

Tama County Joint 911 Service Board Agreement

Article I. ORGANIZATION NAME

The official name of this organization shall be the Tama County Joint 911 Service Board and is hereafter referred to as the "Board".

Article II. LEGAL STATUS

- 1) This Board shall be a joint undertaking of the political subdivisions of the State of Iowa and private safety agencies which service Tama County are required in Chapter 34A, Code of Iowa as amended.
- 2) It is the intent of the parties herein that this agency shall be a legal agency created by the parties to this agreement.

Article III. COMMENCEMENT OF OPERATIONS

The operation of this Board will commence on November 8th, 1989, in conjunction with the submission of the Tama County 911 Service Plan to the State Department of Public Defense Disaster Service Division.

Article IV. DURATION

The duration and existence of this Board shall be perpetual and shall not be terminated or dissolved unless dissolution is authorized and/or required by the legislature of the State of Iowa or that the useful purpose of the Board has expired or is no longer required by the Code of Iowa.

Article V. PURPOSE

The Board is established for the purpose of planning, implementing and maintaining a 911 Emergency Telephone System within the designated Tama County 911 Service Area.

Article VI. POWERS AND DUTIES

1) POWERS

- a) The Board shall have the power to do all things necessary to carry out its intended purpose insofar as such actions taken by the Board are not in conflict with any laws within the State of Iowa, and fulfill the requirements as established in Chapter 34A, Code of Iowa.

- b) The Board shall develop a 911 service plan encompassing at a minimum a geographically contiguous area. The Board shall submit the plan on or before March 1, 1989, to the Administrator, Division of Disaster Services, public and private safety agencies in the 911 service area, and the telephone providers affected by the 911 service plan.
 - c) The Board may contract for personnel services necessary in planning, implementing, and maintaining a 911 system. Daily operating personnel in the 911 center, however, shall not be paid from the telephone surcharge collections.
- 2) DUTIES OF THE BOARD
- a) It shall be the duty of the Board to develop a 911 service plan encompassing all of Tama County and shall see that this plan is carried out.
 - b) It shall be the duty of the Board to provide citizens of Tama County with the administration and management of surcharge revenues received as a result of implementation of the provisions of Chapter 34A, Code of Iowa. In addition, the Board shall provide the administration of and application for grants in aid from federal, state, and local agencies, foundations, and benevolent organizations, providing financial assistance for and toward the purpose of this agreement.

Article VII. FINANCING

- 1) The Board shall establish and maintain, as a separate account, the 911 service fund. Funds generated as a result of the imposition of the telephone exchange access line surcharge sent directly to Tama County, or wireless surcharge received by the State of Iowa wireless surcharge imposed and distributed to the local Public Safety Answering Point according to Chapter 34A, Code of Iowa and Administrative Rule 605.10.9(3) shall be placed in the account and expended as outlined in Chapter 34A, Code of Iowa. Any funds remaining in the account at the end of each fiscal year shall not revert to the general funds of the member political subdivisions, except as outlined in Chapter 34A, Code of Iowa.
- 2) The Board, in the performance of its duties, may cooperate with, contract with, and accept and expend funds from federal, state, or local political subdivisions, associations, public or semi-public, or private individuals or corporations, and may carry out such cooperative undertakings and contracts, as long as the same is for the purposes as herein above set forth.

- 3) The Board may enter into all necessary contracts and make expenditures for such services and administration or planning as they deem in the best interests of the individual members hereto, jointly and severally, and to carry out the purpose of the agreement.
- 4) The Board shall prepare a budget based on the fiscal year. The budget shall be determined by the members, and the budget shall be adopted each and every twelve-month period, in such manner and at such time as shall benefit each of the members.

Article VIII. MEMBERSHIP

Voting members of the Board shall consist of **one** member from the following political subdivisions having a public safety agency serving territory within the geographical boundaries of Tama County:

City of Belle Plaine, City of Chelsea, City of Clutier, City of Dysart, City of Elberon, City of Garwin, City of Gladbrook, City of Gilman, City of Grundy Center, City of Lincoln, City of La Porte City, City of Le Grand, City of Montour, City of Tama, City of Toledo, City of Traer, City of Reinbeck, City of Vining, Meskwaki Settlement, Tama County Sheriff, Tama County Emergency Management Commission, and the Tama County Board of Supervisors.

All other trustees will be non-voting members and are encouraged to take part in all meetings.

- 1) Each private agency operating within the Tama County 911 service area is entitled to non-voting membership on the Board.
- 2) Each official representative from the Board's membership shall have an alternate who shall have a right to vote only in the absence of the official representative and only if that representative is a voting member of the Board.
- 3) Each official representative is allowed one vote. A voting member may not represent more than one political subdivision.
- 4) Participation in the Board is required for each political subdivision or private agency listed above. Each such agency shall participate in the Board and cooperate in preparing the 911 service plan.
- 5) Representatives to the Board shall be appointed by the individual political subdivisions or private agencies and shall serve in that capacity. Annually, the Director of Tama County 911 Communications will request a letter from the political subdivision, requesting the name of the official representative and his/her alternate serving the Board for that calendar year.

- 6) Duration of the Board shall be perpetual or until the State of Iowa legislature dissolves the Board by law or the Board has outlived its useful purpose.
- 7) A representative to this Board may be expelled and dropped from the proceedings for conduct unbecoming a member of this Board. A representative may not be expelled from the Board without a three-fourths vote of the existing membership of the Board. Such expulsion shall not terminate the responsibilities of the political subdivision or private agency represented.

Article IX. OFFICERS, MEETINGS, EMPLOYEES, AND VOTING

1) ELECTION OF OFFICERS

- a) Chairperson and the Vice-Chairperson shall be elected from the membership of the Board by a simple majority of the voting members and shall serve for a term of two years. Elections will be held at the July meeting in even number years.
- b) The Director of Tama County 911 Communications shall serve as the Secretary to the Board and shall be responsible for records, minutes, documents, and all other matters pertaining to the operation of the business meetings. The Director may delegate duties to other personnel as appropriate.
- c) The Board shall meet at such times as the Chairperson, or the Vice-Chairperson in the Chairperson's absence, shall deem necessary and proper to fulfill the Board's obligations under Chapter 34A, Code of Iowa. A meeting shall be called if requested in writing or by electronic mail (email) by a simple majority of the voting members.
- d) The Board may employ such personnel as it deems necessary to fulfill the purpose of the Board and to carry out the provisions of Chapter 34A, Code of Iowa. The decision to employ and the method of financing the cost and expenses of said employment shall be subject to a simple majority vote of the voting members.
- e) In the event that any member shall have a direct or indirect personal interest in any business presented before the Board, that member shall abstain from voting and state the reason for abstaining.
- f) All members in attendance shall be recorded as voting in favor on any motion when no nay votes or abstentions are voiced. Any member can request a roll call vote if there is a question on the vote.
- g) The Board designates as its Executive Committee no less than five (5) voting members of the Board appointed and approved by the Board.
- h) A quorum for the purpose of voting shall consist of 51% of the voting Board members. A quorum for the purpose of holding a Board meeting will also be 51%

of the voting Board members. Any decisions decided by the quorum as stated here shall constitute the actions of the entire Board.

- i) Meeting Attendance: Meeting attendance is defined as the member being present in person, via telephone, via webinar, or by other electronic means approved by the Board membership. Board members in attendance at a meeting, regardless of method of attendance, shall be afforded all rights and privileges of a Board member. If a political subdivision or private agency's representatives are absent from three consecutive Board meetings, a notice will be sent to the political subdivision or private agency.

2) PROPERTY

- a) The Board may acquire or receive real or physical property through purchase or contribution. Such property shall become the property of the Board unless otherwise provided by separate agreement between the Board and the contributing party.
- b) Upon dissolution of the Board, all assets of the Board shall be liquidated and the net proceeds obtained wherefrom shall be used to pay any outstanding indebtedness. At the end of one year from the date of termination, any funds not refunded and remaining in the 911 service fund and all interest accumulated shall be payable to the State of Iowa Department of Homeland Security and Emergency Management. Moneys received by the department shall be used only to offset the costs for the administration of the 911 communications program.

Article XI. AMENDMENTS

- 1) The terms and provisions of this agreement may be amended by holding two public readings of the proposed amendments prior to voting on the amendments. A two-thirds (2/3) majority vote of the Board will be required to pass. A copy of the proposed amendment will be mailed or emailed to the membership at least fifteen (15) days prior to the date that action is proposed to be taken upon said amendment.
- 2) If any provisions of this agreement, or the application thereof to any person or circumstance, are held to be invalid, such invalidity shall not affect other provisions or supplications of this agreement, which can be given effect without the invalid provisions or applications, and to this the provisions of this agreement are declared to be severable.
- 3) This Board agreement was duly executed at Toledo, Iowa, pursuant to authority granted under Chapter 34A, Code of Iowa as amended, executed by the designated representatives of the political subdivisions and private agencies

providing service to and within Tama County, Iowa, hereby binding said political subdivision and private agencies hereto.

RULES OF ORDER. Parliamentary rules as set in Roberts Rules of Order will be used to conduct all meetings of the Board.

These bylaws are hereby adopted by a majority vote of the Tama County Joint 911 Service Board on this the ____ day of _____, 20__.

Chairperson

911 Board Secretary

Date

Date