**9-1-1 ARM-Rule Making Subcommittee Meeting**

**Thursday, May 24, 2018**

**Conference Call Minutes**

**Present**

Geoff Feiss, MTA, Subcommittee Chairman Steve Haddon, Jefferson Co.

Liz Brooks, Flathead Co. Bill Nyby, Sheridan Co.

Kim Burdick, Chouteau Co. Jennie Stapp, MSL

**Absent**

Adriane Beck, Missoula Co. Denis Pitman, Yellowstone Co.

**Staff**

Don Harris, DOA Quinn Ness, PSCB

Wing Spooner, PSCB Rhonda Sullivan, PSCB

**Guests**

Sandra Barrows, Barrows Consulting

Dorothy Gremaux, City of Lewistown

**Call to Order**: Geoff Feiss called the meeting to order. A roll call was taken. A quorum was not present until the middle of the meeting.

**Minutes**: Approval of the minutes was delayed until a quorum was present.

**Application Form:** Geoff sent out some edits to the application form shortly before today’s meeting.

**Section I. ELIGIBLE APPLICANT INFORMATION -** There were no changes to this section.

**Section II. APPLICATION PRIORITY** - Geoff provided background on the priority preference, making note that “procuring services” is not part of the definition of a PSAP “working with” a private telecommunications provider. He provided alternative language for the subcommittee to consider.

After much discussion, the group decided to eliminate the definition of “working with.” The following sentence was deleted: “Working with” a private telecommunications provider includes procuring services, equipment, etc. from a private telecommunications provider.”

Discussion also took place regarding adding a direct reference to the rule on priority. Quinn explained how each section of the application form directly relates to the new rules.

Don Harris suggested adding a check list to ask the applicant to identify what type of applicant it is. (i.e. a private telecommunications provider, a PSAP working with a private telecommunications provider or a local government entity that hosts a certified public safety answering point.) Quinn will draft a new version of the application form and add three check boxes to identify the type of applicant. If the applicant checks the box as a local government entity that hosts a PSAP working with a private telecommunications provider, then the applicant would answer the question asking it to describe in detail how the local government entity is working with a private telecommunications provider.

Geoff’s edits to the wording in the second box of this section were accepted, so it reads: “If the eligible applicant is a local government entity that hosts a certified PSAP that is working with a private telecommunications provider, describe in detail how the local government entity is working with a private telecommunications provider:”

**Section III. ALLOWABLE USES OF GRANT FUNDS** - There were no changes to this section.

A clarification was asked regarding how the 9-1-1 Advisory Council would make the decision to move from the stack of applications from telecommunications providers and PSAPs working with telecommunications providers (Stack One) to the stack of applications from PSAPs only (Stack Two). Stack One may have an application that only scores a 25, but it would still have priority over applications in the PSAP-only Stack Two. Applications in Stack Two will not be evaluated until funding has been completely exhausted with eligible applicants from Stack One. If an application from Stack One scores a zero in Section II, can that application still be considered? Don indicated that since the applicant in this hypothetical situation doesn’t meet the criteria for the grant program with a score of zero, it would not be funded. However, if the applicant received a score of 1, it would be funded prior to applications in Stake Two. There is no discretion to go beyond the statutory boundary.

**Section IV. APPLICATION EVALUATION** - Geoff’s added the following clause to the first sentence: “consistent with the priority preferences provided in 10-4-306(3),” It was thought to add an additional layer of clarity. The second sentence under item 1, which is directly from rule, (“The application must be complete and fully address what is required in the application form and clearly describe the fulfillment of each grant award criteria.) will be removed. Minor grammar and punctuation corrections were made.

Geoff discussed the language in the rule that states the application must clearly describe the fulfillment of each grant award “criteria.” Grammatically, the word “criteria” should be changed to “criterion.” Moreover, Geoff interpreted this sentence to mean that when an application is evaluated, each grant criterion must be fulfilled. He believes a more flexible and realistic interpretation is needed whereby an application will be evaluated based on the fulfillment of grant award criteria and not each criterion because some applications may fulfil one criterion while others may fulfil several. He doesn’t want to see an application accepted or rejected based on the fulfillment of each criterion.

**Section V. ATTACHMENTS** - Geoff moved the word “Vendor” from in front of “budgetary pricing” to in front of “Quotes” to eliminate confusion. Quinn noted that budgetary pricing or vendor quotes is not a requirement, so the item could be eliminated.

Sandra asked for a clarification the sentence on Item 2 in **Section IV** **APPLICATION EVALUATION** as follows: “Please explain in detail how the proposed project supports the planning, implementation, operation or maintenance of 9-1-1 systems, 9-1-1 services or both:” She wanted to know if the subcommittee is assuming that the rest of the language in statute about emergency telecommunications system plans, project feasibility studies and the purchase of services is simply implied. Do these additional items listed in statute also need to be listed as part of the application form? Quinn believes these items are covered by the word “planning” in the application.

Sandra was especially concerned about the “purchase of services” verbiage that might not be considered a part of planning. She doesn’t want 9-1-1 related services to be rejected because this language from the statute is not included in the application form. Quinn believes that this issue is addressed in Section III. ALLOWABLE USES OF GRANT FUNDS.

Sandra is not seeing that points would be awarded in the criteria section for projects that involve the purchase of services that support 9-1-1 systems. She just wanted to have the discussion that an eligible use of grant funds in the statute is not illustrated in this section of the application form.

Geoff clarified that the criteria listed in Item 2 simply uses an abbreviated reference to the language from the statute for the sake of simplicity. It is not necessary to reiterate all of the language from the statute.

Quinn pointed out that Item 2 under Section IV APPLICATION EVALUATION starts off with the wording “The extent to which the application supports. . .” This could allow for a higher evaluation of an application that supports planning, implementation, operation and maintenance activities vs. an application that only supports a single activity. Geoff believes that greater importance should not be placed on an application that meets ALL activities listed in Item 2 over an application that satisfies a single criterion.

Quinn said it depends on the interpretation of “what is the extent of support.” Council members will have to determine this. It will be a subjective evaluation. Liz pointed out that there are scenarios where both situations are true. It goes back to what the applicant is proposing. The way it is now worded is appropriate. It all depends on the application and how it gets scored.

**Motion:** Liz moved to approve the application form as amended. Steve seconded. The motion carried.

**Administrative Rules - 9-1-1 Grant Program:**  Geoff proposed re-addressing the rules themselves to make two small changes, as follows: NEW RULE IV, sub-section 2(a) the word “each” is being struck and in NEW RULE V, sub-section (2), a comma is being added after the word “records.”

NEW RULE IV will now read as follows: “The application must be complete and fully address what is required in the application form and clearly describe the fulfillment of grant award criteria.”

**Motion:** Bill moved to accept the proposed changes. Kimberly seconded. The motion passed.

**Motion**: Liz moved to re-approve the draft rules as amended. Steve seconded. The motion carried.

**Adoption of Meeting Minutes:**

**Motion**: Bill made a motion to adopt the minutes from the April 26, 2018 meeting. Kimberly seconded. The motion carried.

**Public Comment:** None

**Meeting Schedule:** The next subcommittee meeting is scheduled for Thursday, June 28 from 1:00 to 3:00 pm.

The next 9-1-1 Advisory Council meeting is scheduled for June 14. Agenda items will include:

* Introduction of newly appointed members and confirmation of re-appointments
* Review of draft administrative rules
* Review of draft application form
* Status update on Statewide 9-1-1 Plan RFP
* Status update on GIS Assessment Bid

**Announcements:** Jennie reported that the GIS Assessment Bid has been awarded to Digital Data Technologies out of Columbus, Ohio. Michael is preparing information that will go out to the 9-1-1 Advisory Council and PSAPs to alert them about working with this vendor.

**Adjournment**: The meeting was adjourned at 2:30 pm.