

Adams County Emergency Telephone Service Authority
332 N 19th Ave, Brighton, CO 80601

July 29, 2015

Brian McBroom
City Manager
7887 E. 60th Ave.
Commerce City, CO 80022

Re: Amendment to the IGA creating the Adams County 911 Authority to Permit Greater Funding for the Adams County Communications Center

Dear Brian McBroom,

1. Introduction and Overview: Request to Amend the 911 IGA to Increase the Emergency Telephone Charge.

I am the Police Chief for the City of Brighton and the Chairman of the Board of Directors of the Adams County Emergency Telephone Service Authority (the "Authority"). The Authority requests an amendment to its current authorizing intergovernmental agreement, as amended (the "911 IGA"), so that it may seek approval from the Colorado Public Utilities Commission (the "PUC") to impose an emergency telephone charge (an "ETC") of more than \$0.70 per line per month. The Authority seeks to increase the ETC above \$0.70 to better fund the Adams County Communications Center ("ADCOM") and offer better 911 services to Adams County residents. The proposed amendment is attached as Exhibit A. The original 911 IGA and its subsequent amendments are attached as Exhibits B, C, D, and E.

2. Background: Interaction between State Law and the 911 IGA.

The Authority operates pursuant to C.R.S. § 29-11-101, *et seq.* The Authority imposes the ETC for all telephones in Adams County, except Thornton and governmental telephones, and uses the money collected to fund 911 services at ADCOM and Federal Heights.

State law (C.R.S. § 29-11-102(2)) allows the Authority to impose an ETC of up to \$0.70 without PUC approval; any increase above that amount requires PUC approval. In addition to the statute, the 911 IGA caps the Authority's ETC at \$0.70. The \$0.70 statutory cap was enacted in 1990. According to the Bureau of Labor Statistics, \$0.70 in 1990 has the buying power of \$1.27 in today's dollars. The Authority's ETC is currently set at \$0.70. In order to raise the ETC, the Authority must amend the 911 IGA and obtain the approval of the PUC. The more the 911 Authority funds ADCOM, the less contribution is required by ADCOM member agencies.

3. Request: Amend the 911 IGA to Allow the Authority to Seek PUC Approval to Increase the Emergency Telephone Charge.

The 911 IGA limits the Authority's ability to seek approval from the PUC for an increase to the ETC. Specifically, the 2000 amendment to the 911 IGA (Exhibit E) states:

The Adams County E-911 Emergency Telephone Service Authority shall impose as provided by state law an emergency telephone charge not to exceed seventy cents (\$.70) per month for those portions of the service area for which emergency telephone service is to be provided.

The Authority intends to ask the PUC for approval to increase the ETC above \$0.70 to fund the ADCOM equipment and personnel needs. The IGA needs to be amended to permit the Authority to increase the ETC rate above \$0.70. The attached proposed amendment (Exhibit A) makes clear that the Authority has the permission of its member agencies to seek PUC approval of an ETC greater than \$0.70. We have not yet formulated the exact amount needed to properly fund ADCOM, but do note Aurora recently received PUC approval to increase their ETC to \$1.20 per line per month. The highest in the state are two counties at \$1.75 per month per line.

4. Reason for the Request: Additional 911 Funding for ADCOM.

ADCOM has recently requested several million dollars in funding for equipment and personnel costs. These expenditures have been delayed as neither the Authority nor ADCOM's member agencies were in a position to substantially increase funding to ADCOM. Attached are the following ADCOM requests and ADCOM's Strategic Plan:

- Exhibit F – 2016 ADCOM funding request
- Exhibit G – Immediate personnel funding request
- Exhibit H – ADCOM Strategic Plan

The Authority believes ADCOM needs to replace and upgrade certain equipment and add additional call taking personnel. ADCOM's Strategic Plan demonstrates the need for this action. We cannot allow our primary emergency call taking and dispatching facility to become inadequate and obsolete. Our citizens demand and deserve better. We have a plan to upgrade ADCOM, but need your assistance in amending the 911 IGA to fund our goal.

ADCOM's Strategic Plan raises concern about the delivery of 911 calls in Adams County. ADCOM falls below the national average for the time it takes to answer 911 calls. As a result, the number of abandoned 911 calls is also quite high. ADCOM is understaffed. The ADCOM Board of Directors (police chiefs, Sheriff, and fire chiefs) also recommend additional staff be added as "call takers" to ensure calls are answered timely and dispatchers have the time to properly work with emergency responders in the field. The expressed concern is that ADCOM member agencies do not have the funds to hire additional call takers and fund the needed equipment. C.R.S. §29-11-101 authorizes the Authority to spend its funds on call takers, dispatchers and 911 related equipment. To that end we are requesting the 911 IGA be amended to authorize the Authority to seek PUC approval to increase the ETC.

The Adams County E-911 Authority's 2015 adopted budget and budget message is attached as Exhibit I. As you can see, our \$4,922,881 estimated 2015 year end fund balance will be almost completely depleted with the 2016 ADCOM equipment and operational funding requests, which total \$4,748,250. This is before addressing the personnel issues. In addition,

ADCOM needs to replace its obsolete record management system at an anticipated cost of \$1,300,000.

5. PUC Approval Process.

As noted above, any increase of the ETC above \$0.70 requires PUC approval. The PUC's process for granting a request is not a rubber stamp – rather, it is a thorough and open consideration of the requesting 911 authority's financial position, with ample opportunities for public input.

The PUC's rules require that the Authority file an application with the PUC to raise the ETC above \$0.70. The application is available to the public. Additionally, the PUC's rules require that the Authority post notice in a widely distributed newspaper before the application is processed. This is to ensure that the public is well aware of the application and the requested increase. The PUC will review the application to ensure that the Authority is spending the ETC appropriately in light of the statute and to ensure that the requested increase is appropriate in light of the Authority's account balances and current and projected expenditures. Before approving the application, the PUC will open the proceeding to public comments. If there are significant issues, the PUC will also hold a hearing where members of the public can voice their opinion.

Effectively, this means that even with an amendment to the 911 IGA, the Authority is not able to increase the ETC without oversight. The PUC has denied applications in the past, or granted increases in the ETC for less than the amount requested. If you have any questions about the PUC application process or any other matter, please contact the Authority's attorney, Ryan Tharp, at 303-894-4412.

Sincerely,

Adams County Emergency Telephone Service Authority



By: Clint R. Blackhurst, Chairman

Attachments:

- Exhibit A – 2015 Proposed Amendment to the 911 IGA
- Exhibit B – 1986 Original 911 IGA
- Exhibit C – 1987 Amendment to the 911 IGA
- Exhibit D – 1990 Amendment to the 911 IGA
- Exhibit E – 2000 Amendment to the 911 IGA
- Exhibit F – 2016 ADCOM Funding Request
- Exhibit G – June 2015 ADCOM Personnel Funding Request
- Exhibit H – ADCOM Strategic Plan
- Exhibit I – 2015 Authority Budget and Budget Message