

**INDIANA STATEWIDE 911 BOARD**

**RESOLUTION NO. 2012-2**

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
INDIANA STATEWIDE 911 BOARD  
ADOPTING BY-LAWS**

WHEREAS, on March 19, 2012, the Governor of the State of Indiana (the "State") signed into law Senate Enrolled Act No. 345, PUB. L. NO. 132-2012 (Second Regular Session 117<sup>th</sup> General Assembly) (the "Act");

WHEREAS, pursuant to the Act, the Indiana Statewide 911 Board (the "Board") is a separate public body corporate and politic of the State created and existing under the authority of IND. CODE § 36-8-16.7-24; and

WHEREAS, pursuant to the Act, the Board may adopt and enforce bylaws and rules for the conduct of Board business and the use of Board services and facilities;

NOW, THEREFORE, BE IT RESOLVED BY THE INDIANA STATEWIDE 911 BOARD, THAT:

**Section 1. Adoption of By-laws.** The By-laws of the Indiana Statewide 911 Board attached as Appendix A to this Resolution are hereby approved and adopted.

**Section 2. Minutes Book.** The Board instructs its Executive Director to keep and hold a corporate minutes book and a copy of the approved and adopted By-laws shall be made apart thereof.

Approved and adopted this 30<sup>th</sup> day of August, 2012, in Indianapolis, Indiana.

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Richard Mourdock, Board Chairperson

ATTEST:

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Barry Ritter, Executive Director

APPENDIX A

[By-laws of the Indiana Statewide 911 Board – Attached]

# INDIANA STATEWIDE 911 BOARD

## BY-LAWS

### ARTICLE I

#### ORGANIZATION

**Section 1. Creation.** The Indiana Statewide 911 Board (the "Board") is a public body corporate and politic of the State of Indiana (the "State") created and existing under the authority of Indiana Code § 36-8-16.7 and is separate from the State in its corporate and sovereign capacity.

**Section 2. Purpose.** The purpose of the Board is to develop, implement, and oversee the statewide 911 system which exists as an essential governmental function of the State.

**Section 3. Authority for By-laws.** The purpose of these By-laws is to establish rules and procedures for the conduct of Board business, the use of Board facilities, and the use of Board services. It is not the intention of these By-laws to exceed or contradict the laws governing the creation and operation of the Board or the statewide 911 system. In any matter where these By-laws are found to contradict Indiana law, the prevailing law shall control.

**Section 4. Membership.** The Board shall consist of the members provided for under Indiana Code § 36-8-16.7-24(c), as amended.

**Section 5. Offices.** The offices of the Board are located at 10 West Market Street, Indianapolis, Indiana, 46204.

**Section 6. Immunity.** As an instrumentality of the State, the Board is protected from loss by the immunity provided by Indiana Code § 34-13-3-3, so long as its members and employees act within the scope of their authority.

### ARTICLE II

#### MEETINGS OF THE BOARD

**Section 1. Regular Meetings.** The Board shall meet at least once each calendar quarter. Such meetings shall be held at the Offices of the Board or at such other place as may be designated in the public notice required by Indiana Code § 5-14-1.5. Notice of a Regular Meeting shall be given to the Membership not less than two (2) business days before the date that such meeting is to be held. Membership notice may be waived in a writing signed by any Board member. Attendance by a Board member at any such meeting shall constitute waiver of notice of that meeting. The Executive Director, in concert with the Chairperson, shall prepare all necessary agendas and notices and post in accordance with Indiana Code § 5-14-1.5 and these By-laws.

**Section 2. Special Meetings.** Additional meetings of the Board may be called by the Chairperson or at the request of four (4) Board members. Such specially called meetings shall be held within thirty (30) days of the request, unless such members agree to a later date. Notice of the time and place of special meetings shall be provided in the same manner as Regular Meetings.

**Section 3. Executive Sessions.** The Board may convene an executive session under those circumstances as outline in Indiana Code § 5-14-1.5-6, as amended, and in compliance with all agenda and notice requirements associated therewith.

**Section 4. Quorum.** Quorum is controlled by Indiana Code § 36-8-16.7-25, as amended.

**Section 5. Substitution of Members.** The Treasurer of the State, the State Fire Marshal, or the Superintendent of the State Police may be represented by a designee, so long as the designee is appointed in writing and notice of the appointment is given to all Board members prior to the representation taking effect. Such designees must be employees of or appointees under the control of the designating Board member. Nothing in this Section should be construed as allowing for proxy voting, which is expressly prohibited by Indiana Code § 36-8-16.7-24(f).

**Section 6. Participation by Alternative Means of Communication.** Pursuant to Indiana Code § 5-14-1.5, the Board is subject to the laws governing Board member participation in public meetings of bodies corporate and politic. The Board may adopt and, as needed, revise a policy that governs the participation of Board members in meetings via alternative means of communication.

**Section 7. Motions and Resolutions.** The Board shall transact its business by motion or resolution which may be made by any Board member in attendance, including the Chairperson of the meeting. Voting on all motions shall be by “yea” or “nay” unless a division is called for by any Board member in attendance; in which case, the roll shall be called and the vote of each Board member present shall be recorded. All resolutions shall be numbered consecutively and the original copy of each shall be kept in a book or books for such purpose, which shall be considered a matter of public record.

**Section 8. Minutes.** All proceedings of the Board shall be recorded in a book or books kept for such purpose, which shall be considered a matter of public record. When the Board has approved the minutes of a meeting, the minutes as approved shall represent the sole and final determination of the Board as to the motions and resolutions set forth therein, superseding all statements made by the Board members at the meeting.

### ARTICLE III

### COMMITTEES

**Section 1. Board Committees.** The Board, by resolution, may designate one or more committees by a majority vote of Board members present at a meeting in which a quorum is present.

**Section 2. Committee Authority.** Board Committees shall have advisory and supervisory powers. Board Committees can not and will not have the authority to take any final action on behalf of the Board.

#### ARTICLE IV

##### **BUDGET AND FISCAL MANAGEMENT**

**Section 1. Budget.** The Board shall operate on an itemized fiscal year budget of anticipated operating expense and revenues.

**Section 2. Fiscal Year.** The Board's fiscal year shall begin July 1 and end June 30.

**Section 3. Audits.** The Board shall ensure that its accounts are audited annually by an independent public accounting firm.

**Section 4. Cash Management.** It is the policy of the Board that funds under its control be held, invested, and otherwise managed pursuant to Indiana Code § 5-13.

**Section 5. Authorized Signatories.** The Chairperson, or his/her designee, and the Executive Director are hereby authorized as signatories for the Board.

**Section 6. Contracts.** Pursuant to the Cooperative Agreement with the Indiana Department of Administration, as required by Indiana Code § 36-8-16.7-27(b), the Board may authorize its Executive Director to enter into any contract or execute and deliver any instrument in the name of and on behalf of the Board, and such authority may be general or confined to a specific instance.

#### ARTICLE V

##### **STAFF**

**Section 1. Executive Director.** The Board shall appoint an Executive Director pursuant to Indiana Code § 36-8-16.7-28. The Executive Director shall be the Board's principal executive official whose responsibility it shall be to execute the Board's policies and, more generally, all laws and regulations governing the statewide 911 system.

**Section 2. Employees.** Subject to ratification by the Board, the Executive Director may hire employees. Such employees serve at the Executive Director's discretion and it is the Executive Director's responsibility to administer, manage, and direct employees.

#### ARTICLE VI

##### **PROPRIETARY INFORMATION**

**Section 1. Non-Disclosure Policy.** In execution of its purpose, the Board, its Executive Director, its Employees, and other agents of the Board may come into possession of confidential proprietary information that is protected by Indiana Code § 36-8-16.7-42. It shall be

the duty of every such person to sign a non-disclosure agreement, as approved by the Board from time to time, that evinces specific notice and acknowledgement that all such information shall remain confidential regardless of whether such information is specifically identified as proprietary or confidential.

## ARTICLE VII

### ETHICS AND CIVIL RIGHTS

**Section 1. State Ethics Commission.** Pursuant to Indiana Code § 4-2-6-2.5, the Board, its Executive Director, and its Employees shall be under the jurisdiction and rules adopted by the State Ethics Commission.

**Section 2. Disclosure.** Any Board member, officer, employee, or agent of the Board shall disclose to the Board, in a public meeting, any conflicting or suspect interest or relationship prior to deliberation and final action by the Board on any motion or resolution.

**Section 3. Equal Employment Opportunity.** The Board adopts the State of Indiana's policy to provide equal employment opportunity to all people in all aspects of employer-employee relations without discrimination because of race, color, religion, sex, national origin, ancestry, age, disability, or veterans status.

**Section 4. Sexual Harassment.** The Board adopts the State of Indiana's policy regarding sexual harassment.

**Section 5. Violations.** Any action taken in violation of the Indiana Code or these By-laws, with regard to ethics or civil rights, may void the action of the Board.

## ARTICLE VIII

### IMPLEMENTATION

**Section 1. Amendment.** These By-laws may be amended by a majority vote of the Board at any Regular or Special meeting, provided that notice has been given that an amendment to these By-laws will be voted upon and that a copy of the proposed amendment is submitted to the Board members in their notice.

**Section 2. Effective Date.** These By-laws shall become effective immediately following their adoption by the Board which shall be signified by member signatures affixed hereto.

THESE BY-LAWS ARE APPROVED BY THE INDIANA STATEWIDE 911 BOARD  
THIS 30<sup>TH</sup> DAY OF AUGUST, 2012.

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Richard Mourdock, Board Chairperson

ATTEST:

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Barry Ritter, Executive Director



**INDIANA STATEWIDE 911 BOARD**

**RESOLUTION NO. 2012-3**

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
INDIANA STATEWIDE 911 BOARD  
APPROVING FORM OF NON-DISCLOSURE AGREEMENT**

WHEREAS, the Indiana Statewide 911 Board (the "Board") is a separate public body corporate and politic of the State of Indiana (the "State") created and existing under the authority of IND. CODE § 36-8-16.7-24;

WHEREAS, IND. CODE § 36-8-16.7-24 defines the term "proprietary information" as (1) customer lists and related information, including information subject to protection under 47 U.S.C. 222, (2) technology descriptions, technical information, or trade secrets (as defined in IND. CODE § 24-2-3-2), and (3) information that: (a) concerns the actual or developmental costs of 911 systems and (b) is developed, produced, or received internally by a provider or by a provider's employees, directors, officers or agents;

WHEREAS, IND. CODE § 36-8-16.7-42 requires all proprietary information submitted to the Board to remain confidential;

WHEREAS, Article VI of the By-laws of the Board requires every such person who may come into contact with proprietary information to sign a non-disclosure agreement that evinces specific notice and acknowledgement that all proprietary information is to remain confidential; and

WHEREAS, the Board now desires to adopt a form non-disclosure agreement for such purposes;

NOW, THEREFORE, BE IT RESOLVED BY THE INDIANA STATEWIDE 911 BOARD, THAT:

**Section 1. Adoption of Form Non-Disclosure Agreement.** The Form of Non-Disclosure Agreement of the Indiana Statewide 911 Board attached as Appendix A to this Resolution is hereby approved and adopted.

**Section 2. Applicability.** All Board members, Board employees, Board staff, and other persons who, by reason of contractual or other relationship with the Board or its functions, may come into possession of propriety information as defined by IND. CODE § 36-8-16.7-24 shall execute a Non-Disclosure Agreement.

Approved and adopted this 30<sup>th</sup> day of August, 2012, in Indianapolis, Indiana.

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Richard Mourdock, Board Chairperson

ATTEST:

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Barry Ritter, Executive Director

APPENDIX A

[Form of Non-Disclosure Agreement – Attached]

[Form of]

## NON-DISCLOSURE AGREEMENT

This Non-Disclosure and Confidentiality Agreement ("Agreement") is made and effective as of \_\_\_\_\_, 20\_\_, by and between the Indiana Statewide 911 Board ("Board"), a separate public body corporate and politic of the State of Indiana, and \_\_\_\_\_ ("Undersigned"), a person who may come into contact with proprietary information as defined by IND. CODE § 36-8-16.7-24 (the Board and Undersigned, collectively, the "Parties").

WHEREAS, the Indiana Statewide 911 Board is a separate public body corporate and politic of the State of Indiana created and existing under the authority of IND. CODE § 36-8-16.7-24;

WHEREAS, IND. CODE § 36-8-16.7-24 defines the term "proprietary information" as (1) customer lists and related information, including information subject to protection under 47 U.S.C. 222, (2) technology descriptions, technical information, or trade secrets (as defined in IND. CODE § 24-2-3-2), and (3) information that: (a) concerns the actual or developmental costs of 911 systems and (b) is developed, produced, or received internally by a provider or by a provider's employees, directors, officers or agents;

WHEREAS, IND. CODE § 36-8-16.7-42 requires all proprietary information submitted to the Board to remain confidential;

WHEREAS, Article VI of the By-laws of the Board requires every such person who may come into contact with proprietary information to sign a non-disclosure agreement that evinces specific notice and acknowledgement that all proprietary information is to remain confidential; and

WHEREAS, the Undersigned has been identified as a person who may come into contact with proprietary information;

NOW, THEREFORE, in consideration of the mutual agreements hereinafter set forth, including the foregoing paragraphs which are part of this Agreement and not mere recitals, the Parties hereto agree as follows:

1. Undersigned agrees to keep confidential all such information described by the above statutory provisions, whether or not said information is specifically identified as proprietary or confidential, and regardless of the method or manner in which such information comes into the possession of the undersigned, whether in printed, electronic, or any other tangible or intangible form.

2. Undersigned agrees to keep confidential all other information specifically designated proprietary and/or confidential by the Board in writing, and regardless of the method or manner in which such information comes into the possession of the undersigned, whether in printed, electronic, or any other tangible or intangible form.

3. Undersigned agrees to utilize such information described by the above paragraphs solely for the legitimate and legal purposes of the Board.

4. Undersigned agrees to limit disclosure of the information described by the above paragraphs only to those persons authorized to see and/or possess such information, and only in the legitimate furtherance of the Board's purpose and administration thereof.

5. Undersigned agrees to maintain the confidentiality of the information described in the above paragraphs indefinitely or until explicitly informed by the Board, or its authorized representatives, that the information is no longer proprietary or confidential.

6. Undersigned agrees to cooperate fully with any action by the Board, or its authorized representatives, to prevent, investigate, indemnify, or seek redress for, the improper disclosure of proprietary or confidential information by any person.

7. Undersigned agrees that, should a suit or other legal action be undertaken against the Board or the undersigned for the undersigned's violation of this Agreement or improper disclosure of proprietary or confidential information as described by the above paragraphs, and in such action there is a specific finding that the undersigned violated this Agreement, the Undersigned shall fully indemnify the Board for any relief awarded or granted in such action, and shall fully compensate the Board for the Board's reasonable costs and expenses, including legal fees, incurred in the action. This provision does not include disclosures compelled by judicial order.

8. The terms and conditions of this Agreement shall be binding upon the successors and assigns of the Parties hereto.

IN WITNESS WHEREOF, the Parties have executed this Agreement to be effective as described above.

**UNDERSIGNED**

**STATEWIDE 911 BOARD**

By: \_\_\_\_\_

By: \_\_\_\_\_

Name:

Name:

Position:

Title:

Address:

Address: 10 West Market Street  
Suite 2950  
Indianapolis, Indiana 46204

**INDIANA STATEWIDE 911 BOARD**

**RESOLUTION NO. 2012-4**

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
INDIANA STATEWIDE 911 BOARD  
APPROVING GUIDANCE POLICY  
ON EXPENDITURES OF DISTRIBUTIONS**

WHEREAS, the Indiana Statewide 911 Board (the "Board") is a separate public body corporate and politic of the State of Indiana (the "State") created and existing under the authority of IND. CODE § 36-8-16.7-24;

WHEREAS, the Board is responsible for overseeing the statewide 911 system and the statewide 911 fund;

WHEREAS, the Board is responsible for distributing 911 fees in the statewide 911 fund to Indiana counties pursuant to, and in a manner in accordance with, IND. CODE § 36-8-16.7-37(a);

WHEREAS, a Public Safety Answering Point (a "PSAP") may only use a distribution of 911 fees from a county for certain eligible expenses as provided for under IND. CODE § 36-8-16.7-38;

WHEREAS, all PSAPs in Indiana must submit a report to the Board annually listing all expenditures of 911 fees pursuant to IND. CODE § 36-8-16.7-38(c);

WHEREAS, the State Board of Accounts must annually audit the expenditures of distributions by each PSAP to ensure proper eligibility pursuant to IND. CODE § 36-8-16.7-38(d); and

WHEREAS, the Board desires to assist PSAPs and the State Board of Accounts in understanding the scope and limits of eligible and ineligible expenses of 911 fees;

NOW, THEREFORE, BE IT RESOLVED BY THE INDIANA STATEWIDE 911 BOARD, THAT:

**Section 1. Adoption of Guidance Policy on Expenditures of Distributions.** The Guidance Policy of the Indiana Statewide 911 Board attached as Appendix A to this Resolution is hereby approved and adopted.

**Section 2. Distribution.** The Board instructs its Executive Director to deliver a copy of the Guidance Policy on Expenditures and Distributions to all PSAPs in Indiana and to the State Board of Accounts.

Approved and adopted this 30<sup>th</sup> day of August, 2012, in Indianapolis, Indiana.

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Richard Mourdock, Board Chairperson

ATTEST:

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Barry Ritter, Executive Director

APPENDIX A

[Guidance Policy on Expenditures of Distributions – Attached]



**INDIANA STATEWIDE 911 BOARD**

**RESOLUTION NO. 2012-5**

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
INDIANA STATEWIDE 911 BOARD  
APPROVING ENSURED COUNTY DISTRIBUTIONS**

WHEREAS, the Indiana Statewide 911 Board (the "Board") is a separate public body corporate and politic of the State of Indiana (the "State") created and existing under the authority of IND. CODE § 36-8-16.7-24;

WHEREAS, the Board is responsible for overseeing the statewide 911 system and the statewide 911 fund;

WHEREAS, the Board is responsible for distributing 911 fees in the statewide 911 fund to Indiana counties pursuant to, and in a manner in accordance with, IND. CODE § 36-8-16.7-37(a);

WHEREAS, pursuant to IND. CODE § 36-8-16.7-37(a)(2), the Board shall ensure a distribution to each county in an amount that is at least equal to the average annual amount distributed to all public safety answering points in the county under IND. CODE § 36-8-16 (before its repeal on July 1, 2012) and to the county under IND. CODE § 36-8-16.5 (before its repeal on July 1, 2012) during the three fiscal years ending: (a) June 30, 2009, (b) June 30, 2010, and (c) June 30, 2011 (the "Ensured County Distribution"); and

WHEREAS, the Board has calculated the Ensured County Distribution for each Indiana County;

NOW, THEREFORE, BE IT RESOLVED BY THE INDIANA STATEWIDE 911 BOARD, THAT:

**Section 1. Adoption of Guaranteed County Distributions.** The Ensured County Distribution amounts for each Indiana county are approved and adopted pursuant to the table attached as Appendix A to this Resolution.

**Section 2. Non-Impairment Requirement.** Nothing in this Resolution shall be construed or interpreted as exceeding or contradicting IND. CODE § 36-8-16.7-37(b) as the Board is not allowed, by law, to make any distribution that impairs the ability of the Board to fulfill its obligations. County distributions are only ensured insofar as such distributions meet the non-impairment requirement.

Approved and adopted this 30<sup>th</sup> day of August, 2012, in Indianapolis, Indiana.

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Richard Mourdock, Board Chairperson

ATTEST:

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Barry Ritter, Executive Director

APPENDIX A

[Table of Ensured County Distributions – Attached]

**INDIANA STATEWIDE 911 BOARD**

**RESOLUTION NO. 2012-6**

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
INDIANA STATEWIDE 911 BOARD  
ADOPTING A PROVIDER REMITTANCE POLICY**

WHEREAS, the Indiana Statewide 911 Board (the "Board") is a separate public body corporate and politic of the State of Indiana (the "State") created and existing under the authority of IND. CODE § 36-8-16.7-24;

WHEREAS, the Board is responsible for overseeing the statewide 911 system and the statewide 911 fund;

WHEREAS, Providers, as defined by IND. CODE § 36-8-16.7-19, are required to assess and collect a monthly 911 fee on each standard user that is a customer having a place of primary use in Indiana pursuant to IND. CODE § 36-8-16.7-33;

WHEREAS, Providers are required to submit collections of statewide 911 fees to the statewide 911 fund pursuant to IND. CODE § 36-8-16.7-33(b);

WHEREAS, the Board has the authority under IND. CODE § 36-8-16.7-33(b) to prescribe the manner in which Providers remit 911 fees to the statewide 911 fund and to require Providers to submit informational reports to the Board with each remittance; and

WHEREAS, the Board desires to prescribe a remittance process in furtherance of its responsibilities and obligations;

NOW, THEREFORE, BE IT RESOLVED BY THE INDIANA STATEWIDE 911 BOARD, THAT:

**Section 1. Provider Remittance Policy.** It is the policy of the Indiana Statewide 911 Board, under the authority of IND. CODE § 36-8-16.7-33(b), that all Providers, as defined by IND. CODE § 36-8-16.7-19, are required to use an automated clearing house debit (or "ACH debit") as the proper method for remitting 911 fees to the statewide 911 fund. The Executive Director of the Board is responsible for administering this policy and working with Providers to ensure compliance. The Executive Director of the Board at his/her discretion, and only under exigent circumstances, may waive the requirements of this policy and collect fees for the statewide 911 fund via alternative means.

**Section 2. Provider Remittance Form.** Whenever a Provider remits 911 fees to the statewide 911 fund, it is also required to submit a Provider Remittance Form to the Board, the form of which is included as Appendix A to this Resolution.

Approved and adopted this 30<sup>th</sup> day of August, 2012, in Indianapolis, Indiana.

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Richard Mourdock, Board Chairperson

ATTEST:

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Barry Ritter, Executive Director

APPENDIX A

[Provider Remittance Form – Attached]

Indiana Statewide 911 Board  
IC 36-8-16.7

**IN911 PROVIDER REMITTANCE FORM**

**Return completed form to:**  
Statewide 911 Board  
Email: [StatewideBoard@IN911.net](mailto:StatewideBoard@IN911.net)  
Fax: (317) 233-0894

**INSTRUCTIONS:** 911 surcharges collected by providers are due to the Statewide 911 Board within 30 days of the collection of the surcharge from the customer or within 30 days of the close of each quarter based upon the provider's remittance schedule. Communication Service Providers shall remit all fees via ACH to the Board's account at PNC. For questions regarding the collection or remittance of the 9-1-1 fee, send an email to [statewideboard@IN911.net](mailto:statewideboard@IN911.net).

Provider: \_\_\_\_\_ Account No. \_\_\_\_\_  
DBA: \_\_\_\_\_  
Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Preparing Agency: \_\_\_\_\_ (if prepared by 3<sup>rd</sup> party)  
Contact: \_\_\_\_\_ Phone: \_\_\_\_\_  
Email: \_\_\_\_\_

Providers, as defined by IC 36-78-16.7-19, are required to collect a 9-1-1 fee from each customer with a place of primary use in Indiana. Pursuant to IC 36-8-16.7, the following information pertaining to the number of customers, subscribers or access lines is considered proprietary information and will not be released as a public record.

Report for Filing Period from \_\_\_\_\_ through \_\_\_\_\_, 20\_\_.

Landline Customers:	_____
VOIP Customers:	_____
Wireless Customers:	_____
Total Customers:	_____
Fee:	_____ \$ .90
Total Collections:	\$ _____
*Less 1%:	\$ _____
Total Remittance:	\$ _____

IC 36-8-16.7-33 c A provider may deduct and retain one percent (1%) of the statewide 911 fees that the provider collects from users to reimburse the direct costs incurred in collecting and remitting the statewide 911 fee.

By submitting this form, you hereby attest that the information provided, subject to audit, is true, accurate, and complete to the best of your knowledge. You understand that any falsification, omission, or concealment of a material fact may subject you to civil liability pursuant to I.C. 36-8-16.7-34.

\_\_\_\_\_

Email this form to [statewideboard@IN911.net](mailto:statewideboard@IN911.net) or fax to (317) 233-0894.  
Submit payment to Indiana Statewide 911 Board via ACH at [www.in.gov/tos/e911](http://www.in.gov/tos/e911)