# 9-1-1 Advisory Council Minutes

**June 14, 2018**

**1:00 p.m. – 3:30 p.m.**

**State Capitol, Room 102, Helena**

**Members/Alternates:**

Quinn Ness, DOA, Chairman (Alternate)

Andrew Knapp, DOJ/MHP (Alternate) ☎

Clint Loss, MEMSA

Alex Dunam, AT&T

Geoff Feiss, MTA

Lisa Kelly, CenturyLink ☎

Kimberly Burdick, MAPCO

Liz Brooks, PSAP >30K (Alternate) ☎

Peggy Glass, PSAPS <30K

Captain Curt Stinson, MACOP

Sheriff Wynn Meehan, MSPOA (Alternate)

Chief Rich Cowger, MFCA

Commissioner Gary MacDonald, MACO

Michael Fashoway, MSL (Alternate)

**Staff:** Rhonda Sullivan, DOA/PSCB and Wing Spooner DOA/PSCB

**Guests:** Lieutenant Brett Petty, MACOP (Alternate), Shantil Siaperas, MACO (Alternate), Sandra Barrows, Barrows Consulting ☎; Ken Wall, Geodata ☎; Karen Young, City of Great Falls ☎; Lieutenant Zae Hudson, Ravalli County ☎

# Welcome: Tim Bottenfield has been appointed by Governor Bullock as the new State Chief Information Officer and the Chairman of the 9-1-1 Advisory Council. Quinn Ness is his alternate for the Council. Quinn chaired the meeting in Tim’s absence. Quinn welcomed all the new members. Quinn referred members to the newly updated membership list. If anyone has corrections, please send those to Quinn, including names of alternates.

# Action Item: Adoption of Meeting Minutes

Motion:Geoff Feiss made a motion to approve the March 8, 2018 minutes. Commissioner MacDonald seconded the motion. The motion carried.

**Action Item**: **Recommendation to Adopt 9-1-1 Grant Program Administrative Rules:** Quinn asked for input on the draft rules.

Motion: Commissioner MacDonald made a motion to recommend that the Department adopt the draft administrative rules. Curt Stinson seconded. The motion carried.

**Implementation of House Bill 61 Status Report:** Quinn said there a was discussion at the last meeting about dates and implementation of HB 61. This report works well as a guide to see what outstanding tasks are pending. Quinn reviewed the rule-making steps and timeline for adopting the Grant Program Administrative Rules. The timeline projects that the rules will become effective on October 20, 2018. Grant applications would be received between September 28 and November 28, council grant award recommendations by March 15, 2019 and final grants awarded by May 15, 2019.

Geoff asked for clarification on the various filing dates. Quinn reviewed major requirements for rule making and their respective timelines. The date for issuing the Notice of Funding Availability (NOFA) is projected to be September 27, 2018 which will be followed by submittal of grant applications through November 28. In the rules just adopted, there is a 60-day application period. The next Advisory Council meeting is December 13, where members will discuss and clarify the evaluation process and criteria.

The projected date for applications transmittal to the council members is January 10, 2019 and posting to the website. Program staff will prepare a summary for the March 14, 2019 meeting so that the Council can potentially adopt grant award recommendations. The Department has a 90-day review period for final grant awards. The timeline used in this Report projects a 60-day review period, so that final grant awards can be made by May 15, 2019.

The NOFA states how much money is available for grants, and this information will be distributed to all Council members and interested parties. It also will be posted on the website. Geoff expressed interest in condensing the overall timeframe and suggested changes.

**Application Evaluation Process**: Quinn asked for input on how applications should be evaluated and/or scored based on the criteria laid out in the rules. These are the agreed-upon actions:

* Staff will develop an evaluation sheet that will have the criteria
  + Model the process on state and industry standards
* All 17 members of the Council will score each application using the evaluation sheet; however, members may change their scores during the meeting.
  + Scores will not be submitted ahead of time.
* Each criterion for each application will be discussed during the all-day meeting before the council assigns a final average or consensus score to each application.

**Application Transmittal**: Members discussed various options for shortening the timeline. Rationale for accelerating the process includes:

1. Ensuring that the grant awards are made before June 30, which is the last day of the state fiscal year. Grant contracts that are executed before June 30 become a payable, which is assigned in accrual accounting to that fiscal year.
2. Making it easier for private sector companies, who typically operate on a calendar-year basis, to make budget projections.
3. Ensuring that the provision in New Rule II, which states that “expenditures incurred by a grant recipient between July 1, 2018 and the grant award date are eligible for reimbursement with 9‑1-1 grant program funding,” can be met.

**Options for Accelerating the Timeframe**: Sandra noted that if the 60-day time frame by which applications must be received (which was just voted on) could be shortened to 45 days, the extra two weeks could be useful for evaluating applications prior to the December 13 meeting date. Several other options were discussed and discarded.

Curt Stinson also noted that the accelerated timeframe takes place over the holidays, which causes difficulty due to vacations. He urged that the Council stay on a timeline that can be comfortably met. He expressed concern about rushing the process since this is our first time through. It’s important to get it done right. There was consensus on this point.

**Implementation of House Bill 61 Status Report:** Quinn explained that the Status Report is an active document, and it will be updated before each Advisory Council meeting to reflect progress that is being made. The Advisory Council will be notified about the number of grant applications that have been received. Geoff asked about other items marked in red, which signify that the item is a “Statutory Requirement at Risk.” These start on page 4 of the document.

**STATUTORY REQUIREMENTS AT RISK**

**Budget Authority**: Quinn explained that funding for the State 9-1-1 Program is statutory, meaning that the funding source and its use are in state law. Legislative action is not required to approve the fees, revenues or uses every legislative session. For state special revenue (statutory appropriations), you need the cash (statutory revenue) and you need the budget authority to spend the cash. As of July 1, the department is no longer restricted on the amount of revenue that can be drawn down to administer the 9-1-1 Program. You draw down the same amount of cash that you have budget authority for, which the legislature approves during the legislative session. The total program administration budget authority is currently about $266,000, which funds staff positions, accounting services, legal services, computers, phones and network lines.

A future budget request could include budget authority for the 9-1-1 Advisory Council’s operating expenses and the administration of the grant programs. In future legislative sessions, members might want to pay attention to the House Bill 2 process if they want to ensure there is adequate budget authority to support Advisory Council activities as well as administration of all the 9-1-1 Programs. The department is directed in law to administratively support the Advisory Council, so it is important that it has the resources to do that. The revenue for all the 9-1-1 programs are provided in statute.

Geoff asked for clarification on the previous percentage of funds allocated for the 9-1-1 program. It was 2.74% of the total funds collected. That percentage was stricken in HB61. Now the department can only draw down the amount of funds necessary to expend the budget authority that was approved by the Legislature and OBPP, which is approximately $266,000.

In the next session, the department may seek an increase in budget authority for the 9-1-1 Program to support the 9-1-1 Advisory Council and additional FTE to manage the new grant programs. About six years ago, the budget authority for the 9-1-1 Program administration was much higher. The 2.74% of total 9-1-1 funds collected is about $365,000, but the Legislature has been approving budget authority significantly less than the $365,000, so the Department could not expend all the funds available. Because this is a statutory appropriation, none of the funding comes from the General Fund. When funds for the 9-1-1 program administration are reduced, 75% of funds are simply re-distributed back into the quarterly distributions to PSAPs, and, in the future, 25% will go to the grant account. These funds do not go to the General Fund.

**Accept Federal Funds Granted by Congress**: The next item in red is “(g) Accept Federal funds grants by congress or by executive order and gifts, grants, and donations for the purposes of administering this chapter.” Quinn clarified that if there are grant opportunities, the department will need the budget authority to expend any federal grant funds (federal special revenue). If members are aware of grant possibilities, the department should look at requesting budget authority for the grant in advance because the legislature must approve it or you can’t expend the federal grant funds awarded.

**HB61 Section 4. Rulemaking Authority 10-4-108 MCA:** The next item marked at risk is “(1) Before July 1, 2018, the department shall adopt rules to implement the provisions of this chapter. The rules must include but are not limited to: (b) procedures for grant funding authorized in 10-4-306. The rules for grant funding must include but are not limited to: (i) eligibility requirements for entities applying for grants; (ii) criteria for awarding grants; and (iii) reporting procedures for grant recipients.”

The legislature directed the department to adopt the rules by July 1, 2018. It is projected that the rules will be adopted on October 20, 2018. Quinn believes we may have to report to the legislature as to why that deadline was not met.

**Monitor Use of Funding**: This item on Page 6 was also marked in red: “(c) post disbursement activities by the department to monitor the use of funding by entities, including: (i) reporting requirements; and (ii) procedures for repayment of funds expended on activities determined not to meet eligibility requirements.” The rules that the Council just recommend for adoption include these disbursement and monitoring activities and reporting requirements, but they will not become effective until after the July 1, 2018 deadline.

**Technology Standards:** Subsection “(2) Before January 1, 2019, the department shall adopt rules including but not limited to: (a) technology standards, based on industry standards and a statewide 9-1-1 plan pursuant to 10-4-315, to ensure that public safety answering points meet minimum 9-1-1 services levels; and (b) baseline next-generation 9-1-1 principles to facilitate the appropriate deployment of baseline next-generation 9-1-1” is also marked in red.

Quinn provided a brief update on the RFP for the Statewide 9-1-1 Plan. The Scope of Work for the Plan includes the development of technology standards and baseline NG911 principles. The RFP closes tomorrow, and then the evaluation committee will review proposals and select a vendor. A contract will then be executed. Quinn reported that the contractor will have six months to develop the plan, after which the Advisory Council will presumably adopt the recommendations in the plan. If adopted, the department will meet this requirement by July 2019 rather than the required January 1, 2019 deadline.

Once the plan is adopted by the Advisory Council, then we will go back into the rule process. Draft administrative rules are projected to become effective in January 2020. Legislative action will be required to amend the date to read: “Before July 1, 2020.”

**HB61 Section 9. NG9-1-1 Account Transfers**: This at-risk item is located on Pages 10-11 of the Implementation Plan. The legislature appropriated $5 million for NG911 infrastructure. It also appropriated $80,000 for the GIS Assessment and $350,000 for the Statewide 9-1-1 Plan. Quinn believes we are on track to expend both the $80,000 and the $350,000 by end of state fiscal year 2019. Any balances in these accounts at the end of fiscal year 2019 will be transferred to the grant account. One account identified in red is the $5 million for NG911 infrastructure. The Statewide Plan will include the ESInet requirements and design. This information is needed before we can enter the grant award process and move through the procurement process. This item is highlighted in red because of concern that the $5 million might not be expended by June 30, 2019. Legislative action will be required to amend the termination date to October 1, 2021 instead of October 1, 2019.

Quinn explained that HB 61 also specifies that rules be drafted for the NG911 infrastructure grant program. The $5 million in the grant account will be granted to a local government(s) for the procurement of the NG911 infrastructure. The 9-1-1 Statewide Plan consultant will provide requirements and the design for the ESInet so that local governments can use them in their grant applications as well as procurements once they have received a grant award. If the plan is projected to be completed and adopted by June 2019, knowing what we know about how complicated the rule-making process can be, Quinn suggested that the subcommittee get started on drafting rules for the NG911 infrastructure grant program as soon as possible. He and Geoff will talk offline on this.

**Grant Summary Report:** Another red-highlighted item appears on page 13, sub-section (7): “Before September 1, 2019, the department shall produce a report summarizing the grants provided, how the grant money was spent, and the program data and information reported by grant recipients. The department shall provide the report to the energy and telecommunications interim committee (Terminates October 1, 2019).” Quinn was recently contacted about giving this report at the committee’s July meeting. A report on the GIS Assessment is required as well. Quinn plans to report what is in this status report, including required actions and the process required for making the NG911 infrastructure grant awards. Legislative action will be required to amend the dates to: “Before September 1, 2021” and “Terminates October 1, 2021.”

**Review and Recommendations on 9-1-1 Statewide Plan Proposals**: The last at-risk item is on page 15, Sub-section (4) statewide plan must include proposed: priorities, formulas, standards, etc. Sub-section (5) states that the 9-1-1 Advisory Council shall review those proposals and make recommendations on implementation by September 2018.” The Advisory Council will not be able to meet this deadline if the plan is completed, reviewed and adopted at the Council’s June 13, 2019 meeting.

**Statewide 9-1-1 Plan Subcommittee Status Report:** Chris Lounsbury was not able to call in, so Quinn provided the report. The RFP closes tomorrow, June 15, and then the evaluation committee will start reviewing the proposals and selecting the contractor. We hope the contractor will be able to start work in September of this year. The next meeting of the Statewide 9‑1-1 Plan subcommittee is July 12 but, the RFP evaluation committee will be actively meeting before that time.

**ARM Subcommittee Status Report:** Geoff Feiss thought the subcommittee developed rules that he believes are a reasonable compromise and constitute a product that is achievable. The next step is to implement them. For the June 28 meeting of the subcommittee, members will examine the NG911 infrastructure rules which are outlined in HB61 Section 11. Next-generation 9-1-1 infrastructure grants – criteria -- rulemaking 10-4-309 MCA. Quinn suggested using the current grant program rules as a baseline for the NG911 infrastructure grant program.

# Public Comment: Shantil expressed some trepidation about 9-1-1 grant funds sitting in an account that might be vulnerable to raiding by the legislature. She asked how much money is in the account. Quinn explained that at end of this fiscal year, the 9-1-1 Program will finish fourth-quarter distributions to local governments. Then it will make payments to wireless providers for cost recovery for their fourth-quarter costs. This will be followed by HB575 requirements, which includes paying outstanding payables to wireless providers for cost recovery by August 15. Then these accounts will be closed out. Once this process is completed, we will know how much grant funding is available. Since grants will not be awarded until May 2019, we will go through a legislative session with approximately $5 million or more in the grant account and $5 million in the ESInet grant account. Expenditures will have been made in the 9-1-1 Statewide Plan and the GIS Assessment accounts.

# Members were urged to band together and watch that this money isn’t diverted for some other purpose due to the state’s difficult budgetary situation right now. Geoff said because of this potential danger, we may need to accelerate the grant process. He suggested having the Council look at reviewing the grant applications in December.

# Quinn explained that the budget office and the legislature will take a snap shot of the balance in all state accounts this September to identify unexpended monies. Even if grant awards were made in December, the money may not have been distributed at the time the snap shot is made. There is no way to expend the funds before January 2019. Staff and Council members will have to provide information to the legislature and the budget office about the funds in these accounts. We must be aware and be prepared to defend the 9-1-1 program funds. Everyone involved has been moving forward on HB61 requirements, developing a statewide 9-1-1 plan, conducting a GIS assessment, identifying requirements, and implementing administrative rules for the programs. So, a lot of progress has been made.

# Ken Wall, Geodata, made several comments as follows:

# He is glad that the GIS assessment is moving forward.

# A huge amount of coordination work will be required with NG911, particularly with neighboring jurisdictions, including adjacent states. A lot of effort will be needed to validate addresses and road centerlines. He estimates it will cost approximately $75,000 per county just to get the GIS data ready for NG911.

# He hopes there will be federal funds available, but the state needs to be careful not to jeopardize future federal funds if previous 9-1-1 funds have been used for non-9-1-1-related purposes.

# He asked what the longer-term strategy and cost is for implementing NG911.

# Quinn replied that no one believes we will be able to fully implement NG911 at the current funding levels. Once we have the GIS Assessment and the Statewide 9-1-1 Plan, then we can start identifying what the long-term requirements are for deploying NG911 in Montana. All appropriations made by the legislature should be expended before we request additional funds. Once that occurs we can make additional budget requests in future legislative sessions.

**GIS Assessment RFP**: Michael reported that they awarded the GIS Assessment bid to Digital Technologies about a month ago. He made a GIS announcement to the GIS community, PSAP managers and DES Coordinators. The project manager has also reached out to all the PSAPs. Response has been a little slow. Michael asked Council members to encourage PSAP managers to participate in the assessment. Rhonda can send a reminder, too. Shantil offered to send out verbiage from Michael to all the counties.

# Meeting Schedule: The next meeting will be held on Thursday, September 13, from 1:00 p.m. to 3:30 p.m.

# Adjournment: Commissioner MacDonald moved to adjourn. Curt Stinson seconded. The meeting adjourned at 2:52 p.m.