at the center while trying to provide the service that they were intended to handle—i.e., emergency calls plus public-service information calls—all the while keeping staffing at a minimum.

In his description of Nelson County Dispatch as a center that handles much more than emergency calls, he said that this type of service that will not be provided by KSP, this opinion based on the experience of other counties who use KSP for dispatching.

During later discussion, Prewitt said that there has been a significant investment in Dispatch infrastructure; since 2003, the County has obtained nearly \$900,000 in Homeland Security grants that have helped fund much of that infrastructure. As well, major improvements having been made through cooperative efforts (particularly, tower at Salt River RECC) with our “neighbors”; he said that when “someone wants to throw his name into the mix, saying that we’ve been overspending, they know nothing...they know nothing about what we’ve had to do to make things happen with dollars. We know we need \$1.5 million to do an effective radio infrastructure for law enforcement to get their complaints off my back. We applied for two grants—we got \$90,000. We replaced all the repeaters with that \$90,000. We got a new tower. We need three other sites. We’re working on those sites. We got a tower given to us from Winchester to put in New Haven—didn’t cost us anything. So when these people that think they know what’s going on—they know *nothing*. They have not been to a board meeting, they have not seen what we’ve dealt with, yet they want to make accusations, they want to make decisions based on inaccurate information. . .” expressed disgust and his resolve to pull away from the situation. “If they go to KSP, I’ll make it work, we’ll have to make it work. Will it be bad for us? Yes, it most certainly will. Will it be bad for the City of Bardstown? Yes, it most certainly will. And it will within six months. . . . It has in most every other community that has gone—you will not get the public service that you are getting. They do a fine job; that’s what they’re there for. KSP already gets a part of our money for cell phone usage. That already comes to them; they get a portion of it every month just like we do. . .”

****Sheriff Ed Mattingly:** KSP’s own people will be priority over whoever else they provide dispatch service to, this from his experience over the years. He also stated that the price quoted for dispatch is not going to be the actual cost for that service. Noting that city personnel have waited until the last minute to gather information concerning costs related to dispatch service, he expressed complete frustration with the misinformation that has been proliferated by city officials/personnel, stating that the damage caused by personal attacks and accusations is irreparable. He offered up that he will go with the city or the county if they choose to use State Police dispatching; however, he called it “dispatch suicide”.

Judge Watts gave an overview of various options for funding E-911 dispatch service that have been explored, but with lack of cooperation from some utility companies as well as the City of Bardstown, the final option has been determined to be the addition of an E-911 fee to property tax bills. Judge Watts’ presented his E-911 proposal as follows:

E-911 PROPOSAL May 26, 2016

Revenue needed per 2016-17 budget	\$ 935,050
Revenue collections – Cell phones	(173,000)
Revenue collections – Property tax bills (\$24 annually x 18,000 occupied residencies)	(432,000)
Revenue shortage	\$ 360,050
60% County	216,030
40% City	144,020

Continued discussion included comments on CRMS funding and the fact that cell phone towers do not recognize city limits; the continuance of calls that will be coming into the Dispatch Center, including those transferred by KSP and particularly when city residents use the 348 number rather than 911 to

Fiscal Court Orders

May 26, 2016
SPECIAL SESSION OF NELSON FISCAL COURT

Book 38
Page 515

reach dispatch because they know their calls might possibly be delayed. Fred DeWitt, New Haven Fire Chief, cited fifteen to twenty minute delays in response time when KSP calls in his area go to Larue County, calling KSP's a shabby, dangerous system. He stated his lengthy time as a volunteer who chose to serve for the benefit of the people of Nelson County, citing "bad information being put out and saying that Larry Green has no clue what he's talking about when it comes to 911 service—he's gotten bad information and is passing it along like he knows what he's talking about."

County Judge-Executive presented in open Court for first reading the following proposed ordinance related to funding E-911 emergency service in Nelson County. Said proposed ordinance was read in resume form and a full copy of the proposed ordinance is as follows:

**AN ORDINANCE OF THE NELSON FISCAL COURT
REPEALING A PREVIOUS ORDINANCE AND
ESTABLISHING A SYSTEM FOR FINANCIAL
SUPPORT OF ENHANCED 911 EMERGENCY DISPATCH
SERVICES TO OWNERS OF REAL PROPERTY IN
NELSON COUNTY KENTUCKY**

WHEREAS, Nelson County Fiscal Court as a function of state government and pursuant to KRS 67.083 enjoys the authority and necessary latitude and flexibility to provide and finance various governmental services within broad functional areas specified in the statute; and

WHEREAS, the establishment, maintenance, and operation of a dispatch center in the Nelson County Dispatch-Center is an essential public safety service used by residents of Nelson County as well as workers and travelers while situated in the County; and

WHEREAS, Nelson County Fiscal Court has determined that the current 911 service fee (E 911 service fee) of \$1.71 per telephone landline per month as imposed is inadequate to continue to provide reliable, quality emergency communications services due to the replacement of telephone lines by wireless telephones and other technologies; and

WHEREAS, Nelson County Fiscal Court has determined that KRS 65.760 provides for alternative methods of funding the operation of enhanced 911 emergency services; and

WHEREAS, Nelson County Fiscal Court has determined that a 911 service fee imposed on each individual residential unit and each individual commercial unit will result in a more fair distribution of the burden of funding this service and ~~at~~ create a more stable funding source; and

WHEREAS, the 911 service fee imposed on residential and commercial units is intended to replace the current 911 service fee on telephone lines and the current 911 service fee is to be repealed concurrently with the imposition of the new 911 service fee; and

WHEREAS, Nelson County Fiscal Court has the authority to set penalties for the failure to abide by the terms of its Ordinances.

NOW, THEREFORE, BE IT ORDAINED by the Fiscal Court of Nelson County as follows:

COLLECTION OF 911 SERVICE FEE

(A) For the purposes of this Ordinance, a 911 service fee shall be defined as an annual fee of \$24.00 imposed upon each occupied individual residential unit and each occupied individual commercial unit located upon each parcel of real property located within the County of Nelson, as determined from the records of the Nelson County Property Valuation Administrator's Office. A residential unit shall be defined as a principal residential space occupied or designed for occupancy for residential purposes. A commercial unit shall be defined as a principal non-residential building space of any size occupied or designed for occupancy by an individual non-residential business or public or private enterprise. A unit that is occupied as of November 1 shall be deemed occupied for purposes of this ordinance.

(B) The 911 service fees collected shall be used for the delivery of Enhanced 911 emergency telephone service, as provided for by KRS 65.760.

(C) The 911 service fee shall be placed upon the Nelson County ad valorem property tax

Fiscal Court Orders

bills prepared by the Nelson County Clerk, pursuant to KRS 133.220(2) for the year beginning January 1, 2016 and continuing every year thereafter.

(D) All 911 service fees shall be collected by the Nelson County Sheriff and transferred to the Nelson County ~~Fiscal Court Dispatch Center~~ on a timely basis, as determined by the Judge/Executive pursuant to Executive Order to be used for enhanced 911 services only. The Nelson County Sheriff shall be entitled to a reasonable fee to defray the actual costs of collection and disbursement of 911 service fees.

(E) The failure of any real property owner to pay the 911 service fee as set forth in this Chapter shall be punishable as a Class A misdemeanor.

The provisions of this Ordinance are severable, and the invalidity of any provision of this Ordinance shall not affect the validity of any other provision thereof, and such other provisions shall remain in full force and effect as long as they remain valid in the absence of those provisions determined to be invalid.

IT IS FURTHER ORDAINED that Nelson County Ordinance No. _____ dated _____ that imposes a fee on each telephone landline to fund Nelson County's Dispatch Center is hereby repealed.

This ordinance shall take effect and be in full force from and after its passage, publication and recording, according to law.

Discussion continued among magistrates concerning:

- Improvements already in plans for dispatch;
- PVA work required to get updated or new fees on property tax bills and county assurance that Fiscal Court will try to help compensate for the initial set-up;
- Amount of E-911 fees to be applied to every occupied residence, as is done with fire fees;
- Concern by some taxpayers that this is another cost at a time of year when they are already being hit with multiple bills—they do not want fee added to property tax bills (Magistrate Metcalfe);
- Re-statement by Magistrate Lear that he does not agree that the dispatch fee is be more than the landline charge now being charged – PVA Administrator Barbara Tichenor said that her program will only allow even dollar amounts. Judge Watts also noted that landline fees here in Nelson County are far below those charged in many other counties. If dispatch requires more money to operate, that expense would have to come from the General Fund;
- Magistrates generally expressed dislike for the addition of fees to property tax bills but also expressed understanding that this is the only apparent way to fund a necessary service; all other options have been explored.

After a first reading, on motion of Bernard Ice, second of Keith Metcalfe, IT IS HEREBY ORDERED that legal notice advertising the second reading and possible adoption of the proposed ordinance be published in The Kentucky Standard in accordance with KRS 424. Motion passed on affirmative vote of Court members Ice, Metcalfe, Lear, Hahn and Watts. Magistrate Lear voted against the motion, citing his wish to maintain the \$1.71 fee now charged on landlines.

On motion of Sam Hutchins, second of Jeff Lear, by unanimous vote of the Court, IT IS HEREBY ORDERED to adjourn the May 26 special session of Nelson Fiscal Court.

Dean Watts, Nelson County Judge-Executive

Elaine A Filiatreau, Nelson County Clerk