



CITY OF KIRKLAND

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MEMORANDUM

To: Kurt Triplett, City Manager
From: Oskar Rey, Assistant City Attorney
Date: October 28, 2014
Subject: Public Safety Emergency Radio Network Briefing and Update

RECOMMENDATION

That the City Council reviews this staff memo and provides any necessary direction regarding the City's participation in the process of forming a new regional Public Safety Emergency Radio Network ("PSERN").

BACKGROUND

1. History of the Emergency Radio Network in King County.

The City currently receives its emergency radio services through the Eastside Public Safety Communications Agency ("EPSCA"). EPSCA was formed in 1992 through an interlocal agreement between the cities of Bellevue, Redmond, Kirkland, Mercer Island, and later Issaquah. The purpose of EPSCA is to create an emergency radio sub-region in East King County to better serve and represent the area with respect public safety communications while maintaining local control of emergency radio assets and two way radio communications for public safety.

EPSCA is governed by an executive board consisting of the chief executive officer of each of the EPSCA cities. For Kirkland, Bellevue and Mercer Island, the City Managers are the EPSCA board members. For Issaquah and Redmond, the board members are the Mayors. Board members are allowed to appoint alternates. In addition, an operations board made up of public safety officials from each area manages EPSCA operations and advises the board. Overall operations are managed by an EPSCA Executive Director, which is currently Scott Hatfield. EPSCA is a separate legal entity tasked with developing, owning, operating, and managing an eastside radio system, which comprises a portion of a larger county-wide system.

There are four entities responsible for the current emergency radio system —EPSCA, King County, City of Seattle and Valley Communications (ValleyComm). The current radio system was formed in connection with a 1992 King County ballot measure. King County distributed funds to the four entities and each entity was responsible for building a portion of the overall system. Each entity owns separate towers and equipment, all of which is run by a central system. The current county-wide system was completed in 1997 and still provides the emergency radio network for this region serving 16,000 radios. In addition to first responders, the current system is used by some school districts, utilities, transportation providers, hospitals, and other government entities.

The Current system is approaching 20 years old and is built on a technology that is 30 years old. The vendor has indicated that support for the current system is coming to an end and will be eliminated in 2018. In addition, more repairs are required as the system ages, and replacement parts and support for some aspects of the system are no longer available. The system does not provide the desired level of coverage in certain parts of the County and its capacity is taxed during major events. Responder operational needs have changed since the first system was implemented and the current system no longer meets those needs.

2. Steps towards a New, Regional Emergency Radio System (PSERN).

In 2012, King County convened a group of King County, EPSCA, Seattle and ValleyComm officials to consider how to implement a new state-of-the-art, seamless, unified emergency radio system. The new system was named the Public Safety Emergency Radio Network (PSERN). A Steering Committee from the four entities was created to guide the technology, policy and fiscal issues associated with a new system, and a King County project office was created for implementation. In 2013 the four parties cooperatively issued an RFP for replacement of the current system. The new system will require another countywide ballot measure to fund, take 5-6 years to complete and users will begin migrating from the current radio system to the new one in 2019. King County expenses will be reimbursed by the levy proceeds.

The Steering Committee has been developing two proposed interlocal agreements for the governance and implementation of the new system. One interlocal agreement will govern the implementation of the new system and the process of transferring users from the current system to the new system ("Implementation ILA"). During implementation of the new system and migration of users from the old to the new system, King County will be the lead agency responsible for overseeing the project. Major project decisions will be made by a Joint Board comprised of four members—one each from King County, EPSCA, Seattle and ValleyComm. Each entity will select its own member to the Joint Board. Unanimous Joint Board approval will be required for major project decisions that impact the cost or scope of the project.

Under the Implementation ILA, King County will be responsible for managing the project and overseeing the transition from the old to the new system until "full system acceptance" of the PSERN system. Full system acceptance will occur when all users are using the new system and it has been fully installed and successfully tested.

The second interlocal agreement will address the type of entity that will be responsible for operation and maintenance PSERN once full system acceptance has occurred ("Entity ILA"). The consensus is that the new entity should be a separate legal entity responsible for the entire system and not just portions of it. Under the current system there is already considerable overlap in coverage so that users often use facilities that are not part of their home jurisdiction. For example, an EPSCA user in Issaquah may communicate over facilities owned by one of the other three jurisdictions.

There will be even more overlap and interconnectivity under the new system, which is more advanced technologically. The increasing interdependence of the new system makes the regional divisions of the current system less meaningful. There will also be benefits associated with having a single entity responsible for the entire system and having consistent inspection, maintenance and repair practices across the entire system. The Implementation ILA has been the subject of

extensive negotiations, and staff anticipates that it will request Council authorization to sign the Implementation ILA at the November 18, 2014 Council Meeting.

The Entity ILA is not as far along, and staff anticipates bringing that ILA to a subsequent Council Meeting. Under the Entity ILA, each of the current owners will have one equally weighted vote on the Board governing the new system. In other words, EPSCA will select a single member to represent the Eastside, and that representative would be one of four members of the Board of the new PSERN entity. Under the new PSERN entity:

- All infrastructure including radio tower sites, backhaul equipment, and dispatch consoles would be owned by PSERN.
- All subscriber radios (mobile and portable radios) would be owned by the end user.
- All capital costs as well as initial emergency radios would be covered by a county wide ballot measure to occur in April 2015. End users would be responsible for subsequent replacement radios.
- Subscriber fees would be paid to the new PSERN entity to cover all maintenance of the infrastructure and console equipment as well as all upgrade and update costs.

King County has indicated that entering into the Implementation ILA is a prerequisite for it to place the PSERN measure on the ballot.

3. Funding PSERN

The PSERN project, including sites, equipment, labor, sales tax, and interest on bonds will cost approximately \$225 million. The King County Executive anticipates asking the King County Council to put a funding measure on the ballot in April 2015. King County anticipates proposing a levy lid lift to fund PSERN. The current estimate of the impact of the ballot measure, if passed, is 6.5-7.0 cents per \$1,000 of assessed value over 9 years.

EPSCA and the City have worked hard on ensuring that user rates for radios and consoles stay relatively stable under the new PSERN system since rates will fund the ongoing operation of the system. Recent projections show that radio rates will remain stable or may drop slightly in connection with the new system. Nonetheless, EPSCA has requested that language be added to the Implementation ILA that would require funds to be reserved so that they can be used to reduce rates for users or entities that experience rate increases as a result of the PSERN transition.

4. Prior EPSCA Actions

EPSCA has been working with King County, Seattle and ValleyComm on the various issues associated with the transition from the current system to a new PSERN system. This transition can only occur if approved by each of the EPSCA member cities. On September 11, 2014, the EPSCA Board adopted a resolution recommending that its member cities support the PSERN project and adopt the Implementation ILA and the Entity ILA so long as the following items are addressed:

- EPSCA member jurisdictions retain the ability to select and appoint the EPSCA area PSERN Board member according to the process and terms decided by EPSCA member jurisdictions;

- All remaining EPSCA reserves stay with EPSCA member cities when the transition to PSERN occurs;
- All emergency radios are owned by the individual jurisdictions and not by PSERN;
- A rate stabilization fund that phases in the cost increases to all jurisdictions in King County associated with the new radio system is included in the ballot measure;
- An appropriate EPSCA staff retention and transition plan is reached between EPSCA and PSERN;
- An "operations board" of emergency radio users is created that will advise the PSERN Board;
- Appropriate legal agreements are reached between EPSCA and PSERN that allow for EPSCA member jurisdictions to retain the rights to and value of the radio spectrum that EPSCA will transition to PSERN in the event that PSERN is not created or PSERN is abolished at some point in the future.

The parties to the Implementation ILA are in the process of finalizing the ILA and prepare it for approval by their respective governing bodies. City staff anticipates bringing the Implementation ILA to the City Council for adoption at the November 18, 2014 Council Meeting.