

Date September 14, 2009

APPROVING AMENDED AND RESTATED METROPOLITAN INCIDENT COMMAND RADIO NETWORK (MICRN) 28E AGREEMENT

WHEREAS, the Metropolitan Incident Command Radio Network (MICRN) was initially created in 1994 to enhance interagency communications following the floods of 1993; and

WHEREAS, membership includes divisions of Central Iowa public agencies and emergency responders, such as public safety and public works; and

WHEREAS, participants work together in preparation for, response to, and mitigation of emergencies, such as hazardous weather, HAZMAT incidents, terrorist attacks, mass casualty events, fire, flooding and any event requiring interagency communication; and

WHEREAS, the purpose of the 28E agreement to establish MICRN is to improve metropolitan incident command communications, particularly in the event of regional disaster and an Amended and Restated Metropolitan Incident Command Radio Network ("MICRN") MEMBERSHIP 28E Agreement has been prepared for approval by all member, a copy of which is on file in the City Clerk's Office.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa, that the Amended and Restated Metropolitan Incident Command Radio Network ("MICRN") MEMBERSHIP 28E Agreement, a copy of which is on file in the City Clerk's Office, is hereby approved and the Mayor is hereby authorized and directed to execute this Agreement on behalf of the City and the City Clerk is hereby directed to attest to his signature.

(Council Communication No. 09-~~629~~) Moved by _____ to adopt.

APPROVED AS TO FORM:

Ann DiDonato
Ann DiDonato, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				
MOTION CARRIED			APPROVED	
_____ Mayor				

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

_____ City Clerk

MICRN MEMBERSHIP**February 1, 2008**

Altoona Police Communications
Ankeny Police Communications
American Red Cross
Ames Police Communications
Boone County Sheriff Communications
Clive Public Works
Dallas County Emergency Management
Dallas County Sheriff
Des Moines HAZMAT
Des Moines Police Communications
Des Moines Public Safety (Iowa State Patrol Communications)
Des Moines Public Works
Des Moines Waterworks
Des Moines Airport Operations
Granger Fire Department – *Approved 4/04 but not activated*
IA Air National Guard_– 132nd Fighter Wing
Iowa Department of Transportation
Iowa Homeland Security and Emergency Management- Joint Forces HQ (Shared with Des Moines Public Safety)
Indianola Fire Department
ISU Public Safety
Jasper County Sheriff Communications
Johnston Police Communications
Madison County Sheriff Communications
Marion County Sheriff Communications
Metro Planners Group - At the Principle Dispatch Center
Iowa Methodist Hospital
Mercy Medical Center
Mid American Energy
National Weather Service Forecast Office
Norwalk Fire Department
Norwalk Police Communications
Perry Police Communications
Pleasant Hill Police Communications
Polk County Sheriff Communications
Polk County Emergency Management
Story County Emergency Management
State Fair Authority
Story County Sheriff Communications
Waukee Fire Department
Warren County Sheriff Communications
Warren County Emergency Management
West Comm Communications (Clive / Urbandale / West Des Moines Police Communications)
West Des Moines Fire Department
West Des Moines Public Works
Windsor Heights Police Department

Amended and Restated Metropolitan Incident Command Radio Network ("MICRN") MEMBERSHIP 28E AGREEMENT

Purpose

The Metropolitan Incident Command Radio Network ("MICRN") utilizes an 800 MHz radio, and was created to enhance immediate communications between agencies and emergency responders in central Iowa in the event of an emergency. Emergencies include hazardous weather and non-weather emergencies including HAZMAT incidents, terrorist attacks, mass casualty events, flooding and any event requiring inter-agency communication. MICRN was established in the spring of 1994 with an initial membership involving about 15 agencies. The original concept was to enhance interagency communications during emergencies. The need was identified after the 1993 floods where interagency communication was a problem. Since 1994, the MICRN has grown to over 40 divisions of public and non-profit private agencies in eight Iowa counties.

Pursuant to Chapter 28E of the Code of Iowa, this agreement sets forth the provisions governing the operation of the MICRN, and amends and restates all previous agreements relating to the formation and governance of MICRN. No separate legal entity is created by this agreement. No real property, vehicles or other equipment shall be jointly acquired in connection with this agreement. Each member agrees to pay for the costs of acquiring and operating its 800 MHz radios.

II. Duration

This agreement is effective from the time of filing with the Iowa Secretary of State the agreement executed by the members comprising the Executive Committee. Any additional members will become effective upon filing of an executed signature page with the Iowa Secretary of State. The agreement shall continue for a given member until the member terminates its membership or until MICRN's membership terminates this agreement as set forth herein.

III. Membership

The membership shall include any division of a public agency or private agency that has been granted membership by the MICRN membership and executes this Agreement. Example of divisions of an agency are a city's public works department or a city's fire department. A public agency means any political subdivision of the State of Iowa, an agency of state government or an agency of the federal government. A private agency means a non-profit business organization or public utility organized under the laws of Iowa or any other state.

A member's agency shall evidence its agreement to the terms of this agreement and to adhering to MICRN protocol rules by signing a signature page identifying all of the agency's divisions that desire membership. Members have the right to bring forward agenda items to the

MICRN Executive Committee ("EC"), established as set forth in Section IV, and to vote on membership and other issues concerning MICRN.

Each agency that desires that one or more of its divisions become members of MICRN will be provided a full copy of the latest MICRN Membership 28E Agreement for review, together with a Membership Application form which shall be completed for each division applying for membership.

The Membership Application will be sent to the MICRN Chairperson. The EC at its next regularly scheduled EC meeting shall review the Membership Application. If the EC recommends approval of the Membership Application, the applicant shall provide an executed MICRN Membership 28E Agreement before the Membership Application is forwarded to the full MICRN membership for consideration. After receiving the EC recommendation, the completed Membership Application and executed Membership Agreement, the MICRN members shall vote for or against the proposed new member at the next regularly scheduled MICRN membership meeting.

If membership is denied by the full MICRN membership, the Chairperson will provide a written explanation of the decision to the applicant.

A member may terminate its membership in MICRN by notifying the Chairperson, in writing, of the member's intention to withdraw at least thirty (30) days prior to the effective date of such withdrawal.

A new member's membership may be terminated in the event that the member does not acquire an 800 MHz radio and establish service within one (1) year after the new member is approved. The EC shall provide the member with written notice after the one year anniversary of the member's admission that the member's membership will terminate sixty (60) days from the date of the letter unless the member provides evidence to the EC that an 800 MHz radio has been acquired and service established.

GENERAL MEMBERSHIP MEETINGS:

- Membership meetings shall be held semiannually in the spring and fall of the year. If warranted, special meetings can be set only after two weeks notice to membership.
- Can be called at anytime if emergency conditions warrant.
- Actions shall be approved by a majority of the members present at the meeting.

IV. Governance

EXECUTIVE COMMITTEE: The EC shall consist of a representative from each of the five (5) recognized groups of divisions comprising the MICRN membership. The five groups of divisions are:

1. public safety
2. public works
3. emergency management
4. National Weather Service
5. private sector

The members of each group shall elect the group's representative to the EC at the spring meeting of the membership, when such EC position is scheduled to be elected. Any vacancy on the EC shall be filled by the members of the applicable group at the next scheduled membership meeting.

EC membership will be rotated according to the following schedule:

July 1, 2007 – Public Safety and Public Works – two year terms.
July 1, 2008 – Emergency Management and Private Sector – two year terms.
National Weather Service will be a permanent member.

For purposes of taking any action under this agreement, a quorum of the EC shall be determined to be the presence of three (3) EC members. Once a quorum is established, any action of the EC shall be approved by a majority vote of the EC members present.

The EC's role and responsibilities:

- Each member on the EC shall represent the group they are from.
- Review applications for membership. If needed, a representative from the applicable group may present an application presentation to the EC. Upon recommendation for approval by the EC, the application will be sent to the MICRN membership for consideration.
- Administer day-to-day issues of MICRN including training, coordination with the Vendor, individual MICRN members and potential MICRN members.
- Maintain a database of MICRN point of contacts ("POC") for all members including land mail address, phone number, e-mail address and the number of radios that have the MICRN frequency for each agency. The database shall be kept at the Chairperson's office.
- Develop agenda items for general membership meetings.
- Update the MICRN Membership 28E Agreement when needed.
- Update the Vendor Agreement when needed and address Vendor issues.
- Keep on file the signed MICRN Membership Agreement and signature pages thereto. Files will be kept at the Chairperson's office.
- Maintain MICRN discipline according to the MICRN Discipline Code.

CHAIRPERSON: The Chairperson of the EC shall be elected by the EC every two years. The Chairperson shall be the point of contact for the EC. All issues from the membership or the Vendor to be considered by the EC should go through the Chairperson.

VICE-CHAIRPERSON: Shall represent the Chairperson in the Chairperson's absence. Vice-Chairperson will conduct all meetings that are not attended by the Chairperson. Vice-Chairperson shall provide Chairperson meeting notes or decisions made during an EC meeting or MICRN membership meeting. The Vice-Chairperson may be any MICRN EC member and elected by the membership of the EC.

VENDOR: The Vendor shall be authorized by MICRN to provide service for the 800 MHZ systems. The Vendor shall coordinate with the MICRN Chairperson and the MICRN EC on all network issues including overall network stability, changes to network costs, technical issues which impact the entire network, activating and/or terminating service. The Vendor shall only activate service of a new member if instructed to by the MICRN Chairperson. If a member terminates service, the Vendor shall notify the MICRN Chairperson. Repairs to individual radios do not need to be coordinated or reported.

V. Member Responsibilities

Each MICRN member will provide their own 800 MHz radio(s), and pay all associated tower charges. The MICRN group does not provide equipment or pay any other associated cost or fees for such system.

The Vendor will bill each member directly for equipment and operating costs for such member's radios.

Each member shall provide the EC a point of contact (POC) from their agency, including name, address, phone number, e-mail and a full list of MICRN enabled radios, by department, operated by the agency.

VI. Guidelines for Use

To maintain the integrity of the MICRN system, the following MICRN protocol regulations are adopted:

1. Make statements brief, clear and concise.
2. Limit radio transmissions to the intended use of the MICRN system.
3. A professional communications demeanor shall be observed at all times. Inflammatory terms, slang words, snide remarks, CB lingo and profanity are prohibited.
4. Transmissions shall be made using Clear Text or otherwise referred to as plain language, for example refrain from using 10-codes or signal codes.
5. Use National Incident Management System (NIMS) and Incident Command System (ICS) guidelines when applicable.
6. Proper Use:
 - Any type of disaster
 - Weather emergencies
 - Any scenario where Incident Command & Control has been initiated
7. Improper Use:
 - Routine day-to-day communication within your own organization or between different organizations.
 - For economic gain

VII. MICRN Discipline Code

Complaints regarding violations of the Guidelines for Use section of this agreement shall be brought to the MICRN Chairperson. Any MICRN member can bring forward a complaint.

The MICRN Chairperson shall bring the complaint to the EC who will review the complaint and determine the merit of the complaint. The review of the complaint may include reviewing recorded MICRN transmissions and interviewing the person making the complaint.

If the complaint is deemed warranted, the EC shall follow the following process:

Each type of "infraction" shall go through this process.

First Infraction:

A verbal warning is communicated to the POC for the member against whom the complaint was made, and the verbal warning is documented in the MICRN records.

Second Infraction:

A written warning is sent in writing to the POC for the member against whom the complaint was made and is documented.

Third Infraction:

MICRN EC will recommend to the MICRN membership that the member be removed from the MICRN membership.

IX. Termination of Agreement

Upon an affirmative vote of seventy-five percent (75%) of the membership, this Agreement shall be terminated and the MICRN system eliminated.

X. Submission of Agreement and Reports

The Chairperson shall submit all agreements and reports to the Iowa Secretary of State in accordance with Section 28E.8 of the Iowa Code, and shall submit the summary of the proceedings of the EC and membership in accordance with Section 28E.6 of the Iowa Code.

[SIGNATURES OF EXECUTIVE COMMITTEE ENTITIES]

**Signature Page to
Amended and Restated
Metropolitan Incident Command Radio Network
("MICRN) MEMBERSHIP 28E AGREEMENT**

Name of Agency: City of Des Moines

Divisions of Agency Proposed for Membership in the following groups:

Point of Contact Information

Fire/EMS

Name: Robert Cox or Michele Bischof

Email: ricox@dmgov.org or mlbishcof@dmgov.org

Police

Name: Erin Nevins

Email: ednevins@dmgov.org

Public Works/ Parks

Name: Jay Bennett

Email: jtbenett@dmgov.org

Emergency Management

Name: _____

Email: _____

Non-Profit Private

Name: _____

Email: _____

National Weather Service

Name: _____

Email: _____

The above-named Agency, on behalf of the divisions listed above, agrees to the terms of the Amended and Restated MICRN 28E Membership Agreement dated _____, 2009.

Signature: _____ Title: _____

Date: ____/____/____