

# Statewide Interoperability Governance Board

**Minutes**  
**October 13, 2016**  
**1:30 p.m.**  
**Cogswell Room 151**

## **Members Present:**

Leo Dutton, MSPOA, Chairperson  
Quinn Ness, DOA/SITSD, Alternate  
Geoff Feiss, MTA  
Clint Loss, MEMSA  
Curt Stinson, MACOP

Jon Swartz, MDT, Alternate  
Delila Bruno, MDMA  
Doug Russell, MLCT  
Siri Smillie, GOV  
Mike Doto, MVFA

## **Staff Present:**

Wendy Jackson, DOA/SITSD

## **Guests Present:**

Mike Feldman, MDOJ/MHP; Dan Sullivan, MDOA/SITSD; E. Wing Spooner, MDOA/SITSD; Dale Osborne, DOJ/MHP; Trudy Skari, DOA/SITSD, Rhonda Sullivan, MDOA/SITSD; Dan Hawkins, U.S. DHS; Mustafa Senol, Aviat Networks

## **☞ Real-time Communication:**

Sandra Barrows, Barrows Consulting; Mike Raczkowski, MDOC; Brad Steiner, Motorola Solutions; Robert Paul, MDOC; Jack Spillman, Flathead County

## **Welcome and Introductions**

Leo Dutton welcomed the council to the October 13, 2016 SIGB meeting. All members and guests were introduced.

## **Minutes**

Mike Doto made a motion to approve the September 8, 2016 minutes as presented. Clint Loss seconded the motion. Motion carried.

## **Business**

### **FirstNet 2016 Consolation Update**

Dan Sullivan gave an update of FirstNet local meetings which include: The Regional Consultation Taskforce Meeting in Bozeman on August 25, 2016, a FirstNet meeting in Glasgow and the "Metro" meeting in Billings on October 6, 2016. Notes from the October 6, 2016 meeting have been transcribed and copies presented to the SIGB for review. FirstNet has scheduled a national SPOC meeting in Phoenix on November 16 and 17, 2016. FirstNet will continue to hold Metro meetings in Montana to include the seven largest cities. Kalispell and Missoula meetings are planned for January and Helena is planned for February or March. These meetings will be scheduled to coordinate with the availability of Tracy Murdock, the FirstNet Region 8 Consultation Lead. Dates for these meetings will be announced to the SIGB once they have been determined. SIGB will ensure that the Helena FirstNet Metro meeting information reaches the appropriate local contacts. Public safety leaders, county commissioners and municipal elected officials have also been key in communicating FirstNet meeting information to local contacts throughout Montana. FirstNet has developed an Environmental Impact Statement for the state of Montana. This is a high level view of the project which contains basic information about Montana. This Environmental Impact Statement is available for review by contacting Mr. Sullivan at [dsullivan@mt.gov](mailto:dsullivan@mt.gov).

**Action Item: Mr. Sullivan will inform SIGB of the date for the Helena FirstNet meetings once it has been determined. SIGB will then assist in communicating this information to the appropriate local contacts.**

Q: Geoff Feiss: Are these meetings aimed at informing the Governor whether or not to opt into the FirstNet contract?

A: Mr. Ness: FirstNet is reaching out to potential customers at the local level with these meetings to discover what their needs are.

Q: Mr. Feiss: Are the tribes considered part of the local outreach?

A: Mr. Ness: There are different work units within FirstNet that are focused on state and local consultation and tribal consultation. The Metro meetings fall under state and local consultation. Tribal members are encouraged to attend and participate in the Metro meetings as well. Mr. Ness stated that FirstNet's proposed schedule for completing the Metro meetings is June 2017. FirstNet is planning on delivering state plans in June – September 2017. Once the FirstNet deployment plan is delivered, the Governor has 45 days to make his final decision.

Q: Mr. Feiss: Does that deployment plan require tribal consultation?

A: Mr. Ness: The language in the act directs FirstNet to consult with the states and each tribe within a state and specifically identifies the Governor of each state as making the final opt-out decision for all of the governments (state, local and tribal) within a state.

Trudi Skari updated the board on recent tribal consultation activities. Ms. Skari and the FirstNet Tribal Consultation Lead have conducted site visits with public safety leaders and tribal council members on every reservation in Montana. These meetings have included discussions of tribal needs, current situations, and the Programmatic Environmental Impact Statement (PEIS). Ms. Skari has been meeting with the Tribal Working Group. Ms. Skari also attended the National Tribal Emergency Management Conference and the National Congress of American Indians. Government to government contact between the tribes and FirstNet is restricted, by law, to the PEIS meeting. Two tribes in Montana have expressed an interest in holding a PEIS meeting with FirstNet.

**Action Item: Ms. Skari will follow up with these tribes regarding the possible request for an official meeting with the FirstNet Environmental Impact Representative.**

Mr. Dutton stated that it would be beneficial to incorporate the tribes in the Land Mobile Radio (LMR) system. This cooperation would aid in the management and maintenance of mountaintop sites and enhance the interoperability of this system.

Mr. Ness recommended that Mr. Dutton consult with Ms. Skari to identify the key stakeholders within the tribes. This issue should be addressed in a regularly occurring meeting where key tribal members are present. Ms. Skari and Jason Smith will be consulted for guidance in understanding the unique government to government relationship and communicating appropriately at this level.

**Action Item: Ms. Skari will contact the head of the Tribal Working Group, Robert DesRosier, concerning the possibility of discussing the statewide LMR system at the Tribal Working Group meetings.**

### **Statewide LMR System Draft Legislation**

Mr. Ness introduced the initial draft for the proposed LMR legislation. Mr. Ness stated that the goal of this SIGB meeting is to discuss legislative concepts that includes the establishment of a high level governing body that provides the opportunity for all stakeholders to have a voice and participate in the LMR system. This draft legislation will establish a lead agency within state government for the LMR system. Individual state agencies will have the ability to decide if they want to maintain their own separate system. Agencies who choose to maintain an individual independent system will not need the approval of the lead department to implement changes to those systems. Section one of this draft is an introduction modeled after discussions held by SIGB. This draft mirrors the Montana Information Technology Act. The draft legislation states that SIGB is seeking an entity in state government to be the central point of management for a statewide LMR system. This will not preempt local governments or agencies from having their own LMR systems.

Siri Smillie commented that verbiage should be added to this section and throughout the legislation that specifically states tribal governments as being included in this system.

**Action Item: Mr. Ness will review the draft legislation in its entirety and add the tribal governments to each of these instances.**

Mr. Ness stated that the policies in section one include system standards, standard operating procedures and security requirements to enable oversight of this system by an individual agency. These standards are intended to minimize duplication and increase efficiency and effectiveness in the LMR system. This legislation will

identify system plans for each agency at state and local levels so they can be managed in a coordinated way. The legislation will include provisions for a centralized budget. This will allow legislators to see investments on the local and state level in a centralized document. Legislators will also be able to view the various resources that are included in a statewide system.

Mr. Stinson inquired as to the progress in securing letters of support and agreement from all stakeholders in this statewide system.

Mr. Ness stated that there seems to be a consensus among stakeholders to wait until after the general elections to identify who will hold elected office. It will be determined at that time if there is agency support for this legislation. SIGB will continue to develop this bill to produce a more substantial version which can be presented to the board in December 2016. The critical nature of a statewide system is generally recognized. It will be essential to have outside stakeholder groups such as the Montana Association of Counties (MACO) and the League of Cities and Towns step forward and take the lead.

Ms. Smillie commented that agencies and associations should review this draft legislation and make recommendations for revisions to develop a bill that agencies are willing to support.

Mr. Stinson stated his concern that agencies who own parts of the current system may have objections to this legislation.

Mr. Dutton commented that he does not believe that current stakeholders in the LMR system will have objections. Currently there is \$3M in required repairs statewide. Agencies who own this equipment are unable to secure the funding to maintain it without a central state agency for those funds to be allocated to.

Mr. Stinson stated that system end users, organizations represented on SIBG and local entities will be consulted to obtain their support for this legislation.

Mr. Ness emphasized the importance of continuing to enable and support local control and decision making while, at the same time, authorizing one state agency to be the vehicle for funding. This legislation will establish a statewide system that incorporates local systems in an interoperable fashion to facilitate statewide coverage. This system will include a statewide backbone that can be used by local and state agencies. Agencies will have the ability to enter into agreements to maintain certain sites if so desired. The Department of Justice (DOJ) will be authorized to negotiate these agreements and take the necessary actions. Funding mechanisms on both the state and local level will be developed to support maintenance and operation of the statewide LMR system.

Mr. Dutton recommended that this draft legislation specifically designate the LMR system as a statewide public safety and mobile radio system, not a commercial system.

Mr. Ness reviewed section two of the draft legislation which outlines membership for a statewide LMR Advisory Council. The Attorney General or their designee will act as presiding officer of the Advisory Council with membership including SIGB members, associations with representatives within SIGB, representatives from local government from metropolitan and rural communities, and two representatives from telecommunications providers.

Mr. Ness questioned if this representation should be specifically stated as telecommunications providers or representatives of private industry.

Mr. Feiss commented that these representatives should be from a relevant industry with technical expertise and knowledge of wireless communication.

Mr. Ness suggested the formation of a separate tribal communications board to achieve tribal representation on the Statewide LMR Advisory Council. This tribal communications board could discuss tribal issues and the chairman of that board could serve on the Statewide LMR Advisory Council and communicate tribal concerns. This would provide the opportunity for each individual tribe to have their own representation.

Ms. Skari commented that there is a desire for more representation on the part of the tribes. A complication to this discussion may be the federal agreements that many of the reservations are under which dictates who provides law enforcement on the reservations.

**Action Item: Ms. Skari will consider this option and communicate her recommendation to the SIGB.**

Mr. Ness addressed the issue of department representation on the LMR Advisory Council. Considering the large number of agencies which may utilize this system. It could be wise to create a smaller Executive Board that are authorized to make decisions and establish subcommittee with the chairman of that subcommittee as a member of the Executive Board.

Mr. Dutton stated that representation on the LMR Advisory Council should be restricted to participants of the statewide LMR system.

Mike Feldman commented SIGB has historically facilitated and provided adequate representation for all interested parties, both public and private and this would continue within the LMR Advisory Council. The public nature of these meetings allow each interested party to have a voice.

Robert Paul suggested limiting the size of the Executive Board to 7-9 individuals to facilitate decision making.

Ms. Smillie stated that there is the option to have an Executive Board with official members and ex officio members that represent state agencies who utilize the LMR system.

Wing Spooner commented the State Agency Radio Users Task Force contains representatives from all state agencies who are involved in radio communications. This group could be reformed to report to SIGB and supply LMR users with representation on the executive board.

**Action Item: Mr. Ness will revise the LMR draft legislation to include a structure that is more reflective of an Executive Board with fewer members supported by a subcommittee structure.**

Mr. Ness reviewed section three of the draft legislation which addresses the duties of the Executive Board. The Executive Board will serve in an advisory capacity to develop a strategic plan for implementation and maintenance of the statewide LMR system. This strategic plan will aid in developing budget requests and identify projects and technical requirements. The recommendations for funding will be generated out of the strategic plan once the requirements are identified. This will include funding for capital improvements, upgrades, operation and maintenance. This legislation also authorizes the department and the council to collect user fees. The Executive Board will advise on standards and policies to enable and support interoperability among the state and local agency systems. The Executive Board be authorized to address significant issues concerning the LMR system. Section three of the draft legislation also addresses the powers and duties of the department designated to oversee the statewide LMR system. This includes a general statement of guiding language that the department should always look at new and innovative communication technology. The department shall promote, coordinate and approve the sharing of LMR resources. This will include infrastructure, information, and software. This will provide the department with the authority necessary to approve potential investments in state or local agencies.

Mr. Ness stated that, as the lead agency, DOJ will be authorized to implement the strategic plan. DOJ will staff and fund the administrative cost of the council. DOJ will be authorized to operate and maintain the statewide LMR system and the statewide backhaul system. DOJ will be authorized to establish rates for LMR services, receive federal money, and oversee the disposal of property owned within the statewide LMR system. DOJ will be required to report to the appropriate interim committee. DOJ will be authorized to represent state and local agencies on matters concerning the statewide LMR system and to contract for services to facilitate this system. Mr. Feiss suggested that the 911 legislation be consulted as a format for establishing rule making requirements and statutory expectations for the LMR system.

**Action Item: Mr. Ness will take similar references from the 911 bill and insert them into the LMR draft legislation so those can be considered by the board.**

Mr. Ness reviewed the budget summary for the draft legislation which will include a centralized budgeting system. This will provide the legislature with control and authority over the funding and budget process.

Q: Mr. Feiss: Will this funding include the backhaul network?

A: Mr. Ness: Both the Statewide LMR system and the backhaul network should be included in this funding.

**Action Item: Mr. Ness will work to develop clear and concise definitions**

**Action Item: Mr. Ness will insert the discussed changes and additional information to the LMR draft legislation and bring it back to SIGB for further review.**

**Public Comment:**

Q: Mr. Osborne: Should this legislation should include verbiage to address penalties to the private partners if they fail to execute their duties?

A: Mr. Ness: This would fall under operational and contractual issues with the individual private partners. These individual agreements would be handled within the agency.

**Next Meeting**

Date: November 10, 2016

Cogswell Room 151

1:30 PM to 3:30 PM

**Adjournment**

The meeting was adjourned at 3:26 PM