**9-1-1 Advisory Council**

**Meeting Executive Summary**

**Thursday, June 11, 2020**

**Zoom Meeting**

**Attendees:**

Voting Council Members/Alternates:

Adriane Beck - PSAPS >30K; Kimberly Burdick - MT APCO; Rich Cowger - MT Fire Chiefs; Mike Doto – MT Fire Fighters Assoc.; Alex Duman - Wireless Telecommunications Provider; Michael Fashoway - MT State Library (Alternate); Geoff Feiss - Telecommunications Provider; Peggy Glass - PSAPS <30K; Dorothy Gremaux (Alternate) - PSAPS <30K; Burke Honzel - DMA/DES; Lisa Kelly - Wireline Telecommunications Provider; Andrew Knapp - DOJ/MHP (Alternate); Clint Loss - MEMSA; Chairman Ness - DOA, Council Chairman; Pat Roos - MSPOA; Shantil Siaperis - MACo; Jennie Stapp - MSL; and Curt Stinson - MACOP.

Guests: Carol Arkell, Stillwater County; Mark Baker - AT&T; Sandra Barrows, Barrows Consulting; Greg Brooks - Solacom; Mike Feldman - MHP; Chris Fischer - APCO Int'l President Elect; Erik Haivala - City of Great Falls; Jody Hickey, Glacier Co. Sheriff’s Office; John Joseph - Michael Baker Int’l; Roy Kyser - Motorola; Jeff Ledbetter - Michael Baker Int’l; Chuck Lee, Fallon County DES/9-1-1; Tim Martindale, Gallatin County 9‑1-1; Sapphira Olson - Sheridan County 9-1-1; Jon Osborne, CenturyLink; Eric Parry, Federal Engineering; Aaron Vaughn - City of Great Falls; Ken Wall, Geo Data Services; and Karen Young - City of Great Falls 9‑1‑1.

Staff: Kevin Hammond, DOA/SITSD Accountant; Don Harris, DOA/SITSD Attorney; Wing Spooner DOA/PSCB; and Rhonda Sullivan, DOA/911.

**Introduction:** Chairman Quinn Ness opened the meeting and explained that members received a spreadsheet consisting of staff’s opinions and suggestions for this year’s grant applications. Staff reviewed each of the criteria provided in the application as well as in the rules. Chairman Ness said staff determined that all applicants were eligible. However, staff recommended that some applications receive partial funding because some uses were not eligible. He suggested that the Council go through each application and if members have questions or concerns, they should raise their hand electronically. After all applications are reviewed, a vote will be taken on the entire set of applications.

Member Jennie Stapp asked for a broader introduction about how the grant applications related to the overall Statewide Plan. Chairman Ness stated that all PSAP Assessments, which also referenced GIS Assessments completed by the state library, were reviewed prior to ranking how an application supported the statewide plan.

Member Stapp expressed disappointment because she did not see many applications that were taking advantage of collaboration opportunities and opportunities to leverage resources in the way that was envisioned by the statewide plan. She indicated that if the Council is asked to continue to support individual systems, she does not see how that supports the statewide plan. She also expressed a desire to hear about the ESInet applications.

Chairman Ness explained that when the Next Generation Infrastructure Account expired in law, the Department was directed to transfer $5 million from that account into the 9-1-1 Grant Program account. The Advisory Council recommended that those funds be set aside so they could be specifically allocated to support PSAPs migrating to the ESInet. Chairman Ness said that the PSAP applications to upgrade to the statewide ESInet represent good examples of collaboration. Staff recommended that all ESInet conversion applications be funded at 100% from the $5 million set-aside money.

Member Adriane Beck recognized staff for the tremendous amount of work they accomplished, which helped the Council be more efficient by providing a starting platform. She asked Chairman Ness to give the Council a high-level overview of the methodology staff used to determine various rankings for each criterion.

**Grant Criteria:** Chairman Ness reviewed each column of the Grant Evaluation Spreadsheet, which included all the allowable criteria, and he explained staffs’ rationale for each item. All applicants were eligible to apply. Under the category of eligible uses of grant funds, staff eliminated costs for training.

Member Stapp proposed that training could be covered under “the allowable use of 911 funds.” Chairman Ness indicated that Member Stapp was referencing allowable costs for PSAPs to expend their quarterly distributions. Those costs are different from what is allowed in the 9‑1-1 grant program, which are spelled out in MCA 10-4-306.

Chairman Ness explained that under the “Completeness and Effectiveness” criterion, staff’s ratings typically referred more to the effectiveness of an application rather than completeness. Many applications were very similar. Staff felt they were not effective because they were too generic.

In the next column, applications were scored with a yes or a no if they did or did not support 9‑1-1 Systems & Services. This score was based on the extent to which the application supports planning, implementation, operation, and maintenance of 911 systems and services or both. Staff also relied on the definition of a 9-1-1 system in law, MCA 10-4-101, which states that a “9-1-1 system means telecommunications facilities, circuits, equipment, devices, software, and associated contracted services for the transmission of emergency communications.”

The “Letters of Support” column refers to support for the project demonstrated by letters of support from private telecommunications providers, local governments, PSAPs and emergency service agencies. Some applications had letters of support that were dated from 2018, so they were ranked with a “no.”

The next column is project duration. It states in rule that the department may prioritize projects that require two years or less to complete. Chairman Ness said there were not any applications that proposed projects or expenditure of funds that went beyond two years.

Chairman Ness reminded Council members that multiple applications from the same jurisdiction created some issues during the last application cycle. So, the revised rules allow the department to prioritize applicants that submit one application vs applicants that submit multiple applications in a single grant cycle. If more than one application was submitted, each applicant was asked to identify their local priority.

Under the cost estimate detail column, judgments were made according to the rule, which states that applications with a detailed cost estimate and supporting documentation may be prioritized. Staff really focused on looking for supporting documentation. If applications did not have good cost detail and vendor or consultant estimates, they received a “no” in this column.

The next column related to life cycle. The rule states that the department may prioritize applications to replace the equipment and systems that are at or near the end of life or support. This criterion was developed after last year’s grant cycle to allow the Council to really focus on critical PSAP needs. Several applicants misunderstood this criterion and did not provide justification as to why their current equipment was near the end of life. The Council may want to consider revising the application form to provide more clarity.

The next criterion addresses the rule that states the department may prioritize applications that request less than 33% of the total amount of grant funding available during the grant cycle. This rule helps to encourage applicants to consider smaller proposals so as to ration scarce funds.

The last criterion says the department may prioritize applications that address needs identified in the statewide 911 plan. So, in the application form it asks the applicant to identify if the proposed project is included in the statewide 911 plan. Chairman Ness stated that staff examined all the PSAP Assessments before ranking this criterion.

**Training:** Member Stapp indicated that she was looking at the administrative rules and did not see a prohibition against using grant funds for training. She thinks not allowing training is a narrow interpretation of administrative laws. Staff Attorney Don Harris was asked for his opinion. He explained that MCA 10-4-101 (1) defines 9-1-1 Systems to include circuits, equipment, software, and associated transmission services. MCA 10-4-306 (2) state that grants may be awarded for various plans and the implementation, operation, and maintenance of 9 1 1 systems, equipment, devices, and data. It also allows for the purchase of services that support 9-1-1 systems. The Council can examine these definitions and decide if training is an eligible use of grant funds.

Chairman Ness stated that training was not allowed during last year’s grant cycle. In addition, some applicants contacted us in advance of the grant deadline to see if an application for dispatcher training would be eligible and they were told no. To be consistent, training should not be allowed during this grant cycle. Members will proceed with training being ineligible. The Council should decide if training will be allowable in subsequent grant cycles.

Member Kelly stated that the Council is new to this process, but it should remain consistent as much as possible. If the Council decides that training is allowable, it should ask what the training is for. The grant materials should specifically address what type of training is eligible. For example, when local government employees are to be trained, the applicant should explain how that employee’s position directly serves 9-1-1. Training of dispatchers supports 9-1-1, but training DES coordinators and county planning directors does not. Parameters will be needed. Task Item: The topic of training should be put on the agenda for a future Council meeting. The Council will need to have this discussion before the next grant program application cycle.

**Reverted Funds:** Member Stinson asked about the process of rolling in reverted funds from the last grant cycle. Chairman Ness reported an estimated $2.5 million of funds were collected and deposited in the account. There was also a set aside of $500,000 for tribal applications so more money will be available when tribes are eligible to apply in the future.

Current grant contracts were executed last fall, but there were delays due to the Pandemic. No additional funds were released for this grant cycle. Chairman Ness clarified that by Sept. 30 of each year, a notice of how much money is available must be released.

**Applications Sorted by Priority**: Member Beck suggested that, based on last year’s conversations, if the Council needs to evaluate Priority 1 applications first rather than reviewing the entire list of applications alphabetically. Chairman Ness indicated that he was comfortable with sorting the applications by priority. So, the spreadsheet was sorted.

**Partial Funding Discussion**: Here are the main points from the discussion on partial funding of applications:

* Chairman Ness clarified that Section 5 in this year’s application says the Department can make conditional or partial funding even though an applicant may be a Priority 1. The Council is not required to fund applications at 100%. Staff’s proposals to fund various projects at 50% was a suggestion to help ration funds.
* Member Stinson brought up the issue that if a project is only funded at 50%, some PSAPs will not be able to complete the project. In subsequent grant cycles, we may need to ask the applicants about their ability to fund these projects if they are only given partial funding.
* Member Loss said we should ask applicants about their ability to actually fund a project if funding were reduced to 50%. Is the project still viable? The Council may want to consider amending the application form to have applicants describe their ability to obtain additional funds if they only receive partial grant funding.
* It was suggested that 50% funding of applications be applied consistently, including telecom providers.
* Member Geoff Feiss pointed out that telecom providers are not eligible for quarterly disbursements, so this is their only funding source.
* Member Beck expressed respect for Geoff’s comments, but clarified that the 9-1-1 Grant Program is no longer a cost recovery fund. Member Honzel agreed with Member Beck.
* Member Feiss explained that the Council has had this cost recovery vs. equipment costs discussion before. These are operating expenses that are critical to getting 911 systems operating.
* Member Stapp asked how the requests from providers were funded last year. Last year providers received full funding. The Council also had significantly more funding available last year: $6.8 million.

**Ongoing GIS Expenses:** Members began reviewing Priority 1 applications. Staff tried to be consistent with all the GIS applications by deducting training and equipment, such as PCs or iPads. Chairman Ness expressed concern that several GIS applications also had requested GIS funding for the last grant cycle. This year’s proposals are to update and maintain the NG911 GIS and GIS layers, which appears to be an ongoing process. Some of the applicants may be looking at the grant funds for operational needs, which they are not intended for.

**Applicants with Unexpended Grant Funding from Last Year:** Staff and members noted several applicants who had received grant funds last year that either had not expended any or very much of those funds. However, since this was not in the grant criteria, it could not be used as rationale for not funding a project. Chairman Ness noted that many of the applicants ran into delays due to the coronavirus pandemic. Progress on expenditure of previous grant funds might be something the Council would want to address before the next grant cycle.

**Applications without a Quote:** Member Kelly asked how much weight should be given to applications that did not provide a vendor or consultant cost quote. She believes that providing a detailed quote was a requirement this year. Member Beck said there should be a consequence for “yes” or a “no” on this criterion and that it should be consistently applied. Chairman Ness asked for a vote. If an applicant does not provide a detailed cost estimate detail, then the Council will recommend no funding for that application. No members objected to this methodology.

**Reimbursement for Expenditures that have already Occurred**: An application from the City of Lewistown requested funds for the PSAP to pay yearly maintenance fees for 9-1-1 call-taking equipment. Chairman Ness said that staff did not recommend funding because it determined that this was not an eligible use of funds. However, staff did recommend 100% funding of their first priority, which was $15,000 to complete the grant they received last year for integrated text because there was a vendor misquote.

**Accuracy of PSAP Assessment Data**: Member Kelly suggested that next year PSAPs be encouraged to update and submit their Assessments in advance of applying for grants. Chairman Ness said that a first step, potentially, in the next grant application cycle could be sending a notice to all the PSAPs to review and update their PSAP assessments. We really want to encourage PSAPs to maintain their assessments and to use them as a guiding document.

**The City of Miles City Application**: Chairman Ness reviewed the application for mobile data terminal expansion upgrades. He noted that staff deducted the five-year extended warranty as well as the three-year limited warranty, indicating that warranty expenses are something that local government could cover, since they are more of an operational cost.

Member Roos clarified that the three-year limited warranty being eliminated is actually the cost of the machines. They come standard with three-year warranties. This was apparent after Chairman Ness reviewed the attached email quote from the vendor. A point of clarification was also made because the Council does not allow applicants to submit additional information during the discussion of an application. Member Honzel stated that if it is just a clarification on something that is in the application—and not new information—he does not have an issue. It appears that it was more of a misinterpretation of information that was provided. The money for the machines was added back in.

Chairman Ness clarified that as the Council continues to move forward in its discussion, it will continue to allow clarifications on the applications from members of the Council. A vote was taken, and no one was opposed.

**Other Discussion Notes**:

* Park County submitted three applications. Staff’s recommendation was for 100% funding on their second priority which was the ESInet conversion and no funding for the other applications in an effort to ration funds.
* Applications should specifically benefit the dispatch center or 9-1-1 systems. So, an application from the City of Livingston to deploy advanced malware protection and the use of multi factor authentication was not recommended for funding because it was a county-wide application.
* Grant funds should not be used for annual costs or subscriptions.
* Vendor quotes should clearly match the dollar amounts begin requested in the application.

**Sagebrush Cellular Application for Wireless Service for EMS Providers**: Chairman Ness commended Sagebrush for thinking outside the box and proposing something that has not been requested previously. Staff had a difficult time understanding the application, which was not due necessarily to how the applicant filled out the form, but rather to the unique nature of the application. If the Council were to recommend funding for this application, in subsequent years, theoretically, AT&T could apply to provide FirstNet services to all first responders statewide.

Member Kelly said that although Sagebrush was proposing to provide wireless services to emergency responders, it appeared that they were requesting funding to go to Sagebrush. She was not able to see the proposal as an eligible use of funds. Member Burke pointed out that if an EMS service is a part of a County government that hosts a certified PSAP, it would be an eligible entity to apply for a grant on its own. Member Loss explained that each county is different. Some EMS providers work directly for the hospital, some are volunteers and others work for the local government. He was unclear about whether Sagebrush was providing phones or just the monthly charge for service.

Member Burke suggested having a conversation on a bigger scale because it is a very interesting idea and thought process. He just does not see that the costs would be eligible.

Member Kelly stated that since it is likely that the Council will fund Sagebrush’s first application, its second application should not be funded.

**Telecomm Letters of Support:** Last year, letters of support from telecommunications providers were required in order to receive priority 1 status. Concern was expressed because obtaining a letter of support from a provider created an expectation that the PSAP would be obligated to do business with that vendor. So, the requirement was removed. This year, applicants were simply asked to identify their priority. Issues discussed were:

• When applicants lump projects together, such as a request for CAD, RMS, and radios, it can change the priority of the application. The CAD and RMS could be considered as Priority 1s, but the radios are a Priority 2.

* To improve the process next year, additional information needs to be included to clarify their priority.

**Priority 1 Applicants:** Members discussed whether the Council must award funds to an applicant just because it is a Priority 1. The Council looked at various percentages of funding to determine how far the funds could be stretched. Member Stapp said if there is an opportunity to more fully fund the priority one grant applications, especially in light of the fact that some of them won’t be successful if they do not receive close to full funding, the Council should do so. It was suggested to calculate how far the grant funds would go if all the Priority 1s were funded at 100%.

Member Stinson indicated that that a lot of applications are priority ones either because of a support letter from a telecom or a self-declaration that they are a priority one. He questioned providing a blanket approval to all the priority one applicants when some of them did not submit a quality application. The Council has a tool to provide an incentive for developing a complete application and that is to award those applications that are higher quality. Some Priority 1 applicants did not meet all of the qualifications. For example, they did not provide letters of support or their applications did not support the statewide 911 plan. He said there is no purpose in evaluating them if you fund all the priority one applications at 100%. Member Kelly agreed. The Council should consider the criteria. Chairman Ness said if we treat them all the same, then there is no incentive to submit an effective application.

**Submitting Multiple Requests on the Same Grant Application**: Several applications still had multiple projects grouped into one application. Member Kelly thought the Council made it a requirement that applicants could not submit multiple requests on the same grant application. Chairman Ness read from rule, which states “The department may prioritize applicants that submit one application over applicants that submit multiple applications in a single grant application cycle.” He stated that perhaps we did not communicate this adequately. The Council may want to work on educating applicants to submit only one project per application. It may want to consider revising the application form to provide more clarity. The intent was to have applicants submit one application per project or piece of equipment because:

• It defeats the purpose of identifying an application as a Priority 1 or 2

• It often causes the application to be confusing, and

• It puts the onus on the Council to decide what is a priority for the applicant.

**Final Action Item:** Chairman Ness clarified that at the end of this process, the action item that the Council needs to accomplish is to adopt award recommendations. Once we complete recommended award amounts for each application, then the Council will adopt a motion to fund them as a whole.

Member Stapp recommended that the list of priority 1 applications be further refined by looking specifically at applications that do not support the statewide plan and reduce the funding for those applications down to 75%. Anything with an N/A or Yes, would be kept at 100%. This would incentivize future applicants to support the statewide plan.

**Motion**: Member Mike Doto moved to recommend to the department to fund the applications as proposed: 100% funding for all Priority 1 applications except those that that do not support the statewide 911 plan, which will be funded at 75%. Member Kelly seconded.

Chairman Ness asked that anyone opposing the motion to designate so by raising their hand. No members opposed the motion. **The motion passed unanimously.**

**Public Comment:** None

**Next Meeting:** The next meeting will be on September 10, 2020, the second Thursday of the month.

**Final Comments:** Chairman Ness said that staff will take the Council’s recommendations to department executive management for their consideration in making the final grant awards. He thanked staff for all their hard work and expressed his appreciation for the good decorum of the meeting. He said he was grateful for everyone’s time and professionalism.

**Motion to Adjourn**: Member Cowger moved to adjourn. Member Kelly seconded. The meeting adjourned at 2:15 pm.