

STATE OF VERMONT
PUBLIC SAFETY COMMUNICATIONS TASK FORCE

Meeting No. 2 – Meeting Minutes

July 19, 2023, at 11:15 AM

Via Microsoft Teams

11:18 AM – Call to Order

Co-Chair Barbara Neal brought the meeting to order and conducted roll call for Task Force members. The following were in attendance:

Task Force Members Present

Barbara Neal, *E911 Director, Co-Chair*
Paul White, *Regional Dispatch Working Group, Vice-Chair*
Ron Kumetz, *VT State Firefighters Association*
Michael Wright, *CEO of Calex Ambulance*
Mike Doenges, *Rutland City Mayor*

Task Force Members Absent

Jennifer Morrison, *Public Safety Commissioner, Co-Chair*
James ‘Jim’ Mack, *PSAP Admin, Shelburne PSAP*

Others Present

Cally Audet
Phillip Sisk
Stephen Whitaker
Kimberly Cheney
Tucker Jones, Legal Council

Approval of Agenda or proposed additions

Co-Chair Neal shared that the discussion regarding congressionally directed funds would be tabled until next meeting. She also shared that the draft confidentiality policy would be discussed under the Public Records Request process agenda item. The floor was opened to the members with suggested changes. No additional changes made.

Approval of Minutes from 6/28/2023

Motion: Ron Kumetz motioned to approve the minutes as written; 2nd by Paul White. There was no discussion and the motion passed unanimously by voice vote.

Stephan Whitaker requested that a copy of the draft confidentiality policy being discussed later in the meeting be sent to him.

Congressionally Directed Funds Discussion

Item tabled until next meeting.

Public Records Request Process – Updated from Legal

Co-Chair Neal began the public records request process discussion by sharing that the Co-Chairs had consulted with both Department of Public Safety (DPS) and E911 Board legal counsel regarding the public record request requirements for the Task Force. It had been determined that all requested first be submitted to the Co-Chairs and would then proceed in following the existing public records request procedures in place at the Department of Public Safety. Co-Chair Neal shared that this discussion led to a draft confidentiality policy to be reviewed and voted upon by the Members. Co-Chair Neal opened the floor for questions by Task Force members.

Paul White shared concern regarding the use of current established DPS procedures, when the Task Force is not a DPS affiliated or run group. Further discussion took place on the legal requirements of DPS to provide administrative support to the Task Force per the legislative language. DPS legal counsel, Tucker Jones provided insight into the decision-making process to date. Ron Kumetz shared additional concerns regarding public records requests during RFP procurement processes as experienced in previous working groups.

Tucker Jones initiated conversation regarding the recommendation that all Task Force members presently without a Vermont.gov or partner email account, be set up with one for the dissemination of confidential documents. Co-Chair Neal expanded on the recommendation letting the Task Force members know that they are currently in the process of getting everyone an email account to use for Task Force business moving forward.

Co-Chair Neal opened the floor for public comment regarding the Public Records Request process.

Guest, Stephen Whitaker reiterated his concerns regarding timeliness in public record request response from the Department of Public Safety. He also shared concerns regarding Task Force members adopting the drafted confidentially policy, and requested the topic be tabled until next meeting.

Paul White raised further questions regarding who in fact is the custodian of records for the Task Force, and whom should be responsible for the release of requested documents. Further discussion took place.

Motion. Paul White made a motion to adopt the confidentiality policy as presented to the task force on July 19, 2023; 2nd by Michael Doenges. Discussion took place regarding opportunities to use task force funds for a third-party attorney should a conflict arise, as well as the need for the creation of state/partner email accounts for Task Force members. A roll call vote was taken, and the results were as follows; Ron Kumetz, yes; Michael Wright, yes; Michael Doenges, yes; Paul White, yes; Barb Neal, yes. Co-Chair Jennifer Morrison and member James Mack were absent. Motion passed.

Adopted Confidentiality Policy attached.

RFP Status

- Legislative Feedback re Dates/Deadlines
Co-Chair Neal shared that the Co-Chairs went back to the legislative committees to discuss concerns regarding Task Force deliverable deadlines. She shared that the email conversation could be distributed if Task Force members would like to see it but clarified that these deliverable dates are requesting progress reports of tasks, and not necessarily for the task to be completed in its entirety.
- Status of Draft and Timeline Review
Co-Chair Neal shared that the draft of the core items in the RFP is almost complete. Once the aforementioned new email addresses have been created for the Task Force members, a draft copy of the RFP will be distributed to the members, with hopes of discussing the document at the next meeting. Co-Chair Neal provided a brief overview of the content in the RFP and shared that the Task Force members will have the opportunity to provide feedback and suggestions on what items might need to be added to the document.

Discussion took place on how to get the draft document in its nonpublic state to the Task Force members prior to the state of the next meeting. It was agreed that should the new email accounts be available for use, the document will be distributed electronically, and if they are not a copy will be sent via certified mail to the Task Force members prior to the next meeting.

Public Comment

Co-Chair Neal opened the floor to public comment.

Guest, Stephen Whitaker shared concerns regarding timeliness of public record request response by the Department of Public Safety, the need for this future public safety communications plan to be integrated with other plans and projects of similar nature previously established in Vermont, engagement with first responders throughout the State, connectivity issues to public safety radios and cellular transmitters among other things. He raised concerns about the number of RFP's intended to be created for the Task Force projects.

Co-Chair Neal welcomed Stephen Whitaker to share any requests he might have in writing.

New Business

Co-Chair Neal opened the floor to the Task Force members for discussion of any new business.

Paul White asked questions regarding the RFP process, and requested the members see a draft of the currently proposed RFP. Co-Chair Neal shared that the current RFP being drafted pertains more to the subject matter expertise. She shared that an agenda item would be added to the next meeting's agenda to further discuss this matter.

Discussion took place regarding when the next Task Force meeting should be held. The next Task Force meeting will take place on Thursday, July 27, 2023, at 11:15 AM, via Microsoft Teams.

Adjournment

Motion: There being no further business, Michael Doenges made a motion to adjourn; 2nd by Michael Wright. There was no further discussion and the motion passed unanimously by voice vote. The meeting adjourned at 12:18 AM.

Respectfully submitted:

Cally Audet

Date

DRAFT

Public Safety Communications Task Force

Confidentiality Policy (Approved: July 19, 2023)

The Public Safety Communications Task Force (the “Task Force”) adopts this policy to protect and preserve nonpublic information relating to the business of the Task Force. In carrying out its duties, the Task Force may receive information maintained by various governmental entities. Access to such information shall not be construed “to waive any privilege or protection otherwise afforded information by law due solely to the fact that the information is shared with the Task Force” 2023, No. 78, § C.114(d)(6)(B).

Task Force members shall adhere to the following procedures regarding the disclosure of information relating to the business of the Task Force:

1. All records of the Task Force are subject to the Vermont Public Records Act, 2023, No. 78, § C.114(d)(7). The Task Force shall be considered the custodian of records for records relating to the business of the Task Force. The Task Force will not disclose records or portions of records for which a reasonable claim of exemption can be made pursuant to 1 V.S.A. § 317(c), including but not limited to: records that by law are designated confidential or by a similar term, records subject to a statutory or common law privilege, certain records dealing with the detection and investigation of crime, trade secrets, records containing information the disclosure of which would threaten the safety of persons or the security of public property, records relating specifically to negotiation of contracts, certain records relating to publicly owned, managed, or leased structures, and any other records exempt from disclosure under the Vermont Public Records Act.
2. Various governmental entities may disclose information to the Task Force, referred here as “Disclosing Entities.” The Task Force may notify and consult with Disclosing Entities and any other entity with a substantial interest in the records regarding potential disclosure.
3. Task Force members have a duty to protect and preserve nonpublic information relating to the business of the Task Force. Task Force members shall not disclose to any person or entity any information or records relating to the business of the Task Force for which a reasonable claim of exemption could be made. As custodian of records, the Task Force shall determine whether a claim of exemption applies to the information before any disclosure is made. Information may include records and oral or written communications that reveal the contents of records. Any disclosure of information relating to the business of the Task Force shall be made by the Task Force only and not its individual members.

4. A Task Force member shall notify the Task Force chairs of any interest of the Task Force member to disclose to any person or entity any information related to the business of the Task Force. The Task Force chairs shall notify the Task Force and any relevant Disclosing Entities about the request so the Task Force and Disclosing Entities may assert any exemptions to disclosure or otherwise assert any right it may have to maintain the confidentiality of the information.
5. Task Force members shall immediately notify the Task Force chairs of any request or demand by any person, court, governmental agency, or other entity asserting a demand or request for information related to the business of the Task Force. The Task Force chairs shall notify the Task Force and any relevant Disclosing Entities about the request so the Task Force and Disclosing Entities may assert any exemptions to disclosure or otherwise assert any right it may have to maintain the confidentiality of the information.
6. Task Force members shall immediately notify the Task Force chairs if the Task Force member learns or has a reasonable belief that information subject to this policy was used or disclosed in violation of this policy.
7. Task Force members shall only send and receive email communications regarding information related to the business of the Task Force via email accounts approved by the State of Vermont, including Vermont.gov and Partner.Vermont.gov accounts.
8. Task Force members are reminded that unauthorized disclosure of certain records designated as confidential by state or federal law may result in criminal and/or civil sanctions.
9. The Task Force and/or Disclosing Entities shall strive to identify nonpublic records before they are distributed to Task Force members. However, the absence of such identification shall not relieve the Task Force members from adhering to this policy.

A Task Force member who violates this policy may be subject to sanctions by the Task Force, including limitations or prohibitions on the Task Force member's access to information. Each Task Force member shall acknowledge receipt of this policy and adhere to its terms.

The Task Force voted to adopt this policy on July 19, 2023.