

**PUBLIC SAFETY DEPARTMENT[661]**

**Notice of Intended Action**

**Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”**

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to the authority of Iowa Code section 17A.3, the Statewide Interoperable Communications System Board hereby gives Notice of Intended Action to adopt Chapter 600, “Statewide Interoperable Communications System Board,” Iowa Administrative Code.

Iowa Code section 80.28 establishes the Statewide Interoperable Communications System Board and Iowa Code section 80.29 specifies the responsibilities of the Board. The rules proposed herein establish the procedures of the Board, including procedures for meetings, election of officers, awarding of grants, entering into of contracts, and selection of the Statewide Interoperability Coordinator.

There will be a public hearing on these proposed rules on June 29, 2011, at 10:30 a.m. in the City Council Chambers, West Des Moines City Hall, 4200 George Mills Civic Parkway, West Des Moines, Iowa. Any interested person may attend and participate in the hearing. Persons wishing to speak at the hearing should notify the Agency Rules Administrator, Iowa Department of Public Safety, by E-mail at [admrule@dps.state.ia.us](mailto:admrule@dps.state.ia.us) or by telephone at (515)725-6185 at least one day prior to the public hearing. The site of the hearing is fully accessible.

Any person who wishes to participate in the public hearing but who is unable to attend in person may request information on how to access the hearing remotely by telephone. Such requests should be sent to the Agency Rules Administrator by electronic mail to [admrule@dps.state.ia.us](mailto:admrule@dps.state.ia.us) and must be received no later than 12 noon on June 22, 2011.

Any person may also submit comments in writing at the public hearing, by E-mail to [admrule@dps.state.ia.us](mailto:admrule@dps.state.ia.us), by fax to (515)725-6195, or by mail to Agency Rules Administrator, Iowa Department of Public Safety, 215 East 7th Street, Des Moines, Iowa 50319. Comments must be received no later than 4:30 p.m. on June 21, 2011, unless submitted at the public hearing.

The procedure for requesting waivers of the rules is included in the Department of Public Safety’s 661—Chapter 10, which is adopted by reference herein in rule 661—600.5(80).

These proposed rules are not anticipated to have any fiscal impact.

After analysis and review of this rule making, no impact on jobs has been found.

These rules are intended to implement Iowa Code section 80.29.

The following amendment is proposed.

Adopt the following **new** 661—Chapter 600:

CHAPTER 600

STATEWIDE INTEROPERABLE COMMUNICATIONS SYSTEM BOARD

**661—600.1(80) Establishment of board.** The Iowa statewide interoperable communications system board is established in Iowa Code section 80.28, under the joint purview of the department of public safety and the department of transportation. The board is charged to develop, implement, and oversee policy, operations, and fiscal components of communications interoperability efforts at the state and local levels, and to coordinate with similar efforts at the federal level, with the ultimate objective of developing and overseeing the operation of a statewide integrated public safety interoperable communications system.

**661—600.2(80) Definitions.** The following definitions apply to the rules in this chapter:

“*Board*” means the statewide interoperable communications system board established in Iowa Code section 80.28.

“*Interoperability*” means the ability of public safety and public services personnel to communicate and to share data on an immediate basis, on demand, when needed, and when authorized.

“*Legal counsel to the board*” means the assistant attorney general assigned to provide legal advice and representation to the board.

“*Quorum*” means two-thirds or more of the current voting members of the board, as provided in Iowa Code section 17A.2, subsection 1. “Current voting members” does not include any board positions which are vacant.

**661—600.3(80) Statewide interoperability coordinator.** The board shall select and appoint a person who is not a member of the board as the statewide interoperability coordinator (or “SWIC”) to coordinate work performed on behalf of the board and to complete tasks related to the mission of the board as assigned by the board or by the chairperson of the board with board approval.

**661—600.4(80) Board procedures.** The board shall operate under the following procedures:

**600.4(1) Membership.** The board shall include 15 voting members and 4 ex officio, nonvoting members who are members of the Iowa general assembly, as provided in Iowa Code section 80.28.

**600.4(2) Meetings.**

*a.* The board shall meet at least once a quarter at a time and place determined by the board. Additional meetings may be called by:

- (1) The chairperson,
- (2) The vice chairperson, or
- (3) By the statewide interoperability coordinator, at the request of five or more voting members of the board.

*b.* If a quorum is not present at a scheduled meeting of the board, the members of the board who are present may convene, may take testimony and public comment, and may engage in discussion of board business but shall not take any action other than to adjourn.

*c.* Notice of all meetings of the board shall be given in accordance with the provisions of Iowa Code section 21.4. In addition, notice of any scheduled board meeting and a tentative agenda of that meeting shall be posted on the Web site of the board prior to the scheduled time of the meeting.

*d.* All meetings of the board are public meetings and shall be conducted in accordance with Iowa Code section 21.3.

(1) A portion of any board meeting may be closed to the public for any of the reasons enumerated in Iowa Code section 21.5 and only subsequent to the procedures specified in Iowa Code section 21.5 to be followed by a public body in order to close a meeting to the public. If a board meeting has been closed to the public, the board shall not adjourn while in closed session, but may do so only after the meeting has been reopened to the public.

(2) The chairperson or vice chairperson may extend invitations to subject matter experts or other parties to address items on the agenda of the board at meetings of the board.

(3) Members of the public shall be afforded an opportunity to address the board at each regular meeting during a period labeled “public comment period” on the agenda, subject to reasonable time limits established by the person presiding at the meeting.

(4) Remote telephonic access to a meeting of the board may be provided at the request of a board member or a member of the public.

*e.* Meetings of the board shall be conducted in accordance with Roberts Rules of Order, 10th edition.

**600.4(3) Officers.** Officers of the board shall be a chairperson and a vice chairperson.

*a.* Election of the chairperson and the vice chairperson shall take place at a regular meeting of the board.

*b.* The chairperson and the vice chairperson shall each be elected for a two-year term, commencing at the conclusion of the meeting at which the election takes place.

- c. The chairperson and the vice chairperson shall each be a voting member of the board.
- d. If the chairperson or the vice chairperson ceases to be a voting member of the board, or if the chairperson or the vice chairperson resigns from the position, the position shall become vacant. If the position of the chairperson becomes vacant, the vice chairperson shall become chairperson and shall serve the remainder of the two-year term to which the chairperson had been elected, and the position of vice chairperson shall become vacant. If the position of vice chairperson has become vacant, an election to fill the remainder of the two-year term shall be conducted at the next regular meeting of the board following the occurrence of the vacancy.
- e. Election to the position of chairperson or vice chairperson shall require a majority of the voting members of the board who are present and voting at a meeting at which a quorum of the board is in attendance.
- f. If the board fails to elect a chairperson or a vice chairperson at the board meeting when a term of office ends, the incumbent chairperson or vice chairperson shall continue to serve until a successor is elected.

**661—600.5(80) Administrative procedures.** 661 Iowa Administrative Code Chapter 10 is hereby adopted by reference, with the following amendment:

**600.5(1)** Wherever the term “department,” “department of public safety,” “commissioner,” or “commissioner of public safety” appears, substitute the term “board.”

**600.5(2)** Reserved.

**661—600.6(80) Committees.**

**600.6(1) *Standing committees.*** A standing committee may be created or disbanded by majority vote of the voting members of the board present at any board meeting.

- a. The chairperson of each standing committee shall be a voting member of the board.
- b. Persons who are not voting members of the board may serve on a standing committee.
- c. The chairperson of the board, with approval of the board, shall appoint members of the standing committee.

**600.6(2) *Ad hoc committees.*** The chairperson may establish ad hoc committees for specific purposes and terms and may appoint persons to those committees in an advisory capacity based upon their expertise in the subject matter.

**661—600.7(80) Board finances.** Operational expenses of the board and of the statewide interoperability coordinator shall be paid from funds available to the department of public safety or the department of transportation, pursuant to an agreement between those agencies, except that expenses related to participation on the board by employees of state agencies shall be borne by their respective agencies.

**661—600.8(80) Contracts.** The board may enter into contracts with other entities to carry out tasks in pursuit of the board’s purpose. Any such contract shall be entered into subject to approval of the legal counsel to the board and shall comply with the rules of the department of administrative services and any other applicable state laws regarding purchases by state agencies.

**661—600.9(80) Competitive grants.** If funds are available to the board to award grants on a competitive basis for projects to further the purposes of the board, the chairperson shall appoint an advisory committee to review grant applications. The chairperson of the advisory committee shall be a voting member of the board, although other members may be members of the board or other persons with expertise helpful in evaluating grant applications. The statewide interoperability coordinator shall, prior to the solicitation of applications for the grant funds and with the approval of the board, develop a grant application form and an evaluation methodology which shall be understandable and made available to any prospective applicant. The availability of grant funds shall be made known as widely as practicable prior to the deadline for accepting applications.

**661—600.10(80) Additional information.** Additional descriptive and explanatory information about the board and its procedures and about interoperability issues may be found on the Web site of the board.

NOTE: The board Web site may be found at <http://isicsb.iowa.gov/index.html>.

These rules are intended to implement Iowa Code section 80.29.