# 9-1-1 Advisory Council Minutes

**March 13, 2019 • 9:00 a.m. – 4:30 p.m.**

**MACo Offices, Helena**

**Voting Council Members/Alternates:**

Quinn Ness, DOA/PSCB (Alternate), Acting Chair

Andrew Knapp, DOJ/MHP (Alternate) ☎

Clint Loss, MEMSA

Geoff Feiss, MTA

Lisa Kelly, CenturyLink

Kimberly Burdick, MAPCO

Adriane Beck, PSAPs >30K

Peggy Glass, PSAPS <30K

Delila Bruno, DMA/DES

Curt Stinson, MACOP

Pat Roos, MSPOA

Rich Cowger, MFCA

Mike Doto, MVFFA

Commissioner Gary MacDonald, MACO

Jennie Stapp, MSL ☎

**Non-Voting Council Members/Alternates:**

Dorothy Gremaux, PSAPS <30K (Alternate) ☎

Bob Drake, MVFFA (Alternate)

Shantil Siaperas, MACO (Alternate)

Michael Fashoway, MSL (Alternate)

Gary Evans, Vision Net (MTA Alternate)

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

**Guests:** Ed Auker, Bighorn County; Ricky Ballou, MT Telecom Access Program; Sandra Barrows, Barrows Consulting; Jody Hickey, Glacier County; Brian Mischel, Bighorn County; Ken Wall, Geodata; and Karen Young, City of Great Falls ☎.

# Welcome: Quinn welcomed members and guests.

# Action Item: Adoption of Meeting Minutes

Motion:Pat Roos made a motion to approve the December 13, 2018 minutes. Rich Cowger seconded the motion. The motion carried.

**Council Administrative:**

* *Public Comment*: Quinn announced that all public comment will be reserved until tomorrow afternoon. No public comments will be accepted while Council members are reviewing grant applications. They will base their decisions solely on the information originally provided in the applications.
* *Council Member Alternate List*: An updated list was sent to members. Quinn asked members to let staff know of any updates needed.

**Standing Agenda Item: Certified PSAPs Quarterly Distribution Report:** This report is for the 2nd quarter of the fiscal year. We distributed $2.155 million. There were no questions about the report.

**Statewide 9-1-1 Plan Status Report:** A status report was previously distributed that reported on accomplishments of milestones as follows:

|  |  |  |
| --- | --- | --- |
| **Milestone/Deliverable** | **% Completed** | **Status** |
| Milestone 1: Project & Communications Plans | 100% | Done |
| Milestone 2: PSAP Regional Meetings & Site Visits | 98% | In Progress |
| Milestone 3: PSAP Inventories | 88% | In Progress |
| Milestone 4: ESInet Inventory | 90% | In Progress |
| Milestone 5: NG9-1-1 Standards & Requirements | 10% | In Progress |
| Milestone 6: PSAP Needs Assessment | 10% | In Progress |
| Milestone 7: ESInet Design & Implementation Plan | 0% | Not Started |

*Milestone 2 - PSAP Site Visits*: This milestone is 98% complete because the Lake County PSAP was unable to participate due to a personnel transition.

*Milestone 3 - PSPA Data Collection Inventories*: Six PSAPs still need to submit their inventories. It is critically important that PSAPs submit these. Hopefully the 9-1-1 Program won’t have to engage in withhold a PSAP’s funding until this information is submitted.

*Milestone 4 - ESInet Inventory*: A lot of information was collected from CenturyLink and Vision Net. Federal Engineering still has a few things to follow up on before this milestone is complete. Then they will move into NG9-1-1 Standards & Requirements and finalize the PSAP Needs Assessment.

*Milestone 7 - ESInet Design and Implementation Plan:* Work on this milestone has not begun yet.

All milestones have to be completed by the end of May of this year because the appropriation that funds the plan’s development expires on June 30, 2019.

**Statewide GIS Assessment Report**: Mike Fashoway reported that the contract ended on February 28, 2019. All counties and one of the three reservations were completed. Overall participation was a great success. Mike said he is looking for a better way to display the results, and he will provide examples to help clarify the meaning of the data. The report is very data-centric.

A summary of statewide synchronization results appears on page five of the report. These results serve as an overall GIS benchmark and help determine fitness for use in terms of 9-1-1 call routing. A 98% match rate between GIS, MSAG and ALI databases is the standard. This provides a high-level way to see how close the PSAP’s GIS data is to being ready for NG9-1-1. Only a handful of counties have their datasets at that 98% level. For example, only three PSAPs have a 98% match rate of their MSAGs to road centerlines. Only seven PSAPs had a high match rate of addresses points matching the MSAG. Overall, there is still quite a bit of GIS work needed to prepare PSAPs for NG9-1-1. However, that was the whole point of this assessment: to obtain a benchmark of where PSAPs are and to give them an idea of what level of effort will be needed for NG9-1-1.

**9-1-1 Grant Award Recommendations**: The Council determined that it would review the scoring of each application and adopt all of the scoring for all the applications all at one time. At the last meetings, concerns were expressed about voting on individual applications and about conflict of interests, so it was decided that all applications will be reviewed and scored after reaching consensus and the Council will adopt a final list of all the grant award recommendations.

The Council discussed the issues with the scoring criteria, when scoring each application, it was difficult to differentiate. If the applicant submitted all the information that was requested on the application form, a score of 20 was assigned. A range of scores can be adopted if criteria are consistently applied to each application and notification is provided to all potential applicants about the scoring criteria. Priority 1 or 2 was determined for local government applicants based on having a letter of support from a private telecommunications provider. If the applicant submitted letters of support, the full 30 points was given. The council did not distinguish between the number of letters submitted. If applicants submitted more than one application, they were asked to rank order their priorities.

**Future Grant Requirements**:

* In this grant cycle, we did not include the requirement to have a cost estimate. The Council should consider adding this requirement; and
* This year there were no restrictions on the number of applications that could be submitted. In the future, the Council may want to limit the number of applications that one entity can submit.

**9-1-1 Grant Award Recommendations Discussion *(Continued)***: Discussion ensued about this year’s grant criteria are probably as broad as they will ever be. Each year, we will continue to improve and refine the process based on what the Council decides is the best strategy, what are the priorities and financial need, etc.

**9-1-1 Purpose Definition:** Discussion ensued about that a common understanding is needed for what a “9-1-1 purpose” means. The Council discussed MCA 10-4-306(2), which prescribes what the grants can be used for (aka eligible uses): emergency telecommunications system plans; project feasibility studies or project plans; the implementation, operation, and maintenance of 9-1-1 Systems, equipment, devices, and data; and the purchase of services that support 9-1-1 systems. 10-4-101(1) defines “9-1-1 Systems” as “telecommunications facilities, circuits, equipment, devices, software, and associated contracted services for the transmission of emergency communications. A 9-1-1 System includes the

transmission of emergency communications: (a) from persons requesting emergency services to a primary public safety answering point and communications systems for the direct dispatch, relay, and transfer of emergency communications; and (b) to or from a public safety answering point to or from emergency service units.”

The list of eligible uses in 10-4-306(2) is an exclusive list; the Council can interpret within this definition, but the Council cannot add or remove any of the eligible uses. If the Council wants more discretion in adopting additional uses or clarifying uses, then the law would need to be amended.

It was noted that HB61 removed the definition of “allowable costs” for the wireless cost recovery program.

**Criteria Discussion – How Critical is the Requested Item/Service to the Operation of a 9-1-1 System?** It was agreed that a request for a CAD Swift Justice System falls under the definition of a 9-1-1 System because the request is covered under the heading of “equipment, devices, and software.” The Council discussed utilizing the proposed use of the grant to rank applications. For example, a CAD system provides a significant level of support for a 9-1-1 system; it is a critical part of a 9-1-1 system. So, members could score an application for such type of equipment higher than an application for a different 9-1-1 system component that isn’t as critical or important.

Members discussed their authority to make subjective decisions such as this. The Council in general does have this authority; the Council just has to be transparent and consistent with applying it. Applicants were notified in rule that this was the criteria that would be used, it just wasn’t specified how individual scores would be stratified. The Council believes it is its responsibility to provide that stratification and prioritization within what is eligible.

The Council discussed establishing its own priority categories. The scoring criteria adopted in rule was never designed to make the decision for the Council; it is just additional information upon which to base a decision. It cannot replace the decision-making ability of each Council member. There will always be additional variables that will need to be considered. The scoring of the applications and reaching a consensus on what the Council feels is a priority is part of the process. The scoring of the applications is just additional information to help in the decision-making process.

**Does the Grant Account Have to be Exhausted?** The Council discussed whether it is required to commit all the available funding. The Council determined that it doesn’t necessarily have to award all the grant funds today if it does believe that is appropriate. It could decide not to exhaust the grant account. This was confirmed. The Council discussed the administrative rules, which states the department, in consultation with the Council, and may make conditional or partial awards. So, the Council determined that it will score the applications first, establish a ranking, and then apply the available funding. If the Council made the decision not to award the entire $6.8 million in the grant account, it could. Commissioner MacDonald noted that given the history of these stranded funds, it would not be advisable to leave any money in the account.

**Application Evaluation Suggestions:** The Council engaged in a discussion about adding a few columns to the spreadsheet that could be used to sort and filter applications, such as, was it the county’s #1 priority, is there another funding source for such a project, is it related to GIS, etc.

The Council’s main application evaluation suggestions include:

* Priority 1 applications have to be funded, but they don’t have to funded at 100%.
* If the Priority 1 application is not funded at 100%, the Council must provide a justification for reducing the amount awarded;
* Council members need to make some types of decision on how to reduce awards to applicants, and it must be applied consistently;
* Another possibility might be to fund at least one application from each applicant; and
* Sort and evaluate similar projects together, such as GIS applications.

The Council discussed the following process: if it was a Priority 1, and it made the 100 score, fund one request per applicant to arrive at a total of $4.3 million. This may be a good starting point to eliminate a certain number of applications quickly and then spend time evaluating the priority of the other applications.

**Future Grant Recommendations**:

* Next year the Council might want to consider the current age of equipment to determine if an equipment replacement request is too premature. For example, the standard replacement cycle for computers at the State of Montana is 5-years, while one of the applications requested replacement of 3-year old computers. The Council can more clearly outline the definition of a 9‑1-1 system and can provide specific examples (hardware, software, data);
* In future grant requirements, applicants need to submit cost estimates or documentation to justify funding requests; and
* The Council can decide not to give any one entity more than $500,000.

**Wireless Provider Applications**: It was noted that most providers did not show familiarity with the new 9-1-1 grant award process. They were following the old cost recovery process, which no longer exists. Here are some key discussion points:

* In the future the telecom providers need to provide better cost estimates, just like all the applicants; and
* Telecom providers submitted applications for expenses for the period of 2018 through 2020. If the Council makes the determination to only fund half of an application funding request, then that determination needs to be applied uniformly.

**Awarding Grants Outside of the Grant Period**: The Council needs to determine if it will award grants outside of this grant period. Quinn clarified that grants are forward looking; however, cost recovery is the opposite. Many telecos have the expectation that they will be reimbursed for expenses that are already incurred. The recently adopted rules had to include a one-time provision to say that expenditures that occurred over the last year are eligible. So, next year when they apply, if they apply for expenditures that have already occurred, those expenses will not be eligible. Sagebrush, for example, did request reimbursement for next year.

This is how it will hypothetically work in the future: A provider might say that it believes it will have $100,000 in expenses next year. So, a grant would be awarded for that amount. As those expenses are incurred, the company would submit documentation to the grant program for reimbursement. After this year, all applications have to be looking forward in advance of the expenditure, not after the fact.

**How far Forward is the Council Willing to Dedicate Funding?** Some projects may take years to accomplish. Here are the discussion points:

* State grant contracts can only go seven years.
* Applicants may need to break their projects into phases to help ration the money, especially if they are doing any kind of large infrastructure project.
* The Council may want to consider putting a limit on how much time it may take a project to be implemented.
* It might not be possible to guarantee funding for phased projects because funding streams can change.
* The Council may have to fully fund projects that will take time to complete, and it will also need to make sure the projects do not extend beyond seven years.

**Eligibility Criteria**

Council members discussed eligibility criteria and decided on the following points:

* The Council is providing a recommendation to the department. The department will make the final decision.
* Personal computers for members of law enforcement are not eligible because personal computers are not part of the 9-1-1 system.
* An application that included a vehicle is not eligible. A vehicle is not a facility nor is it a part of infrastructure. It does not fall under the definition of a 9-1-1 system.
* Public education is not identified in statute, so it is not eligible.
* Video monitoring of remote LMR sites for security purposes is not part of a 9-1-1 system.
* Expenses for personnel are not eligible. Personnel costs were removed from some applications. The costs of personnel cannot be reimbursed; however, costs for a consultant can be.
* Workstation chairs are not equipment, rather, they are a supply. Hence, they are not eligible.
* Requests that propose re-distributing the grant-funded equipment to ineligible sub-recipients are not eligible. Grants can be awarded to an eligible entity that is going to turn over the asset to another eligible recipient.
* The 9-1-1 Grant Program rules allow for grants to pay for “facilities.” Under the wireless cost recovery program, telecommunications companies could not seek reimbursement for towers. Presumably, they would under the new rules. The Council may want to address this.

**Motion:** Chief Mike Doto made a motion to adopt the scoring and eligibility criteria and scores as included on the spreadsheet shown on the screen. Curt Stinson seconded. Commissioner MacDonald abstained. The motion carried.

Key discussion points were:

* The Council should ensure that every applicant receives its number one priority.
* The Council has the discretion to set the funding award amount. It could fully fund the first applicant’s request and partially fund subsequent requests.
* The 9-1-1 grant program laws do not give the Council the discretion to fund Priority 2 projects ahead of Priority 1 projects. It does have the ability to award partial amounts.
* The Council should be aware that if it only awards part of the money requested, there is a chance that the applicant may not be able to get the project completed.
* If the Council awards a partial amount and the applicant can’t meet the terms of the grant, it will need to release the funds, which would then be awarded during the next grant cycle. If the applicant doesn’t expend the entire awarded dollar amount, the balance left over is released back into the grant account for re-distribution the following year. We do not plan on having an interim grant cycle.
* Travel, supplies and professional services incurred by a contractor are allowable. If they are incurred by an applicant, they are not.
* If an applicant submits non-allowable costs, it won’t be reimbursed. These must be included under conditions outlined in the award letter and grant agreement.
* Training is an allowable expense if it is provided by a consultant and not an employee.
* Next year it should be clarified that individual applications are required for each different project. No combination applications should be accepted.
* If the scoring criteria is changed for the next grant cycle, the Council may have to adopt new rules.

**9-1-1 Grant Award Recommendations *(continued)*:** The meeting was re-convened after lunch. Here are some of the main points of discussion:

* Next year, applicants will be required to provide a detailed cost estimate. If applicants do not, then their application could be deemed ineligible and removed from consideration.
* Some applicants who provided cost details may have inadvertently penalized themselves because the Council was able to remove ineligible items from their applications, such as personnel costs and employee travel.
* The application form clearly stated what were allowable costs.
* When an applicant submits a request for reimbursement for an ineligible expense, the request will not be funded.
* The department will issue a grant award letter that will outline conditions of the award. This will be followed by a grant agreement (contract). The grant recipient will begin the project and execute any necessary procurement, and the recipient will submit documentation— a “draw request.” Once the recipient incurs an expenditure, then they will submit the draw request and documentation (ex: invoice). Funds would then be released to reimburse the grant recipient.
* One proposal that was considered was to consistently fund the applicant’s first request at 100%, and its second request at 50%. But this was not adopted.
* Once the statewide 9-1-1 Plan is complete, the Council will have access to the PSAP assessments and ESInet planning documents. These will allow the Council to see what each PSAP needs to do to get to a base level before even considering NG9-1-1. The Council will be able to communicate with that PSAP and say we really need you to upgrade your equipment to get to this certain level. We have grant funding available, but you have to apply.
	+ Some local governments may not have applied this year because they don’t have the capacity to complete applications and manage grants. We may need to provide assistance to help them get applications completed.
* Before the next grant cycle, the Council must clarify how many years an application can cover.
* It might also be important to make sure an applicant can sustain or provide upkeep for an expenditure or afford its replacement later.
* Local/tribal governments should be encouraged to apply for one-time expenditures. They should try to stay away from funding ongoing operational and maintenance costs with grant money because sometimes grant programs go away or funding gets reduced. If a system is purchased and can’t be maintained, then you have system failure. Conversely, telecommunications providers use this grant funding for operational costs. Both PSAPs and providers are covered under the same list of allowable costs in law.

**Personnel Costs on GIS Projects**: Considerable discussion took place regarding disallowing personnel costs. Key points were:

* Some projects may be withdrawn, especially in smaller local governments.
* Hiring a contractor likely will cost significantly more than an employee.
* The approach in the GIS community typically has been to do as much as possible in-house because it is cheaper, and it builds some capacity to keep the GIS projects going forward.
* Contractors are considered “professional services,” which is an allowable cost. Personnel costs are not allowable. Even though GIS is a high priority, the Council can’t approve funding for personnel.
* Various proposals were discussed to allow GIS grant applicants to receive funding for personnel costs so as to allow applicants a way to meet the intent of the grant in ways that are eligible.
* DES has experience with this situation. If an applicant has an ineligible expense, the expense is deleted. If the applicant cannot complete the project without that funding, the applicant does not accept the award.
* Not knowing what is eligible and what is not is not an excuse. Eligibility was noticed on the form and rules and laws were available.

**Motion:**  Adriane moved that the Advisory Council not consider funding ineligible uses of grant funds. Lisa seconded. Jennie Stapp abstained. The motion passed.

Don reminded members that this is the first grant cycle. After the program is restructured, the Council may see the same GIS grant application with contractors doing the work rather than local government staff.

Quinn indicated that Bureau staff intends to explain to applicants who did not receive full or any funding how the Council arrived at that determination, and staff will invite them to apply in the next grant cycle. This will be a courtesy to the applicants as well as serve as a part of the education process.

When the Council gets to the point of recommending awards, it can also add conditions, such as the applicant has to provide additional information. The grant recipient can be asked to do certain things before the award is finalized, including documenting allowable costs.

**9-1-1 Grant Award Recommendation *(continued)*:** Members began review of Priority 2 applications. Here are some highlights:

* If funds are available, there needs to be justification to deny funding an eligible Priority 2 application.
* Geographical dispersion of grant funds might be something the Council wants to look at.
* Some members are wary of awarding partial funding in case a project isn’t feasible anymore.
* The Council can cap awards to an individual entity to no more than $500,000, if this is stated ahead of time. This could be considered for next year.
* It was suggested that the applicant’s score be used to proportionally reduce the total funding request. So, for example, if the request is for $100,000, and the application received a score of 65, then the applicant could be allotted $65,000, or 65% of the original request. This could be done consistently.
* Next year it will not be sufficient to have a single generic provider letter of support for all of a local/tribal government’s requests. A provider’s letter should address why the provider supports each individual project.
* Which applications are the most critical? Three applications for CAD RMS systems were recommended for funding.
* The 9-1-1 grant program rules included a provision to allow expenditures incurred by a grant recipient between July 1, 2018 and the grant award date to be eligible for reimbursement. Hence, a request from Glacier County asking for grant money to help fund costs incurred the previous year was deemed eligible.

**2019 Legislature - 9-1-1 Legislation:** Geoff Feiss provided an update on three legislative initiatives as follows:

1. HB150 started off as a general 9-1-1 clean-up bill. However, there were too many potentially controversial amendments; so, it was trimmed to only address the inclusion of tribal PSAPs. A hearing was held a month ago or so, and no one opposed.
2. The rest of the amendments taken from the original version of HB150 were going to be put into a separate bill.
3. Telecommunications providers wanted to clarify that priority funding of grant funds was to go first to telecommunications providers and second to PSAPs. Providers wanted to delete the current wording that allows local government entities that host PSAPs who are “working with” a telecommunications provider to also rank as a priority 1 applicant. HB539 included this wording change as well as other changes, such as continued funding for statewide planning. However, that legislation is going away.
4. LC1855 is being introduced to get rid of the “working with” language to clarify that telecoms are priority #1 and PSAPs are priority #2. It also provides $150,000 to the Montana State Library to assist with the GIS mapping effort every year for next five years.

Current wording in HB61 in 10-4-306 includes prescriptive language for grant fund use. It would help the process if the language could be revised to read: “includes but is not limited to” rather than “for”. This language change would expand eligible uses and give the Council more discretion.

Some fear was expressed that funding for statewide 9-1-1 planning in LC1855 might look like an unfunded mandate. It was recommended that the department go back to the legislature in two years with a plan to implement the Statewide 9-1-1 Plan. We might be able to calculate the needed funding amounts based on the Plan.

It was clarified that the $5 million set aside in the NG9-1-1 Infrastructure account for the ESInet and PSAP upgrades to IP capability will expire at the end of this fiscal year (SFY 2019). That money will be transferred to into the grant program account. If the amendment on the provider preference goes through, then providers will have the first opportunity to apply for and receive the $5 million and the $3 million that was deposited in SFY 2019 for a total of $8 million.

In the bill draft that the Council reviewed in December, we wanted to give the Council the ability during the interim to execute planning activities such as a study or expanding the scope of the Federal Engineering contract to obtain additional information. The department would have been authorized to transfer money from the grant account to the planning account. If this language is not resurrected, the legislature will have to be approached every two years to ask for funding. The Governor’s budget office has already approved this plan.

Amend allowable uses to strike the word “for” and replace it with “includes but is not limited to:” – Geoff will work on getting this language added.

The meeting adjourned for the day.

# 9-1-1 Advisory Council Minutes

**March 14, 2019 • 9:00 a.m. – noon**

**MACo Offices, Helena**

**Voting Council Members/Alternates:**

Quinn Ness, DOA/PSCB (Alternate), Acting Chair

Andrew Knapp, DOJ/MHP (Alternate) ☎

Clint Loss, MEMSA

Gary Evans, Vision Net (MTA Alternate)

Lisa Kelly, CenturyLink

Kimberly Burdick, MAPCO

Adriane Beck, PSAPs >30K

Peggy Glass, PSAPS <30K

Burke Honzel, DMA/DES

Curt Stinson, MACOP

Pat Roos, MSPOA

Rich Cowger, MFCA

Mike Doto, MVFFA

Commissioner Gary MacDonald, MACO

Jennie Stapp, MSL ☎

**Non-Voting Council Members/Alternates**

Dorothy Gremaux, PSAPS <30K (Alternate) ☎

Shantil Siaperas, MACO (Alternate)

Michael Fashoway, MSL (Alternate)

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

**Guests:** Sandra Barrows, Barrows Consulting; Jody Hickey, Glacier County; and Ken Wall, Geodata.

The meeting was called to order. Roll call was taken. Quinn remined the audience that public comment will be held until after action is taken on the grant application award recommendations. Members of the public or the Council that have an application before the group were specifically asked not to make any comments or provide any additional information during the discussion.

**9-1-1 Grant Award Recommendation *(continued)*:** Jennie asked Don to clarify the issue of having to give preference to Priority 1 requests. Don referred to MCA 10-4-306 (3) which states that preference must be given as follows: private telecommunications providers and PSAPs working with a private telecommunications provider are both Priority 1. Local government PSAPs are Priority 2.

* Statutory preference overrides other award criteria.
* The statutory preference limits decision making and the discretion of the Council and department.
* All the Priority 1 applications must be funded; however, if a Priority 1 request contains ineligible items, those can be removed.
* The Council cannot give priority to a Priority 1 application over a Priority 2 application.
* A brief summary was given of Geoff Feiss’ presentation on legislative initiatives yesterday. LC1855 will eliminate the preference of PSAPs “working with” a provider. It will state that telecoms are priority #1 and PSAPs are priority #2. Historically, about $1 million total was paid annually to wireless providers that requested 9-1-1 cost-recovery, but the wireless provider cost recovery program was abolished by HB61 and the 2017 Legislature.

**Lake County’s Application**: The enhanced imagery in Lake County’s proposal in comparison to other application requests for critical 9-1-1 priorities, it’s not essential. It’s not a part of the GIS standard for 9-1-1 and doesn’t warrant funding. Members later decided that there was not enough information in the application to determine eligibility.

**City of Helena’s Application:** Since two funding options were provided, the Council can select whichever one it chooses. Burke stated that when DES encounters an application that falls outside the period of performance, they don’t fund it. The less expensive option was selected.

**Conditional Award Discussion:** Council members discussed the option of making conditional awards. Conditions could be placed on some of these grant awards.

* The applicant could be asked to provide more information, cost estimates, and a better plan and be given 45 days to provide it. Then, the Council could hold another meeting in 60 days to review all the conditional awards.
* The applicant could be given a reduced award of 50%. Then, the applicant can decide if it wants to accept the grant or not. If it does not, the money goes back into the grant account.
	+ If the applicant has not accepted the award by July 1, the next applicant on the list could be funded.
	+ The Council could just wait until the next grant cycle starts. This was the chosen option.
* It was decided that the idea of conditional awards was not workable. There isn’t a benefit because they do not free up funding that could be awarded to another applicant.

**Fallon County’s Monitoring of Remote Sites Application**: Considerable discussion took place on this application. Here are a few highlights:

* The Council can’t reduce a Priority 1 application to fund a priority 2 application.
* Monitoring of communications sites is important and relevant, but video surveillance may not be required.
* The statutory definition [MCA 10-4-306 (2)(c)] states that grants may be awarded for “the implementation, operation and maintenance of 9-1-1 systems, equipment, devices and data.” The request seems to fall under operations and maintenance, but members questioned whether security at a communications site is part of the operations and maintenance of a 9-1-1 system.
* Equipment that contributes to the transmission of emergency communications is eligible. It’s not clear if monitoring equipment, particularly video monitoring, necessarily adds or subtracts to the ability to provide 9 1 1 services.
* It’s not clear if the application includes personnel expenses, which are not allowable costs. The application is vague and lacks clarity.
* A lot more depth and detail on what is being proposed is needed. Members can’t determine if the application is eligible.
* The Council concluded that the lack of detail in the application is preventing the Council from determining if it meets the requirements of MCA 10-4-306. If the Council can’t determine this, he doesn’t see how the Council can recommend awarding funding to the application.
* The applicant will be encouraged to amend and improve its application and re-submit it next year.

**9-1-1 Grant Award Recommendation *(continued)*:** Members continued reviewing remaining Priority 2 applications.

* Members discussed the difference between equipment and supplies.
	+ In accounting terms, workstations are considered equipment.
	+ Chairs are supplies.
	+ The Federal government considers equipment to be anything over $5,000 with a life span greater than a year.
* Training provided by a contractor is eligible.
* Members discussed “need” as a criterion. In some communities, it is tougher to get funding. There just aren’t many resources available. “Need” is difficult to quantify, but it can be based on generalities such as tax base. However, it is important not to perceive some applicants as charity cases. The need criterion cannot be considered in the current review because it might be construed as introducing additional information that is not in the application.
* Members discussed taking a more strategic approach to funding remaining requests, such as giving priority NG9-1-1, CAD systems, and items that will have the largest impact on 9-1-1.
* Geographic disbursement of funds is a valid concern in an attempt to fund requests from different parts of the state.

**Glacier County**: Glacier County’s number one priority was for equipment that had already been purchased and installed. They have a financing agreement with the vendor. They were asking to re-capitalize that equipment purchase. The Council funded the County’ second priority request for ADSi equipment rather than the county’s first priority because CAD (Computer Aided Dispatch) was thought to be a greater priority as a whole for all dispatch centers.

**Motion:** Adriane made a motion to finalize the spreadsheet and place remaining funds into the account for next year. Rich Cowger seconded. Members decided to keep evaluating unfunded applications. A vote was taken on the motion, and it did not pass.

Several additional requests were funded, leaving a balance of $12,942. Quinn noted that no requests were reduced.

|  |  |  |
| --- | --- | --- |
| **Applicant Name** | **Proposed Grant Use** |  **Recommended Award Amount**  |
|
| Beaverhead County | New CAD Swift Justice system |  $ 135,000  |
| Big Horn County | #1 GIS  |  $ 50,848  |
| Big Horn County | #2 20 Mobile Data Terminals |  $ 56,146  |
| Blaine County | 2 Position Call Taker Workstations |  $ 3,721  |
| Carbon County | #2 Upgrade mapping system |  $ 35,110  |
| Chouteau County | #1 Viper 9-1-1 System |  $ 198,054  |
| Chouteau County | #2 APCO EMD System  |  $ 12,000  |
| Chouteau County | #3 Spectracom Orolia Netclock |  $ 8,989  |
| Chouteau County | #4 Voice/Data Recorder |  $ 25,405  |
| Chouteau County | #5 GIS/MSAG request |  $ 15,465  |
| Daniels County | GIS Layers |  $ 70,938  |
| Fallon County | #1 GIS Updates |  $ 100,000  |
| Fallon County | #2 Backup PSAP/Dispatch Center or #3 |  $ 300,000  |
| Flathead County | #1 Expand fiber network |  $ 185,000  |
| Glacier County | #2 ADSi System |  $ 164,500  |
| City of Glendive | Update radios, GIS, work stations & text 911 |  $ 175,000  |
| Granite County | Zuercher CAD System |  $ 235,201  |
| City of Great Falls  | CPE equipment & maintenance, MIS Software |  $ 246,967  |
| City of Havre | Dispatch eq., system integration, training |  $ 338,822  |
| City of Helena | Motorola Call Works System (Option 2) |  $ 470,000  |
| Jefferson County | Zuercher Technologies |  $ 140,000  |
| City of Lewistown | #1 Text to 9-1-1  |  $ 31,453  |
| City of Lewistown | #2 Vesta eqpt. Maintenance |  $ 11,619  |
| Madison County | #1 CAD/RMS System |  $ 275,000  |
| Madison County | #2 GIS  |  $ 59,918  |
| McCone County | #1 Call taking equip/voice recorder |  $ 198,000  |
| Meagher County | Radio upgrade and equipment |  $ 110,000  |
| Mid-Rivers Telecom | Operations & Maintenance  |  $ 150,000  |
| City of Miles City | Software, Voice Logger, Security, Data  |  $ 371,790  |
| Park County | #1 Viper Call Taking System |  $ 166,874  |
| Park County | #2 Radio repeaters |  $ 49,860  |
| Park County | #3 NICE recording equipment |  $ 61,781  |
| Pondera County | Replace Centracomm Gold Elite Console |  $ 250,000  |
| Powder River County | Securing Dispatch Center |  $ 160,000  |
| Powell County | GIS Layers |  $ 60,077  |
| Rosebud County | GIS Layers |  $ 55,114  |
| Sagebrush Telecom | Monthly operations costs |  $ 899,246  |
| Sanders County | GIS |  $ 50,951  |
| Sheridan County | Text to 9-1-1  |  $ 66,463  |
| Sprint Telecom | Operations & Maintenance |  $ 24,000  |
| Stillwater County | Mobile Data Terminals |  $ 44,000  |
| Teton County | GIS  |  $ 66,137  |
| Toole County | Zuercher Records Management & Mapping |  $ 185,042  |
| Triangle Telecom | Operations & Maintenance |  $ 119,568  |
| Valley County | #1 Replace Gideon tower radio building |  $ 70,000  |
| Valley County | #2 Purchase radio repeater for Hinsdale  |  $ 35,000  |
| Valley County | #3 Logging recorder |  $ 35,000  |
| Valley County | #4 Zuercher Call Taking System & Maintenance |  $ 181,000  |
| Town of W Yellowstone | Text to 9-1-1 |  $ 32,000  |
| **TOTAL** |   |  **$ 6,787,058**  |
|  |  |  |
|  | **Total Funding Available** |  **$ 6,800,000**  |
|  |  |  |
|  | **Uncommitted Fund Balance** |  **$ 12,942**  |

**Motion:** Jennie moved to adopt the above grant funding recommendations, leaving a balance of $12,942 in the account. Pat Roos seconded. The motion passed.

**9-1-1 Legislation:** The Council discussed the presentation that Geoff Feiss provided yesterday to the Council.

Members discussed a few downsides of changing the wording in MCA 10-4-306 from the perscriptive list of allowable uses of the grant funds from “for” to “includes but is not limited to.” There may be some unintended consequences such as:

* If it became a non-exhaustive list, would the Council end up having to approve any application because there would be no boundaries, especially if it was a from a priority 1 provider.
* Perhaps we are better off leaving the language as is. If needed, clarification can be added to the rules and/or on the application itself.

**Statewide 9-1-1 Plan**: How does the Statewide 9-1-1 Plan come into play in the future? How does that impact the Council’s ability to determine priorities? It was thought that the Statewide 9-1-1 Plan was supposed to guide the Council when making award recommendations in the future.

* Providing a preference for projects included in the Plan could potentially be adopted in rule, but it doesn’t have to be.
* The Council could adopt a preference in its policies and inform applicants ahead of time that there will be a preference for projects included in the Statewide 9-1-1 Plan.
* Grant criteria will need to be re-defined in rule in the context of the Statewide 9-1-1 Plan.
* Adherence to the Statewide 9-1-1 Plan could apply to both providers and PSAPs.
	+ Wireless provider cost recovery requests are not included in the Statewide 9-1-1 Plan.
	+ Requests related to the ESInet would be relevant to the Plan, but an investment to expand coverage, for example, would be outside the scope of the Plan.

**Changing the Priority of PSAPs “Working with” Providers**: Lisa Kelly offered a perspective as a 9-1-1 service provider. She said that as we look toward moving to NG9-1-1 there are components in the network that need to be upgraded. A PSAP can have all of the components of NG9-1-1 capability and still not be NG9-1-1 capable because the network cannot deliver NG9-1-1 services, such as data and video. At this point in time, commercial networks cannot deliver video. Lisa said it is in CenturyLink’s business plan to provide these services by either applying for a grant or raising rates.

The Council discussed that telecom providers appear to feel entitled to having a priority on the 25 cents of every dollar collected that is going into the grant account. Previously that money went into the 9-1-1 cost recovery program for wireless carriers. Providers seem to feel strongly that the wireless provider cost recovery program, which does not exist in law today, should exist within the grant program. For example, the provider applications that the Council is funding in this grant cycle consist primarily of cost recovery requests.

Adriane wanted to go on record saying there is a fundamental flaw with having a priority. It prevents the Council from exercising discretion to work on a plan to build out towards NG91-1. She believes that was the original intent of HB61 and this grant program—to have providers and PSAPs working together to build out NG9-1-1. The priority hamstrings the Council’s ability to exercise its discretion to utilize these funds for that purpose.

Jennie said the rules should be re-defined to allow the Statewide 9-1-1 Plan to set the priorities for the grant awards. There is a single grant program for both providers and PSAPs, and they are governed by the same rules.

The Council discussed changing the criteria and include the Statewide 9-1-1 Plan, but if the law still gives priority to providers, providers will get funding before PSAPs because rules cannot preempt law. There should not be a preference at all. The grant program should be guided by the plan. How can the Council ensure that providers are included in the Statewide 9-1-1 Plan, so their investments become part of the process of moving towards NG9-1-1? This is one of the reasons why there should be more planning money readily available to the Council to collect additional information, to perform an analysis, or to do an assessment.

**NG9-1-1 Infrastructure Grant Program**: Don emphasized a few other points that Geoff Feiss brought up yesterday. The NG9-1-1 infrastructure grant program is going to disappear at the end of this fiscal year and that money will be swept into the 9-1-1 Grant Program account. MACo also thinks there may be an additional need for NG9-1-1 money. The expectation is that the need will exceed available funds. So, we will probably have to go back to the legislature with a funding request.

Quinn clarified that the current requirements for the NG9-1-1 Infrastructure grant program do not transfer with the money when it is swept into the 9-1-1 Grant Program. So, the $5 million is not required to be spent on “NG9-1-1 Infrastructure”.

Does the Council have the ability to tighten up criteria to be more specific? The Council has the discretion to add, amend or strike existing rules. All these things need to be talked about in terms of how the Council wants to conduct this process in the future.

For proposed legislation, Rich Cowger suggested looking at criteria in the FEMA Assistance to Fire Fighters Grant that might mitigate some of the issues the Council has encountered. For example, only X amount of money is allocated to this size fire department and larger. So, it limits a certain percentage of money that goes towards a certain size entity, so there will always be money available to smaller agencies.

Quinn has confidence in the Council’s ability to continue to develop and refine the grant program to make good investments towards NG9-1-1 and good grant program practices. He doesn’t see a need for a lot of language in law that restricts in the Council’s discretion in its decision making.

**ESInet Historical Background**: Gary provided historical context on the network and what the current concerns are. The network was started this in 2005 and the selective routers were not NG capable, but 9-1-1 calls were being transported via Voice-Over IP. This was the first one in the nation. Even though the core selective routers were not IP capable, they were converted to Voice-Over IP and the ESInet was used to transfer those calls to PSAPs. Another set of selective routers that were previously owned by Quest are still in place. Upgrading and consolidating that core network so that all PSAPs are on the same network is important technically and operationally. It should be a goal for everybody to get PSAPs off the old selective routers and upgrade the two selective routers that are not IP capable.

The current network here in Montana is high tech and redundant. Hopefully, the Statewide 9-1-1 Plan will address upgrading the selective routers along with a few ancillary pieces will result in a capable network and allow all the PSAPs to be on the same network. New equipment at the core will provide Voice-Over-IP capability and will be able to handle texts, video and other things we see coming up in the future

Quinn indicated that the Plan needs to outline good provider investments because simply increasing wireless coverage really isn’t an investment in NG9-1-1. If the purpose of the grant program moving forward is going to relate to implementing the Statewide 9-1-1 Plan and achieving NG9-1-1, then the Council needs to include these types of investment for providers and PSAPs. We need to be careful of putting too many demands on the current 9-1-1 funds. PSAPs and providers should resist using the grant funds for other non-NG9-1-1 purposes. HB61 was a very complex bill; perhaps it was a missed intention that this grant program was supposed to be exclusively about NG9-1-1. The Council may need to clarify this in rule.

Quinn said we aren’t completely opposed to wireless providers continuing to receive cost recovery, but this will cause some confusion if the grant program directs funds entirely to NG9-1-1 projects. If the grant program is going to continue to fund wireless provider cost recovery, maybe that funding initiative should be separated from the 9-1-1 grant funding?

Lisa said she would like to know what the PSAPs have as their priorities. Is it NG9-1-1 or something else? She also asked if the Statewide 9-1-1 Plan is supposed to be directed at NG9-1-1?

Quinn said the requirements for the Statewide 9-1-1 Plan are in law and include NG9-1-1. He said that requirements for the plan were placed in law before there had been any initial planning with the Council about what the state needs to do to get to NG9-1-1. He expressed concern that once the plan is developed, the Council may be disappointed that the plan doesn’t have all the information needed to move to NG9-1-1. He emphasized that the consultant is doing a good job, but it is only doing what was specified in the RFP—which is what is required in law.

Once the plan is delivered and the Council has a chance to engage in strategic planning, it would be great to have an available funding source that the Council could use to expand the scope of the plan and to continue to develop and update it. It is important to give the Council the ability to actively manage the plan and the information in the plan. The Council needs to have resources to do this.

**HB150 and Other Legislation**: HB150 is still active and is anticipated to pass. It primarily will allow tribes to receive 9-1-1 reimbursement and to apply for grants. Sponsors were willing to move the bill forward by removing potentially contentious content, such as appropriations for 9-1-1 planning and GIS.

LC 1855 is the current bill that Geoff Feiss is working on to eliminate the Priority 1 preference for PSAPs “working with” providers. It also provides $150,000 to the Montana State Library to assist with the GIS mapping effort every year for next five years. A request was made yesterday to Geoff to include the $250,000 in 9-1-1 planning money.

The department can facilitate with legislative issues, but, traditionally, the Governor and Director don’t want the department to take a position on legislation proposed by stakeholders. If Council members want to suggest additional amendments to Geoff, they should do so directly and as soon as possible while the bill is still being drafted and before it is introduced in committee. Suggestions need to come from 9-1-1 stakeholders and the organizations they represent.

**Public Comment:** None

**Meeting Schedule**: The Council has been meeting quarterly. The Council has about six months to change policies, procedures and/or amend rules. It was decided to form a subcommittee to work on grant procedure changes. The following members volunteered to be on it: Quinn Ness, Adriane Beck, Lisa Kelly, Kim Burdick, Pat Roos and Jennie Stapp. Commissioner MacDonald asked that Shantil Siaperas also be on the subcommittee.

**Motion:** Commissioner MacDonald moved to create a subcommittee for the 9-1-1 grant program. Rich Cowger seconded. The motion passed.

**Next Meeting**: Thursday, July 11 from 9:00 am to 4:00 pm. It will probably be held at the Capitol.

**Adjournment:** **Motion:** Chief Doto moved to adjourn. Kim seconded. The motion carried.