**STATE OF MONTANA**

**9-1-1 Advisory Council**

**Thursday September 10, 2020**

**10:00 a.m. to 12:30 p.m.**

**ZOOM Meeting**

**Helena, Montana**

**Attendees:**

Voting Council Members/Alternates:

Adriane Beck - PSAPS >30K ; Mike Doto - MT Fire Fighters Assoc.; Alex Duman - Wireless Telecommunications Provider; Michael Fashoway - MT State Library (Alternate); Geoff Feiss - Telecommunications Provider; Dorothy Gremaux - PSAPS <30 (Alternate); Burke Honzel - DES; Lisa Kelly - Wireline Telecommunications Provider; Andrew Knapp - DOJ/MHP (Alternate); Clint Loss - MEMSA; Gary MacDonald - MACo; Quinn Ness - DOA, Council Chairman; Pat Roos - MSPOA; Shantil Siaperas - MACO (Alternate); Zach Slattery - APCO (Alternate); Jennie Stapp - MT State Library; and Curt Stinson - MACOP.

Guests: Carol Arkell, Stillwater County; Sandra Barrows, Barrows Consulting; Cliff Brophy, Sweetgrass County; Melinda Burns, Pondera County; Peter Callaghan, Helena 9-1-1; Jason Danielson, Lewis and Clark County, Mike Feldman, MHP; Jody Hickey, Glacier Co. Sheriff’s Office; Tom Kohley, Carbon County Fire; Chris Lounsbury, Missoula County; Tim Martindale, Gallatin County 9‑1-1; Brien Mischel, Bighorn County DES: Jon Osborne, CenturyLink; Ken Wall, Geo Data Services; and Karen Young - City of Great Falls 9‑1‑1.

**Chairman Ness called the meeting to order at 10:00 a.m.**

**Welcome & Introductions** – Chairman Quinn Ness, welcomed the group and established that a quorum was present.

**Administrative Updates/Agenda Changes:** Staff Attorney’s Don Harris’ presentation was moved forward on the agenda.

**Adoption of Meeting Summaries - \*Action Item\*:** Member Lisa Kelly moved to adopt the Executive Meeting summaries from March 12, June 11, and June 25. Member Zach Slattery seconded. The motion carried.

**Technology Standards Administrative Rule Notice:** Staff AttorneyDon Harris reminded members that a formal rule making process is needed anytime there is a change to Montana Statewide 9-1-1 Plan documents. Last March, the Advisory Council updated the NG911 Uniform Standards Document with the new NENA technical standards on NG911 GIS. The Council also changed the name of the NG9-1-1 Technology Requirements document to be the same as what is in law, which is Baseline Next Generation 9-1-1 Principles.

Interested persons can attend an online rule hearing at 1:00 pm on October 20. A notice will be sent out with updated information about how to participate in the rule hearing. Following the rule hearing will be a comment period so comments can be mailed or emailed to the Bureau. If you need a copy of the standards, make a request to the Bureau. Due to cyber security concerns, the standards are not available online.

**Notice of Funding Availability:** The Notice was distributed to all meeting participants. Chairman Ness said the department is required to announce by September 30 how much funding is available for the grant program annually. The department is projecting that 3.3 million will be available this year and it must be awarded by June 30 of 2021. He expects awards to be made earlier than in this year. Chairman Ness expects the grant program to open this November prior to the Advisory Council’s December meeting. The Advisory Council will make grant recommendations at its March meeting.

Member Feiss asked how the amount of $3.3 million was derived and mentioned a legislative analyst’s report that showed approximately $17 million in funds in all the 9-1-1 accounts. Chairman Ness said that the $3.3 came from the total amount of funds deposited in the grant account in FY20.

Chairman Ness explained the legislative fiscal divisions analyst prepared a summary of the 9-1-1 funding for the Legislative Finance Committee, relative to the Montana State Library’s proposal to use 9-1-1 funds for GIS. That summary projected a total of more than $17 million in the 9-1-1 accounts, including the following:

* $6.7 million of FY19 grant funds
* $2.5 million of FY20 grant funds
* $3.3 million of FY21 grant funds
* $5 million set-aside for ESInet grants

These funds are earmarked until they are expended. Grant obligations are not recorded in the State Accounting and Human Resources system, so the analyst would not have had that information. In addition, the analyst queried the balance in the 9-1-1 accounts just before the Fourth Quarter Distribution to PSAPs was made in August, so those obligated funds probably were also included in the projection.

Member Feiss asked where the 9-1-1 state administrative expenses come from. Chairman Ness explained that by law (MCA 10-4-304) the department is directed to take its administrative fees before 9-1-1 funds are allocated to the quarterly distribution account for local and tribal governmental entities that host PSAPs (75%) and the 9-1-1 Grant Program (25%). Administrative costs were about 350,000 last fiscal year. Member Feiss noted that administrative costs had increased rather substantially the previous year and asked for an explanation.

Chairman Ness said the increase was due to the extension of the contract with Federal Engineering to complete statewide plan documents. That contract has now been closed.

**9-1-1 Grant Application Improvement Recommendations:** Chairman Ness thanked Wing Spooner for compiling a summary of 9-1-1 grant program improvement suggestions based on the June 11 and June 25 9-1-1 Advisory Council meetings. He suggested reviewing them in preparation for opening the grant program in November. Then, changes can be made to the grant application form to clarify questions or request more information.

**Eligible Expenses:**

**Training**: The Council needs to determine if training will be considered an eligible use of grant funds. Discussion included the following:

* Member Loss said during initial during the early stages of drafting House Bill 61 training for Emergency Medical Dispatch was going to be eligible.
* It was difficult to determine in some of the grant applications who specifically was being trained. Some included training for non-9-1-1 staff.
* When new hardware or software is purchased, training is often included in a vendor’s proposal. If the Council decides not to fund training, then it would have to pick apart comprehensive proposals to eliminate training expenses.
* Training should be funded if it is directly applicable to the acquisition of new hardware or software. It should be tied to whatever is being requested.
* Since training is an allowable expenditure for quarterly distribution funds, the Council needs a detailed explanation of what the training is and why it is being requested under the grant program.

Chairman Ness suggested that staff revise the application form to include questions about the specific type of training being requested and explain what is eligible or not. An example could be included clarifying that general training of all dispatchers on policies and procedures is not eligible for the grant program. Whereas proposals where the vendor is providing specific training related to hardware and/or software that is being purchased are eligible.

**Submitting Multiple Requests on the Same Grant Application:** Chairman Ness thinks this issue can be resolved by clarifying the intent to have applicants submit one application per project or piece of equipment and not to lump multiple projects together on the same application.

**Reimbursement of Expenses that Have Already Occurred:** Members discussed the possible need for an exception to funding expenses that have already occurred for telecommunications providers who request cost recovery. Chairman Ness suggested this wording: “The department in consultation with the Advisory Council will consider expenditures that have already occurred on a case-by-case basis.” It was also suggested that such expenditures be subject to greater scrutiny. Member Gremaux said that some needed PSAP projects do not correspond with the grant program timeline, so there may be cases where installation has already started on a project. She wanted to see if those type of things would be appropriate to put in for.

Member Beck said the nature of the grant program is to provide funding for something you could not already fund. To fund something that is already in place or that has already occurred could be viewed as supplanting. The Advisory Council needs to continue to make those applications ineligible.

**Establishing Priority and Letters of Support:** Chairman Ness provided some history on the Advisory Council’s past decisions regarding letters of support. In the first round of grants, it required applicants to include a letter of support from a telecom provider to help determine the application’s priority. That had some unintended consequences. Some providers were not comfortable providing letters of support. Some PSAPs felt that the letters of support created an expectation that the PSAP would be obligated to do business with that vendor if they received a grant. So, last year, the Advisory Council asked applicants to self-declare their priority. The application form could be revised to have PSAPs clearly explain how they are working with a telecommunications provider.

Member Feiss said a definition is needed of what is meant by “working with.” Chairman Ness asked if he could draft a definition that could be used as starting point to facilitate discussion. He agreed.

All letters of support must be current. Staff will draft a clarifying statement on the application form to help ensure that the letters of support are up to date.

**Completeness and Effectiveness**: A complete and effective application is not a generic or mass-produced one. We need to clarify that we want detailed information about each individual project.

**Applications without a Vendor/Consultant Quote:** Issues discussed were as follows:

* Member Feiss expressed concern that a current invoice to meet this requirement from a provider might reveal proprietary information. Chairman Ness reminded him about the confidentiality agreement that can be signed to keep from having to disclose sensitive information.
* A suggestion was made to consider having two separate application forms: one for PSAPs and one for providers. Potentially providers should not be required to have a quote.
* Member Beck clarified that this is a grant program, not a cost recovery one.
* A vendor quote could be seen as a commitment to the vendor, which would not be allowed under county procurement rules.
* Previously, PSAPs have submitted a quote from a vendor and then purchased from a different vendor.
* Chairman Ness emphasized that the Council has been concerned about was not over awarding or over obligating funds to a project that later was determined not to cost anywhere near the original estimate.
* A detailed cost estimate is appropriate to use for budgetary purposes. We can encourage them to attach any relevant documents like a vendor estimate. Change the application language to this.

**Life Cycle:** Need to include a clarification statement that we are talking about the life cycle of the equipment to be replaced, not the life cycle of the new equipment. Staff needs to notify PSAPs and ask them to update their assessment in advance of the grant program.

**Partial Funding:** Chairman Ness asked if the Advisory Council wants to amend the application form so applicants can describe their ability to move forward with a project if they do not receive full funding. Some applicants were caught off guard this year by the partial awards. Some unintended consequences could be that initial costs might be over inflated or that applicants will be reluctant to identify if they have funds available.

It was suggested that an open-ended question be used for applicants to explain what consequences partial funding would have on their implementation. Applicants would be asked to describe what components, if any, they would be able to move forward with if they received partial funding. Staff will address this on the revised application form.

**Unexpended Grant Funding:** Chairman Ness asked if the Advisory Council wants to ask applicants to report on previous 9-1-1 Program grants awarded and to describe the status of any current grants that are outstanding. This would not be an eligibly issue, just an opportunity for them to give a progress report. Chairman Ness suggested that staff draft this request on the application form for this next year and see what kind of information is acquired.

**Multi-Year Grants:** Member Kelly said during the first grant cycle, the Council funded some grants with long-term maintenance agreement for up to five years, but that was not the case during this last grant cycle. She asked if agreements beyond two years are acceptable. Chairman Ness said many vendors allow customers to pre-pay multi-year maintenance agreements. If the agreements extend for multiple years, grant funds could be expended more quickly.

Member Stapp pointed out that some state funds cannot be used to pre-pay for services because the services must be acquired within the time period of the legislative appropriation. She encouraged Chairman Ness and his staff to research this issue. Chairman Ness indicate he is not aware of such a restriction but staff will research the issue.

Member Kelly suggested that the Advisory Council consider only funding long-term maintenance contracts for a shorter period of time to allow more grant funds to be available for other applicants. Chairman Ness said he will see if we can come up with some type of solution to improve the application form so that we get better quality information.

**NG9-1-1 Infrastructure Funds:** Member Feiss raised the possibility that the $5 million dollars allocated to NG911 Infrastructure might be vulnerable during the next legislative session. He asked if a NOFA would help protect it. Chairman Ness explained that the NOFA is specific to the 9-1-1 grant program. The most recent grant process allocated funds to five PSAPs to migrate to the IP network. Member Kelly said 15 of the 17 PSAPs on the legacy Qwest system have received proposals. Malmstrom and Yellowstone National Park have not received quotes because they are not eligible for this grant program. Member Stapp emphasized the need to demonstrate concrete plans or some sort of expedited process to encourage good use of funds.

Chairman Ness said plans were to open the grant program in November and give applicants 60 days to submit their applications; so, they would be received by January. Award recommendations would be made at the Council’s March meeting, which falls during the legislative session. Member Feiss said it would be good to accelerate the opportunity for PSAPs to use this funding to upgrade to a 100% statewide ESInet.

**House Bill 633 – Montana State Library State 9-1-1 Funding:** Member Stapp provided an overview of this proposal to statutorily appropriate $450,000 of state 9-1-1 funds to support statewide GIS data assessment and data development for PSAPs around the state. The funding would also be used to map boundaries. The Legislative Finance Committee will be reviewing the Bill proposal on September 15. Depending on the Committee’s response, the draft would move forward as a bill in the next legislative session. The allocation would come off the top before the 9-1-1 money goes into the PSAP quarterly distribution and grant accounts. Member Stapp explained the funding implications.

Member Beck asked if all the $450,000 is not expended, would the money revert back to 9-1-1 funds? Member Stapp said this is not specified in the bill. Member Beck suggested that to prevent funds from reverting to the general fund, the bill may need to specify that any unexpended funds should revert to the 9-1-1 program.

Member Feiss asked if there is a way to mitigate PSAPs asking for GIS funding twice. Chairman Ness said some PSAPs expend quarterly distribution money for GIS not just for NG911, but also for Enhanced 9-1-1. Member Stapp said it makes sense for quarterly disbursements to still fund GIS work for ongoing everyday GIS data maintenance and updates. By having an ongoing statewide assessment, we will have the ability to see where progress is being made and be able to make suggestions for improvement. She expects that GIS grant requests will continue to be submitted once the status of GIS data is known.

Member Siaperas asked how Sheriffs and PSAPs feel about this proposal and indicated that the Council needs to think about obtaining separate funding for this proposal instead of using 9-1-1 funds. She also said the Council needs to know how this proposal will affect quarterly PSAP distributions. Chairman Ness volunteered his staff to do an analysis of the impact this appropriation will have on quarterly disbursements. He said now is the time to start discussing how we are going to fund NG911 holistically and gave a history of the 9-1-1 fee. He asked if the Council wants to look at potentially increasing the fee by another dollar to fund GIS, costs to providers and NG911.

Commissioner MacDonald said the bill needs to specifically state that unexpended funds should go back to the 9-1-1 account rather than the general fund. Roosevelt County just received a $60,000 9-1-1 grant for GIS when it had requested $76,000. He asked if it would it be better to return this grant money and wait for the State Library to take over. Chairman Ness explained that if the legislature approves this funding, the library will be providing an ongoing GIS assessment function. Presumably, funding from the quarterly disbursement or 9-1-1 grants would need to be for something other than an assessment, such as collecting or entering data.

Member Kelly stated that two or three years ago we funded an entire state assessment for about $80,000. In comparison, $450,000 seems high. She supports the idea but questions the dollar value. Member Stapp said the $80,000 was a one-time assessment, so it will be more expensive to do an ongoing assessment. The contract cost is estimated to be $300,000. The remaining funds will fund 1 and ½ FTE to help local governments update their data and provide consulting resources to help improve the data. She also said she will work with Sonja Nowakowski to include in the draft bill the stipulation that unused funds will revert to the 9‑1‑1 programs.

Member Beck supports having the State Library do this but is concerned about double dipping. Some PSAPs may want to spend quarterly disbursements to keep their GIS data up to date, but the Council does not need to micromanage how jurisdictions use their quarterly disbursements at the local level.

Chairman Ness pointed out that current quarterly distribution funding is used by PSAPs to maintain current equipment at the Enhanced 9-1-1 level rather than at the NG911 level. PSAPs must maintain their current systems while deploying NG911, and he does not believe we are ready to divert 9-1-1 money to assist with GIS for NG911.

Chairman Ness asked if the MSL proposal could be funded from the $5 million grant funds? Member Stapp said the Committee did not look at this option. Member Feiss said that the $5 million is intended for the ESInet, so caution should be used not to divert those funds for GIS. Chairman Ness asked Member Feiss for his thoughts about a proposal to increase the 9-1-1 fee. Member Feiss said that from an industry standpoint, there is reluctance to assess additional taxes and fees.

Member Stapp said there will never be an ideal time for asking for additional funding. But the Council needs to put strategies in place to help the state be ready for NG911. We need efficient ways to handle some of these hurdles such as GIS data and the ESInet. Costs need to be determined so we can be well positioned to make a funding argument.

Chairman Ness said that overall and in general, he heard support for the State Library proposal to perform ongoing GIS data assessments to ensure the readiness of NG911 data. The question is how do we fund it? Member Stapp was asked if she would report back at the next Advisory Council meeting and provide an update on the progress of the legislation. In advance of the next meeting, staff will model the fiscal impact of the MSL proposal on PSAP quarterly disbursements.

Chairman Ness also reported that the Legislative Energy and Telecommunications Interim Committee is moving forward on the clean-up bill to make tribal PSAPs eligible for the grant program. He asked members to let him know if they become aware of any other legislative bills that come up that should be put on the December agenda for Council discussion.

**Public Comment**: Ken Wall, GeoData, said that a missing piece in the NG911 discussion is the need for an upgrade to core services and testing. It does not appear that there has been any discussion about an RFP for core service and network providers. If the State is going to move forward to deploy NG911, additional funding is needed.

Chairman Ness pointed out that currently there is not any funding specifically for core services. In addition, those funds would need to be appropriated directly to a state agency, which is not possible under the current law. The only money available for NG911 right now is the grant program, and it is only available to local governments and telecom providers. Current funding is mostly going towards maintaining Enhanced 911. Chairman Ness said we will keep the topic of funding NG911 on the agenda as a standing agenda item. He asked members to let him know of any specific legislative proposals that may be generated between now and the December meeting.

**Adjournment:** Member Beck moved to adjourn. Member Knapp seconded. The motion carried and the meeting adjourned at 12:30.