



TO: Elizabeth Pauli, City Manager
FROM: Steve Victor, Deputy City Attorney ✓
Bill Fosbre, City Attorney BF
COPY: City Council and City Clerk
SUBJECT: Resolution – South Sound 911 Restructuring – June 25, 2019
DATE: June 10, 2019

SUMMARY:

A resolution approving the transition of the South Sound 911 corporate structure from an interlocal agency formed under the Interlocal Cooperation Act to a Municipal Corporation chartered by the City.

STRATEGIC POLICY PRIORITY:

Restructuring encourages and promotes an efficient and effective government, which is fiscally sustainable and guided by engaged residents.

BACKGROUND:

South Sound 911 (“SS 911”) provides emergency communication call intake and dispatch services to all police and fire agencies in Pierce County, and, additionally, law enforcement records services. SS 911 is currently formed as a joint administrative agency by an interlocal agreement among the following jurisdictions: Pierce County, the cities of Tacoma, Lakewood, Puyallup, and Fife; and the West Pierce Fire District.

SS 911 is in need of a new governance model. Under the current structure, SS 911 cannot own property, contain liability or issue debt, and lacks other legal authority possessed by a true municipal corporation; all jurisdictions served by the agency are not represented on the governing board; selection and oversight of the Executive Director is by an Operations Board primarily comprised of appointed officials rather than the Policy Board, which is comprised of elected officials, and the current structure does not reflect the members’ relative usage of or contributions to SS 911.

The governance review process reviewed what other 911 agencies implemented; identified alternative structures which provided better legal protection, representation, and oversight of operations; developed agreed goals and principles for governance; reviewed alternate structures consistent with identified goals and principles; and ultimately selected a public development authority (“PDA”) model.

PDAs are separate legal entities under state law, with the ability to own property, enter into contracts, and provide statutory protection from liability from the chartering entity. PDAs must be chartered by a single City or County, and the chartering agency retains the right to approve changes to the charter, and to approve dissolution of agency. PDAs can issue debt, typically secured by program or operating revenues. Under this model, SS 911 financing – communication tax revenues and service fees paid by member agencies – does not change. Tacoma has requested to charter because of its experience with PDAs, with no additional cost of liability to the Tacoma.

Under the PDA, an 11-member Board of Directors would be established, with eight members representing cities and Pierce County, and three members representing fire districts. An Operations Committee would also be established, consisting of up to 20 members as follows: ten members appointed by agencies; small fire representative appointed by the Pierce County Chiefs Association; and up to nine additional members nominated by the Executive Director, in consultation with the PCFCA and PCPCA, and confirmed by the Board of Directors.



Additional terms for the Board of Directors include: (1) selection of members by legislative bodies, unless local rules dictate otherwise; (2) Board members must be elected officials; (3) each Board member has one designated alternative; (4) alternates must be an elected official or chief administrative officer or police or fire chief, or someone directly reporting to these individuals; (5) three-year terms, no term limits; and (6) each Board member has one vote, except on supermajority vote items.

In order to implement the proposal, consideration by the governing bodies of each of the six member agencies of a Resolution agreeing to sunset the existing interlocal agency agreement with the new PDA structure is created and operational, must occur. Thereafter, the Tacoma City Council may consider an ordinance chartering the PDA.

ISSUE:

Under the current structure, SS 911 cannot own property, contain liability or issue debt, and lacks other legal authority possessed by a true municipal corporation; all jurisdictions served by the agency are not represented on the governing board; selection and oversight of the Executive Director is by an Operations Board, primarily comprised of appointed officials, rather than the Policy Board, which is comprised of elected officials, and the current structure does not reflect the members' relative usage of or contributions to SS 911, and is in need of a new governance model. After an extensive review process, a public development authority ("PDA") model was unanimously selected for recommendation, with a proposed structure that addresses all of the identified issues.

ALTERNATIVES:

If the new structure of SS 911 is not approved by the legislative bodies of all six (6) participants in the current Interlocal Agreement, the structure of SS 911 will remain unchanged for the foreseeable future.

RECOMMENDATION:

Staff recommends adopting the Resolution to allow restructuring of SS 911, and subsequent approval.

FISCAL IMPACT:

There is no identifiable fiscal impact from restricting the governance of SS 911.