# 9-1-1 Advisory Council Minutes

**Dec. 13, 2018**

**9:30 a.m. – 3:30 p.m.**

**Mitchell Building, Room 7, Helena**

**Members/Alternates:**

Adrianne Beck, PSAP >30K

Delila Bruno, DMA/DES

Kimberly Burdick, MT APCO

Rich Cowger, MSFCA

Mike Doto, MVFFA

Michael Fashoway, MSL (Alternate)

Geoff Feiss, MTA

Peggy Glass, PSAPS <30K

Lisa Kelly, CenturyLink

Clint Loss, MEMSA

Commissioner Gary MacDonald, MACO

Pat Roos, MSPOA

Shantil Siaperas, MACo (Alternate)

Jennie Stapp, MSL

Captain Curt Stinson, MACOP

**Staff:** Quinn Ness, DOA/PSCB; Don Harris, DOA/SITSD; Rhonda Sullivan, DOA/PSCB and Wing Spooner DOA/PSCB

**Guests:** Jody Hickey, Glacier County☎; Sandra Barrows, Barrows Consulting; Kraig Kaizumi, Federal Engineering; Chuck Lee, Fallon County; Linda Holt, Madison County ☎; Jason Rittal, MACO; and Ken Wall, Geodata Services.

# Welcome: Quinn welcomed all members and guests.

# Action Item: Adoption of Meeting Minutes

Motion:Commissioner MacDonald made a motion to approve the September 13, 2018 minutes. Adrianne Beck seconded. The motion carried.

**Council Administration:**

* ***Advisory Council Handbook***: A link to the Governor’s2016 *Serving Montana* handbook was posted on the 9‑1-1 Advisory Council’s website. It provides some basic rules and guidelines for serving as a Governor’s appointee to a Board, Council or Commission.

Quinn pointed out the definition of Advisory Councils on the first page and directed attention to the Ethics paragraph on page 2, which could be important when the Council reviews grant applications and awards The handbook states: “When a personal or professional conflict arises in your work, it may be necessary to withdraw a vote or disclose said conflict.” Quinn said that members should disclose potential conflicts and withdraw their votes if they have a conflict. The Governor’s Office also wanted to bring to the Council’s attention information on page 4 about Legislative Communications, noting that Council members who want to testify before the legislature as an individual citizen or as a representative of your organization certainly have the right to do so. However, you should not introduce yourself as an 9-1-1 Advisory Council member or indicate that your position is held by the Council or Governor.

**Implementation of House Bill 61 Status Report:** Quinn briefly reviewed some highlights from the report, as follows:

* Provide recommendations to the department in determining grants awarded in accordance with 10-4-306; - This activity will occur today.
* Grant award recommendations will take place at the March meeting.
* Federal engineering will provide a status report on the Statewide 9-1-1 Plan.
* Staff and fund the administrative costs of the 9-1-1 advisory council established in 10-4-105; The department has submitted a budget request to the Governor’s office to increase the budget authority for program administration which will ensure that we have additional budget authority for council expenses, such as travel. This request was approved, and it is in the Governor’s budget. This budget authority request will be included in House Bill 2.
* HB61 included many implementation dates that are included in current law. The clean-up bill, the department is proposing, removes most of these dates. For example, in MCA 10-4-108, it states “1) *Before July 1, 2018,* the department shall adopt rules to implement the provisions of this chapter,” which could be construed to mean that the department has the authority to engage in rule making only before July 1, 2018. We want to ensure that our rule making authority is ongoing. We’ve adopted rules, but they need to be revisited and updated on an ongoing basis.
* The clean-up bill also proposes to:
  + Extend the deadlines for adopting technology standards and a statewide 9-1-1 plan
  + Eliminate termination language for the NG9-1-1 Infrastructure grant account
  + Make the GIS Mapping Account permanent
  + Make the statewide 9-1-1 planning account permanent

**Certified PSAPs Quarterly Distribution Report:** This report was sent to members along with a map. The map delineates the service area of PSAPs that host a PSAP for multiple areas. The three tribal PSAPs also are delineated. The allocation formula provides a minimum of 1.07 % of funds, and the majority of PSAPs receive the minimum allocation amount. First quarter revenues for state fiscal year 2019 were about $2.5 million. Allocations for tribal PSAPs are being held in the account until a legislative solution is passed. Questions about allocation amounts were answered. Annual total revenues are a little over $13 million and approximately $3 million is directed to the 9-1-1 grant program account.

**Statewide 9-1-1 Plan Status Report**: Kraig Kazumi, Federal Engineering, gave a summary of the presentation being used at the Town Hall meetings. Status reports are provided on a weekly basis. Kraig also explained the PSAP survey tool. Federal Engineering will be making recommendations on technology standards, ESInet, network security, GIS, and NG911 technology requirements. They also are trying to establish a baseline that all PSAPs should be brought up to. Members discussed technology and software functionality. Kraig said he has been surprised about the number of smaller PSAPs that have updated equipment. A concern is how do rural PSAPs obtain acceptable bandwidth. Another challenge is how redundancy can be provided.

Chuck Lee asked about counties that are not even at minimum standards due to the lack of cell phone and land mobile radio (LMR) coverage. Kraig said that as the inventories are conducted, we will have a better idea of where the baseline is and what will be needed to bring PSAPs up to a certain baseline.

An important use of the Statewide 9-1-1 Plan could be guiding grant awards. Various strategies will be examined to see if they can be used to incentivize providers and PSAPs to make certain investments. HB61 incorporates language that encourages the council to look at more efficient solutions, but not physical consolidations. With the technology we have today, there is the potential for some great opportunities for using cloud computing technology and creating regional PSAPs that host data storage and equipment.

Adrianne said that in anticipation of the plan, they wanted everyone in the western region to have a foundational knowledge of what could be possible (such as sharing back-room costs). In addition, they wanted to determine where folks were in terms of collaboration and to encourage discussion of what is possible. They hosted some workshops with neighbors in western Montana, and they plan to continue them after the Statewide Plan is completed so they can start laying the groundwork for implementing the plan.

Each PSAP is unique and different with its own set of circumstances, so, it’s important to spend some quality time during the site visit. For example, if PSAP representatives were not able to attend the Town Hall Meeting, Federal Engineering will review the presentation with them and explain the data collection tool. The department can withhold quarterly funds from a PSAP if they don’t provide the information that we request.

Geoff said that the Rules Subcommittee is waiting on the Statewide Plan before it writes the rules for the NG911 Infrastructure grants. He indicated that we are really counting on a solid set of recommendations for what we need to do, both from a technical standpoint as well as a budgetary standpoint. What is the most efficient way to achieve a baseline capability across Montana? With those recommendations, then the subcommittee can draft rules. All telecom technology is heading towards cloud-based and NG911 capabilities can be housed in a centralized server. PSAPs could subscribe to or just use pieces of a NG function as needed. So each PSAP doesn’t necessarily need its own software. It just needs a robust cloud-based service that is accessible. This is all technology, but also affects operational costs because PSAPs can save a lot of money if a software package does not have to be purchased individually by 56 different PSAPs. Lisa Kelly clarified that there are some tradeoffs because of recurring costs of bandwidth needed to share software.

Quinn noted that in general, most PSAPs use their quarterly distribution money for operational costs. Now, the grant program can help fund technology costs. Grants are not a recommended source of funding for operational costs. The plan will also provide recommendations on standards, NG911 and the ESInet, but it will not include any operational requirements of the PSAP. This may be something to analyze in the future.

Chuck Lee asked Delila if she anticipates Homeland Security funding becoming available for PSAP functions. Delila indicated that Homeland Security dollars, especially over the last 10 years, have declined. While we are sitting fairly steady over the last few years, it is important to look at the data to determine what people really need as well as current needs assessments and direct dollars to those needs. How do we know that funding goes towards a true statewide need? She is optimistic that as we figure out what is needed at the community level, we can get a better assessment of a comprehensive communications needs in a community and what that community strategy is going to look like for all the different communication projects, such as 9-1-1, cell towers, alerting systems. It’s all over the board. Funds should be directed at gaps. The short answer is that she does not see a huge increase in homeland security opportunities.

Chuck expressed concern about the lack of a Statewide Interoperability Coordinator (SWIC) and a State Point of Contact (SPOC). Will this be remedied in the future? Quinn provided background on this, indicating that the SWIC is a position required by the U.S. Department of Homeland Security while the SPOC is related to the FirstNet Consultation. This issue is in process with the Governor’s Office and individual agency directors to determine how we are going to move forward with Federal government public safety communications requirements and re-appointing these positions.

Kraig said that the Advisory Council can look at the statewide plan as a roadmap. Various pieces of the plan can be implemented depending on finances. He also noted that when PSAPs transition from legacy to new NG9-1-1 technology, it is important to make sure the dispatchers have adequate training.

**GIS Assessment Status Report**: Michael Fashoway said the contractor just reached 50% of assessments completed last week. A lot of front-end work needed to take place, so the original end date of the contract was extended by two months: to the end of February. The contractor has done a great job so far. He noted that there is a large range of quality. Some counties will need more intensive work to sync GIS with the MSAG. Counties and PSAPs are getting a better idea of what will be needed. There are a number of national standards for GIS now. The big one is the GIS data models, which was finalized and published back in June, 2018. While there is no mandate to use that, we should recommend a standard that PSAPs should work towards, because this is the best way to manage the data and to share and aggregate the data. Over the short term, it may be a heavier lift, but over the long term, it provides better accuracy.

**9-1-1 Grant Program Clean-Up Bill - Action Item**: Quinn began with an apology to all the stakeholders in terms of the timing and development of the clean-up bill. Typically, work on such a bill would start in about March prior to the legislative year. Unfortunately, within SITSD, we had a lot of turnover and organizational issues, which put us way behind schedule. After the September council meeting, MACO spoke about the tribal-government issue and encouraged the department to draft a clean-up bill.

Quinn recognized Don Harris and Gretchen Bingham for their work on the bill. DOA drafted the bill in consultation with the Governor’s budget office and legislative services. We reached out to Rep. Garner, the sponsor of HB 61, and a democratic co-sponsor Rep. Jacob Bachmeier, who are both willing to sponsor the bill. Currently it is LC2258. We tried to stay away from any contentious policy issues and just focused on specific clean-up issues.

**Tribal Government Definition**: A definition of Tribal Government was added on Page 9, and the membership of the 9-1-1 Advisory Council was expanded to include the State Director of Indian Affairs. Language referring to local governments was expanded to include tribal governments.

**Duties**: A change was made on Page 10 regarding duties. “(e) plan for, establish, ***and maintain a statewide 9-1-1 plan*** in accordance with subsection (3).” This section was changed because planning is an ongoing responsibility. Updates to the plan will be needed on an ongoing basis. Also, in HB61, the requirements for the plan are in two separate sections of the law, so we are proposing putting them in one place.

**Establish Allowable Uses of Funds**: On page 11, a change was made to clarify that the legislature is allowing the department to establish allowable uses. Here is the new language: “(h) establish allowable uses of funds by local and tribal governments that host public safety answering points that receive distributions pursuant to 10-4-305 and ensure that funds are expended only for these allowable uses.” This wording is specific just to distributions of the 75% of the quarterly distributions. Currently, there is nothing in law that the legislature prescribes what those funds can be used for. So, what we’re doing is directing the department to establish rules for what the allowable uses are for the quarterly distributions. We already adopted allowable uses in rule; however, the State Administration and Veterans’ Affairs Interim Committee, Legal Counsel stated: “…DOA “can likely” determine the eligibility requirements including the particular allowable uses of the 9-1-1 funds”. The purpose of this change is to clarify the department’s rule making authority.

**Department Authority and Powers Section**: Requirements that were in the temporary section of HB61 bill that were specific to the statewide plan were copied over into the department duties and powers section. Since we are proposing to make the statewide plan and planning activities permanent, we didn’t want to lose those requirements that were in the temporary section.

**Rule-Making Authority**: On page 12, section (4), HB 61 gave the department the authority to adopt rules before July 1, 2019. However, rule-making is not just a one-time thing. The department is requesting ongoing rule-making authority instead of a one-time event. The same issue is addressed on page 13.

**Sub-section 2(a):** On Page 13, the wording “pursuant to 10-4-315” was deleted because this is a temporary part of the statute that will expire on Oct. 1 of 2019. We changed the reference to 10-4-107(3), which is the statewide plan section of HB 61 and the duties of the department.

**Sub-section 3(a)**: On Page 13, the word “quarterly” was added to make the wording more clear and simple.

**Section 4. Section 10-4-108. Rule-Making Authority**: On Page 13, Section (3) (a) the reference to a set date “Before January 1, 2022,” was deleted. On Page 14, the population of Indian reservations was added in section 3 (b) (ii) to read as follows: “the population of counties, cities, ***Indian reservations***, or other government entities served by the public safety answering point.”

Geoff Feiss expressed that this would delete the provision that allocations be based on the official final decennial census figures. Quinn replied that it does not. Laws should be written in a simple, clear and direct style. We are trying to simplify the statute because there are many cross references and requirements are listed in multiple sections. Don Harris clarified that the deletion of this section does not change the mandate that the rules adopted for allocation must be based on the official final decennial census figures. Previously, there were two references to language saying that within one year after the census figures are available, the rules for quarterly distribution would be updated. It was confusing and not necessary. So, one of the references was deleted.

**Section 6. Establishment of 9-1-1 Accounts:** On Page 16, it states that tribal governments are eligible to receive quarterly distributions and it directs the department to monitor the tribal governments that receive distribution.

**Page 16 (b)**: Once again this is an instance where the same language is provided in a different section of the law, so the duplicate language has been deleted. We are just trying to simplify the law. Geoff said that by simply clarifying and removing a redundancy you are changing the intent of the law. Don said we kept the priority for telecom providers. Geoff questioned the need to delete the language. Quinn reiterated that we are trying to make the law clear and concise. He stated that if Geoff believes strongly that the deleted language changes the intent of the law, he would be willing to meet with Geoff and Don later to ensure that MTA is comfortable with the proposed amendment.

**Make Accounts Permanent**: The department is proposing that all three accounts for planning, for the GIS Assessment, and for the NG9-1-1 grant program be made permanent. This change was made to provide the 9-1-1 Advisory Council with the necessary tools to administer these programs. The way it was written previously would have required coming to the legislature every single time if the Council needed funds to update the plan, to annex the plan, to update the GIS, etc. Language was drafted that authorizes the department in concert with the council to transfer funds from the grant account to these three accounts. To be respectful of the legislature and its authority to appropriate funds, a maximum amount of $250,000 was used. This is a total amount for all three accounts.

If the Advisory Council determines that it wants to do additional planning, funding can be transferred to the planning account. We will not have to wait until the next legislative session for the legislature to authorize the transfer. The council will recommend how those funds will be spent. If we need more than $250,000, we will have to request an appropriation from the legislature. Adrianne asked where the $250,000 figure was derived from, and Quinn said they tried to come up with a number that would be reasonable and not contentious.

**Page 17, Sub-section (4) NG9-1-1 Infrastructure Account**: When HB 61 was implemented, the department was directed to transfer $5 million into this account. Under current law, that account is temporary and will expire on Oct. 1, 2019. When that expires, the department is directed to transfer any unexpended balance from the infrastructure grant account to the 9-1-1 grant account. Because we are still in the planning process and we need more time, this new language proposes that we create a permanent account.

Sub-section (5) does the same thing with the 9-1-1 GIS Mapping Account, while sub-section (6) creates permanent funding for statewide 9-1-1 planning. The wording will let all three temporary accounts expire, and it will create three permanent accounts. Sub-section (8) transfers $250,000 as a combined amount to all three of these accounts. If there is a need for more than $250,000, the department would need to make the request to the legislature.

**Page 17**, “(3) Beginning July 1, 2018, all money received by the department of revenue pursuant to 10-4-201 must be paid to the state treasurer for deposit in the appropriate account.” Don Harris clarified that this language was not changed because it establishes an important benchmark so that in the future if someone wanted to determine when new processes were adopted, they would be able to clearly see that the practice started on July 1, 2018.

**Section 8. 9-1-1 Grants - Page 20:** Geoff once again was not comfortable with deleting the reference that states “grants must be awarded to private telecommunications providers, local government entities that host public safety answering points, or both.” Quinn reiterated the language was eliminated because it is redundant. The change does not amend eligibility; it just makes the law more concise. It is not necessary to reiterate the same language.

Geoff said the first sentence applies to the department, but the second sentence applies to grants. Don clarified that item (1) states that the department shall award grants, while item (2) adds parameters as to how the department will go about doing that.

Don reported that the code commissioner was going to move forward with a bill independently of ours to clean up the 9-1-1 laws. The purpose is to simplify the language, be more precise and eliminate the numerous temporary sections. The intent was not to make programmatic changes or dictate what the funding can be used for. There were no plans to change the intent of the law.

**Eligible Uses - Page 21**: The legislature provided an exclusive list of uses for the grant program. It is a prescriptive list. During the rule-making process, we wanted to add grant administration as an eligible use, so we need to amend the law to include “(2)(e). grant administration.” Geoff asked for a definition of grant administration. Quinn indicated that grant administration would include the costs of managing a grant award (ex: personnel, materials and supplies). Rules would be drafted and adopted to clarify what would be reasonable. Staff is not familiar with any state or federal grant program that does not allow administrative costs to be recovered under a grant. We want to support the effective management of the grants.

**Section 9: Next-generation 9-1-1 infrastructure grants -- criteria -- rulemaking. (1):** The language “in consultation with the 9-1-1 advisory council” was added. It was always intended to be there, but this language was not included in HB 61. The phrase “that hosts a public safety answering point for next-generation 9-1-1” was added in item (1) to clarify that its not just any local or tribal government that will be awarded competitive grants for NG9-1-1 infrastructure. We are also striking two references to 10-4-308 in item (2) on Page 22 and item (5) on Page 23 because that section is temporary and will expire. We do not want to have a reference to a section of law that no longer exists.

**Page 24 - Item (6):** This language is being deleted because it is basically a temporary provision that is in permanent law. The reference to “Before September 1, 2019 in the new item (6),” is being deleted because it creates a one-time event, and reporting to the energy and telecommunications interim committee should be done on a regular and permanent basis.

**Section 10, which amends Section 32: Termination**: Section 10 is terminating Sections 9, 10, 12 and 13 of HB 61 as intended on October 1, 2019. We are keeping Section 11, which provides criteria for the grant program. Temporary accounts are going away on their own. Don Harris said he worked very closely with codes commissioner to ensure this was being done correctly.

**Section 11. Transfer of fund – Page 25:** This recommended change ensures that any unexpended balance in the three temporary accounts will be transferred to the permanent accounts.

**Section 12**. **Notification to tribal governments:** This a requirement for notifying tribes in Montana.

**Section 13. Effective Date:** This section indicated that the act becomes effective immediately.

The department is asking for your recommendation of support for the clean-up bill as proposed.

**Action Item**

**Motion:** Gary MacDonald made a motion to recommend that the department support the 9-1-1 Clean-Up Bill as proposed. Chief Cowger seconded. All members voted in support of the motion except for Geoff who opposed. The motion carried.

Don Harris encouraged council members to contact program staff if they have any questions about the bill. Quinn stated that the bill is intended to be a clean-up bill only, not a policy bill. Policy amendments could de-rail the clean-up bill, so the department encourages any policy amendments to be included in separate legislation.

**9-1-1** **Grant Application Review Process** **- Action Item**: Sixty applications were received. The (Notice of Funding Availability (NOFA) was for $6.8 million. A total of $9.4 million has been requested.

Previously, the council came to consensus not to allow any additional information to be submitted once the grant application period has closed. Delila has a lot of experience in this area and indicated that to do so could be viewed as allowing special treatment. Historically they have run into problems with allowing some applicants to explain their applications while others could not. Delila modified their grant process to make sure the evaluation criteria were very clear up front. They allowed for a window of time for staff to do follow up with counties before the evaluation process began. Every year the evaluation process can be refined based on what we have learned from the previous year. Perhaps we could have an initial review of applications by a sub-committee. For this year, we will review applications based on the information that was submitted.

**Advisory Council Review**

We are proposing that each council member would review and evaluate the applications based on the eligibility of the applicant, the use of grant funding, applicant priority, criteria for awarding grants and the recommended grant award amount. Here is the breakdown of the scoring that is in rule:

* Completeness and effectiveness of the application (20 points)
* Supports 9-1-1 Systems & Services (50 points)
* Letters of Support (30 points)

Each member of the council could score each application and a matrix scoring tool could be used. First, the eligibility of the applicant would be determined. For example, if a county does not host a certified PSAP, it is not an eligible applicant. The next step in reviewing the applications is the proposed use of the grant funds based on 10-4-306 MCA. The next item is application priority, which is in law (10-4-306, sub-section 3). Preference must be given to applicants in the following order: Private telecommunications providers or local government entities hosting certified PSAPs that are “working with” a telecommunications provider. “Working with” a telecommunications provider can be verified with a letter of support from a provider. That constitutes the same equal preference as a private telecommunications provider. Reviewing each application, we need to know if it is the first priority or the second priority. An example of a second priority would be a local government hosting a certified PSAP that is not working with a telecommunications provider. In other words, they did not submit documentation that they were working with a telecommunications provider. The next step is the evaluation scoring criteria. For each application, a numeric value will be needed. The score could determine the priority. We discussed previously if the Council wants an average score or a consensus score. At the last meeting it was established that the council will adopt a consensus score.

Geoff stated that it is not a conflict of interest to vote on your own application when the member is on the council to represent certain interests. Taking us out of representing our clients is not what the law intended. What the law intends that there is a conflict of interest when you are self-serving; when you benefit or profit from a decision you make on a board. He went on to suggest that if a council member has to remove him or herself from scoring an application that could skew the score.

Delila said her board really worked on defining grant criteria. When looking at the potential scores for our criteria, there are huge ranges with a lot of room for interpretation. She recommends that the council more clearly determine what those 50 points for “Supports 9-1-1 Systems & Services” really comprises. More depth as to the content of these elements should be provided. She also recommended avoiding discussion on the applications to try to come to consensus because that can lead to side conversations, deal making and lobbying.

Quinn said the council should not base its final decisions simply on the results of a numerical calculation. The council should come to a final decision as a group thru consensus.

Jeannie suggested that the question of eligibility be taken care of by staff before the applications come to the council.

Geoff questioned the schedule of when money will be disbursed for the grants. Quinn reviewed the timeline of when certain milestones have to be accomplished. After the Council recommendations are made at the March meeting, the department will make the final grant awards by May 15.

Quinn emphasized that we do have to be very careful this year because if we establish that the grant money is just for 9-1-1 services for dispatch and does not include any hardware or technology for LMR, we didn’t notify potential applicants that these items were not eligible before they applied. Every year as soon as we complete this process, staff will try to maintain a list of items that will need to be eliminated or clarified before the next grant year.

Adrianne pointed out that the phrase “9-1-1 Systems & Services” is open to interpretation, and it is the council’s responsibility to provide that interpretation—not necessarily the grant applicant’s. Delila said that if a change in procedures is going to take place next year, she recommends defining priorities. For example, the Council could say something to the effect of: “We are going to give priority to technology projects this year that are within the four walls of the PSAP. The second priority is for equipment that is in line with the statewide 9-1-1 plan.” Right now, those priorities are not clear, so it will be difficult to go back to an applicant and say “Sorry, we didn’t tell you we were going to rank the applications this particular way.” She believes all of the scores are going to be very tight. Moving forward, we need to build on this process to make things better and clearer. This money was collected for a 9-1-1 purpose, whether for a telecom or a PSAP.

Lisa asked is it fair to say that the intent of this grant program is to further the ability to transition to NG9-1-1? Quinn indicated that there is nothing in the 9-1-1 laws that directs the 9-1-1 grant program to support NG9-1-1 specifically. There is a separate NG9-1-1 infrastructure grant program.

Delila made note of a few other issues they have dealt with in the past:

* Not every county has great grant writers. So, one of the conversations they had was if they wanted to look at making sure there is a geographic dispersion of funds as well.
* Should we place a cap on the amount of funding that’s going to a county?

Quinn indicated that the time frame of the project is another factor. Do we want to fund a project that will take five years or more to complete? Does the council want to tie up grant funds for five years on a single project? Should we require that projects be completed, and grants closed out within a 2-year time period? Chief Cowger said it may take a time frame of, say, three years, to accomplish the project, but the application requests that all the funding for the project be awarded initially. That is different from saying they want a guarantee of funding every year for the next five years to support operational costs.

Quinn mentioned that some of the applications request funding to purchase hardware or software as well as funding for a maintenance contract for several years. The council will need to decide if it wants to fund ongoing maintenance and operational costs?

Do we want to require that every application provide a cost estimate? It is not a requirement this year. If a grant application is funded for $100,000, but the grant recipient spends only half of that amount, the other $50,000 is tied up when it invested in another project. Eventually, the $50,000 will be released back to the grant program, but it will have been unavailable during that time period. The Council may want to consider requiring a cost estimate in the grant applications for next year.

Curt asked if we are going to apply any consistency for awarding points in the letters-of-support category. Should applications receive more points for having a greater number of letters or having a greater diversity of support? We should decide this ahead of time. Is the point scoring going to be relative to other applicants or to a standard?

Ken asked what happens to the money in the grant account if it not all used. Quinn said it would remain in the grant funding account and be dispersed following years. He also said that the Council is not obligated to award all the funds in the account.

Lisa asked if the Council can decide to partially fund some of these projects. Quinn said yes, this is included in the rules.

Delila asked if the result today is to clearly understand how to score the applications, and Quinn said yes.

The Council also needs to define what exactly constitutes “working with a telecom.” Quinn said we asked the applicants to make that designation on the application. Lisa was asked for several letters of support, which created some tricky situations. She can be in support of a PSAP working towards NG9‑1‑1, which is different from actually working with a PSAP on a project. She actually turned down a PSAP because they could not tell her what she was supposed to be supporting. The legislature did not define what “working with” a telecom provider means.

Curt suggested that we rely on staff to determine this scoring so there will be a uniform interpretation of whether the PSAP is “working with” a telecom. Quinn said he is comfortable going through and initially checking a box, yes of no on eligibility; yes or no on “working with a telecom.” If any of the applications are given a “no,” we will still include them for your review. If the application has a letter of support from a private provider, we are going to rank the application as a priority one. Geoff said that a letter of support is different than working with a private provider. Quinn indicated that in the absence of other guidance, staff is going to use a letter of support from a private provider as an indication that the PSAP is working with a private provider, because this was included in the application process.

Geoff again said that a letter of support is different than working with a private provider. Quinn clarified that the discussion was to have staff provide an opinion. He is comfortable completing that task, but he is simply providing an explanation ahead of time about how they would generate that opinion.

Another issue is the definition of a “provider” in law. Provider means “a public utility, a cooperative telephone company, a wireless provider, a provider of inner-connected voice-over-IP service, a provider of exchange access or any other entity that provides access lines.” We were contacted by other providers of NG9-1-1 networks and equipment that don’t fit this definition.

Discussion ensued about the need to ration the grant funding. There was no limit on the number of applications that an entity could submit. However, if they did submit multiple applications, they were asked to provide their priorities. There could be a discussion about each individual score, but we will come to consensus on the ranking of the applications.

Commissioner MacDonald questioned the use of grant funds for dispatcher chairs, saying they are a county responsibility. The law states that grant funding can be used for the operation of 9-1-1 systems, devices, and data. Chairs could be an operational expense of a 9-1-1 system.

Several PSAPs submitted more than one application. Perhaps just the first two applications should be funded, or just the first one. Depending on funding left over, perhaps we could go back and fund additional requests. The Council should come to consensus on how it wants to fund multiple applications. The Council could also give preference to anything that enhances NG9-1-1.

Chief Cowger referenced the Federal Assistance to Fire Fighters and SAFER grants which incorporates criteria asking if the department is requesting SCBAs, for example, for the first time (so they are upgrading their service to become compliant, or are they just wanting new ones. Some requests are more critical than others.

Chuck pointed out that the request for $900,000 from one of the telecoms represents a huge amount of funding for operational costs. Lisa asked for clarification about the requests from telecoms: whether their requests are in addition to cost recovery or as cost recovery. The current requests are cost recovery requests. Regardless of the applicant, whether it’s a provider or a PSAP, should grant money be restricted to the initial purchase of hardware and software. Geoff said “Yes.” Should ongoing costs of operating hardware and software be covered by a grant? The consensus was “No.”

Geoff said that delivering 9-1-1 calls is all about circuits and data dips. It was suggested that we clarify what providers have been getting reimbursed for. Lisa explained that for those who connect to their selective routers, it is their responsibility to get to our selective routers, so they put in circuits that come to us. Then, CenturyLink has a fee associated with connecting those, so the wireless carriers and competitive local exchange carriers have to pay to connect to the selective routers. From there, we carry it on the network. Lisa believes they have been getting cost recovery on that fee for connecting to CenturyLink and whatever connectivity that is required to get to us. That is what they have been collecting.

Rhonda noted that they have also requested reimbursement for maintenance of their entire switch (which transfers every call they transport through their system), not just the portion of the switch that transports 9-1-1 calls. So, rules are needed for this, too. So, the term, operations and maintenance is too vague.

Lynda Holt asked for clarification on the request from Sagebrush Communications: Are they are requesting cost recovery for the next two years? It seems peculiar because she thought we were looking at current needs not future needs. It’s hard to predict future needs and their specific costs, unless, it is in a contract. Quinn thought that if an entity can’t afford the ongoing costs of operations and maintenance of equipment, hardware, software, etc. then it shouldn’t apply for a grant to purchase it. We do not want to encourage any entity to purchase systems they can’t afford to operate and maintain. Geoff said the wireless providers would not survive if they did not get reimbursed with 9-1-1 funds because they have a small number of customers and limited subscriber fees.

Adrianne believes that activities that enable a PSAP to prepare for NG9-1-1 should be a priority. Jennie cautioned that we could be putting the department in some jeopardy if we start pointing to standards and other criteria now that applicants didn’t have a chance to include in their applications. So we need to be very broad this year in our review. Changes can be made before next year’s grant cycle and we can notify potential applicants ahead of time.

We could come to some sort of priority ranking to use as a starting point followed by a discussion. Which application do you think is the highest priority and why? The scoring is a starting point, it can provide additional information to base a decision on.

What about those cases where we need to excuse ourselves? Delila said instead of voting line by line, the Council could vote on the overall ranking. This eliminates the need to recuse oneself. Once the rank is established, then you can apply the money by keep going down the list until the money is expended. The council can also say, this is our “fifth highest ranking, but we only want to fund it at this amount.”

The council meetings are public meetings, but it is our established policy that we are not going to accept any testimony or additional comments during the meeting. No additional information on an application can be provided during the meeting. It would not be fair, and the process needs to be an open and fair process. At the next meeting we need to be more restrictive and ensure that public comment is held to the end of the meeting.

Geoff asked for an estimate of available money in the grant account in the future. Quinn replied that about $3 million will come in every year for the grant program. Geoff cautioned against totally depleting the grant fund this year without having all the other criteria and a strategy in place. It may appear that we are rushing forward. When we adopted the rules and implemented the program the council made the decision to open the grant program because we were concerned about having a large balance in the account that the legislature could divert to a different purpose. The Council will make its recommendations at the March meeting and then the director’s office will make the final decision by May 14.

We must establish some sort of process so we can review the grant applications and make recommendations. The council could use the following process:

1. Review program staff opinions/recommendations
2. The Council will adopt a ranking order for all the applications.
3. The Council will apply the $6.8 million in funding to the ranking order until all the funds are committed. The Council can recommend the partial funding of applications. The council will adopt final grant award recommendations.

**Motion:** Chief Cowger moved to adopt this process. Commissioner MacDonald seconded. The motion carried.

**Public Comment**:

Ken asked if PSAPs will be required to go through state or local procurement procedures. A lot of local governments adopt state procurement rules. Local government procurement policies and procedures should be adhered to. Ken cautioned against partially funding a single piece of equipment because a local government may not be able to make up the funding difference.

# Meeting Schedule: The next meeting will be held on Wednesday, March 13, 2019 and Thursday, March 14 from 9:00 a.m. to 4:00 pm both days.

# Meeting Location: We will look at holding the meeting somewhere away from the Capital Complex due to parking problems during the legislature.

# Adjournment: Commissioner MacDonald moved to adjourn. Chief Doto seconded. The meeting adjourned at 3:15 pm.