

STATE OF ILLINOIS
BUREAU OF ADMINISTRATIVE HEARINGS
FOR
DEPARTMENT OF STATE POLICE
OFFICE OF THE STATEWIDE 9-1-1 ADMINISTRATOR

Mid-South Comm ETSB,)	
Applicant.)	
)	17-C-188
)	
Application for 9-1-1 Consolidation)	

RECOMMENDED DECISION

I. BACKGROUND

On July 3, 2017, Mid-South Comm ETSB (the “Applicant” or “MSC”) filed a Consolidation Plan (“Consolidation Plan” or “Plan”) with the Office of the Statewide 9-1-1 Administrator pursuant to Section 15.4a of the Emergency Telephone System Act (“ETSA”). 50 ILCS 750/15.4a. The Applicant proposes the dissolution of the Lyons, Justice and Willow Springs ETSBs and formation of Mid-South Comm ETSB. The Public Safety Answering Points (PSAP) of Lyons and Justice will continue to operate for the consolidated ETSB; and, the PSAP operated by Willow Springs would be decommissioned.

Under Section 15.4a(a)(2) of the Emergency Telephone System Act (50 ILCS 15.4a(a)(2)), in any county with a population of at least 250,000 that has more than one Emergency Telephone System Board (“ETSB”), Joint Emergency Telephone System Board (“JETSB”), or qualified governmental entity, any 9-1-1 Authority serving a population of less than 25,000 shall be consolidated such that no 9-1-1 Authority in the county serves a population of less than 25,000. None of the communities served by the current ETSBs individually serves a population greater than 25, 000. The regulations promulgated pursuant to the ETSA specify the procedures and requirements of such a consolidation plan, 83 Ill. Adm. Code 1324.200, *et. seq.* (the “Regulations”).

On July 3, 2017, Illinois State Police staff, Ms. Marci Elliott, issued a Department Review of Consolidation reporting on a technical review of the Consolidation Plan, as required by the Section 1324.200(f)(1) of the Regulations, 83 Ill. Adm. Code 1324.200(f)(1).

A hearing was held before a duly authorized Administrative Law Judge, Daniel P. Schuering, on August 11, 2017. Chief James M. Keating, Lyons Police Department, appeared on behalf of Applicant along with counsel, Ms. Claudia Castro, Odelsen & Sterk. Ms. Elliott, for the Illinois State Police, along with counsel, Mr. John M. Hosteny, appeared on behalf of the Department. She stated that no comments had been received by the Department regarding the Consolidation Plan and that there were no requests to speak at the hearing. Mr. Hosteny indicated at the conclusion of the hearing that the Department recommends approval of the Consolidation Plan.

II. EVIDENCE

The evidence adduced at the Hearing is:

1. The Consolidation Application dated June 29, 2016;
2. The Department Review of Consolidation dated July 3, 2017 authored by Stacy Ross;
3. The testimony of Chief James Keating on behalf of the Applicant and the presentation concerning the Consolidation Plan by Ms. Castro; and,
4. The testimony of Ms. Marci Elliott on behalf of the Department.

III. CONSOLIDATION PLAN

Each of the proposed members of the MSC JETSB have approved, by appropriate corporate action, and executed the Intergovernmental Cooperation Agreement which became effective on April 1, 2017 and upon its signature by all of its members.^{1,2} In addition, each member community has adopted, by appropriate corporate action, necessary proceedings to

¹ An Intergovernmental Agreement to Establish a Joint 9-1-1 Authority (Mid-South Comm ETSB), p. 2, ¶ 11 (Exhibit C to the Consolidation Plan.).

² See Note 4 below. The Village of Justice should be required to provide evidence of authority for the signature of the Intergovernmental Agreement by the Mayor on behalf of the Village. The Lyons and Willow Springs Ordinances have provided for such authority which validates the signatures on behalf of those communities.

dissolve the individual ETSBs.^{3,4} The Willow Springs PSAP will be decommissioned as a result of the consolidation with dispatch services being transferred to the Justice PSAP. Additional communities which may join MSC will be served by the Lyons PSAP.

IV. TECHNICAL REVIEW

The technical review performed by Ms. Elliott concludes that Applicant's consolidation plan meets the requirements for a consolidation plan as prescribed by Section 1324.200(c) of the Consolidation of 9-1-1 Emergency Systems Regulations. However, certain documentation deficiencies exist which must be corrected prior to approval of the Consolidation Plan.

1. An additional ordinance or ordinances which expressly: a. dissolves the Justice ETSB; and, b. terminates the participation of the Village of Justice in the Central Justice Consolidated Dispatch or dissolves the Central Justice Consolidated Dispatch ETSB.
2. A completed signature page from the Village of Justice for the Intergovernmental Agreement establishing the Mid-South Comm ETSB must be provided.
3. Call Handling and Outside Jurisdictional Boundaries Agreements (Call Handling Agreements) must be provided for Lyon Police Department, Justice Police Department and Robert Park Fire Protection District.⁵
4. A test plan demonstrating that calls will be successfully routed from the Willow Springs PSAP to the Justice PSAP.

³ See, Village of Lyons Ordinance Number 06-06-17-O4, Village of Justice Ordinance of November 14, 2016 and Village of Willow Springs Ordinance Number 2017-O-19 (Exhibits A1, A2 & A3 to the Consolidation Plan).

⁴ The Technical Review of Ms. Elliott correctly points out that the Ordinance of the Village of Justice provides for consolidating with a different JETSB; however, Section 2 of that Ordinance also provides that "suspension of operations" of the Justice ETSB shall occur upon joining the alternate ETSB "or by June 30, 2017, whichever is earlier." Therefore, notwithstanding the provisions providing for a different ETSB, by operation of the Ordinance, the Justice ETSB has been dissolved.

⁵ A call handling Agreement for the Willow Springs Police Department has been provided but is unsigned by an authorized representative of Willow Springs Police. This agreement must also be signed.

V. FINDINGS OF FACT AND RECOMMENDATION

HAVING REVIEWED the entire record herein and being fully advised in the premises, it is:

A. FOUND that:

1. The Consolidation Plan furthers the statutory goal of ETSA to establish 9-1-1 as the primary emergency telephone number for use in the State of Illinois. ETSA further states the statutory goal that “it is in the public interest to shorten the time required for a citizen to request and receive emergency aid.” 50 ILCS 750/1. This goal will be furthered with the approval of this Consolidation Plan.
2. The Consolidation Plan meets the requirements for a consolidation plan as required by Section 200(c) of Part 1324 of the Regulations.
3. In particular, the Consolidation Plan includes a completed application consisting of the following documents:
 - a. Contact and 9-1-1 system information;
 - b. Sworn statement of attesting to the truth of the information provided in the Plan;
 - c. Letter that is sent to the 9-1-1 system provider with a copy of the Plan;
 - d. Detailed summary of the proposed system’s operation, including, but not limited to, a five-year strategic plan for implementation of the consolidation with financial projections and information as to how the plan will assist with achieving the statutory goals enumerated in ETSA Section 5.4b(a). 83 Ill. Adm. Code 1324.200(c)(1).
4. In addition, the Consolidation Plan provides the following in compliance with Section 200(c)(1)(F)-(I) of Part 1324 of the Regulations:
 - a. List of all communities that are served by the 9-1-1 system;
 - b. List of public safety agencies that are dispatched by the 9-1-1 system;
 - c. List of the public safety agencies that are adjacent to the 9-1-1 system’s geographic boundaries; and,
 - d. List of the carriers and interconnection VoIP providers that are known by the Applicant to provide service within the jurisdiction of the 9-1-1 system.

5. The Applicant has attached to the Consolidation Plan the following documents as required by Section 200(c)(1)(J) of Part 1324:
 - a. Local ordinances that dissolve an existing ETSB, except as described in Section IV.1 above;
 - b. An intergovernmental agreement creating a Joint ETSB or any other agreements pertinent to the 9-1-1 system consolidation, except as described in Section IV.2 above;
 - d. The network diagram that is provided by the 9-1-1 system provider; and,
 - e. The Call Handling and Aid Outside Jurisdictional Boundaries Agreements 83 Ill. Adm. Code 1324.200(c)(1)(J).
6. The Consolidation Plan does not incorporate a next generation (NG9-1-1) solution.

B. DETERMINED that:

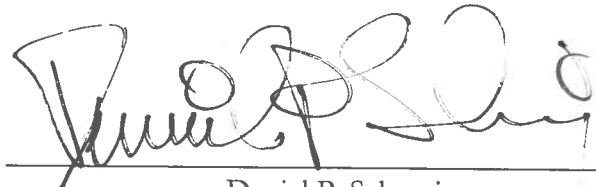
1. MSC JETSB has filed a 9-1-1 Consolidation Plan pursuant to 50 ILCS 750/15.4a of the Emergency Telephone System Act;
2. The MSC JETSB Consolidation Plan furthers the statutory goals of the Emergency Telephone System Act;
3. MSC JETSB Consolidation Plan meets the requirements of 83 Ill. Adm. Code 1324.200(c); and
4. The MSC JETSB Consolidation Plan should be approved upon correction of the deficiencies set forth in Section IV hereof and submission of required additional materials to the Statewide 9-1-1 Administrator.

IT IS THEREFORE RECOMMENDED that the MSC JETSB Consolidation Plan be approved upon corrections of the deficiencies set forth herein.

This Recommended Decision of the Administrative Law Judge is issued this 11th day of October, 2017.

BUREAU OF ADMINISTRATIVE HEARINGS

Dated: October 11, 2017



Daniel P. Schuering,
Administrative Law Judge