

Kansas 911 Coordinating Council
Minutes from
May 11, 2012 Meeting

The meeting was held at the Eisenhower State Office Building, 4th Floor Auditorium, in Topeka, Kansas.

Attendance:

Members Present: Chair Walt Way, Pat Collins, Keith Faddis, Jessica Frye, Coleen Jennison, Chris Kelly, Mike Napolitano, Kim Pennington, Jimmy Reed, Rebecca Rosenthal, Phillip Ryan, Jimmy Todd, Richard Vogt, Ivan Weichert and Kim Winn.

Members Absent: Sen. Pat Apple, Michele Abbott, Jay Coverdale, Sen. Marci Francisco, Rep. Kyle Hoffman, Rep. Annie Kuether, Dennis George, Larry Meyers and Rob Roberts.

Other in Attendance: John Chronister, Governor's Grants Committee; Byron Smith, LR Kimball; Dennis Kriesel and Dana Wethington, Kansas Association of Counties.

Proceedings

Chair Walt Way called the meeting to order at 11:10 a.m. Attendees introduced themselves.

Chairman Way asked for corrections or additions to the March 23 minutes as well as an email of the Policy Question for the Administrative Committee. Mike Napolitano moved to approve the minutes, which was seconded by Pat Collins. The motion passed.

Due to a schedule conflict, Steve Brunkan from the Department of Revenue was not present, and Chairman Way provided an update on the prepaid phone fee collections. According to statute, up to \$70,000 can be kept by KDOR to recover the costs of implementing the system and collect the retail fee. He noted that in the first three months of the year, approximately \$272,000 has been received of which KDOR has retained \$70,000. The \$272,000 represents about 50 percent of what was estimated a year ago in the legislative process. The process has moved from a wholesale-based collection to a retail-based collection. KDOR is looking to see if sales tax is being remitted and KDOR has sent out a letter reminding retailers of the obligation and directing them to the website for education. It is assumed the collection will continue to increase through the year. Fees go into the state grants fund. Dennis Kriesel said two transactions had occurred thus far and that KDOR has given access to tracking sheets so the LCPA knows which retailers are paying and how much on a monthly basis. Way said the estimate a year ago was \$1.4 million and to-date the amount collected is close to that number. He said that as retailers become aware of their obligation, the number is expected to go up.

Dennis Kriesel gave the LCPA report regarding collections and remittances of 911 fees and reviewed a spreadsheet through March listing payments of \$3.6 million to PSAPs. Arrears total (money has come in but there is a lack of appropriate data from telecoms for dissemination) sits at \$1.2 million.

Kriesel said the SB 50 Projected Totals to PSAPs were projected by Legislative Research. Because the amounts distributed to PSAPs are not as high as projections, PSAPs have complained about not receiving the money. Dennis Kriesel believes it is due to the arrears amount and he has instituted two steps; first is attempting to get appropriate data in so that the arrears dollars can be distributed. More than 90 percent of the arrears monies are represented by one entity, which promised but did not deliver data by the end of April. Melissa Wangemann also has requested data but has heard nothing since the passing of their April deadline. The smaller entities have been heard from but there has been no resolution of the arrears dollars. The second step has been for Melissa Wangemann to issue demand letters to landline telecoms whose have not paid. In February and March more landline companies were coming into compliance; they either were not aware of the new law or still thought they could remit on a quarterly basis. March income of \$1.69 million came in from telecoms compared to February income of \$1.59 million, which Kriesel believes is due to the demand letters. However, the arrears amount is still the most significant challenge.

Kriesel discussed the minimum quarterly payments to PSAPs. In March payments were compared to \$12,500 quarterly amount based on accrual accounting. If the PSAP was below \$12,500, they were issued a payment for the balance, costing approximately \$491,000 from the Minimum Payment Fund. There is about \$150,000 remaining. It is derived primarily from the high population counties plus PSAP data. The pool also includes funding from the old E911 account. If the payments were equal to the projected amount, every entity would have 25% of their projected total; however the average is 19.58% and most of those receiving less than 25% represent counties that are not affected by the minimum payment. Kriesel said former wireless monthly payments had been \$530,000, compared with the current \$1.6 million, based on the former fee of 25 cents and the current 53 cents per unit. Regarding the PSAPs affected by the minimum \$50,000, there is consideration of multiple PSAPs in one county and also PSAPs that represent more than one county. Income coming in is 94% of projections. Telecom compliance is over 90%. There are about 10 companies that do not send proper data but they represent 30% of the sum. Kriesel explained that the counties are considered in the minimum payment and some counties may be a conglomerate of multiple PSAPs within the county. If a municipality regionalizes, it will receive multiple minimum payments if applicable. Before the minimum payment, almost all PSAPs were below the estimate and the minimum payment has

made them whole. PSAPs that were projected to get over \$50,000 and not subject to the minimum payment but in reality did not receive their 100% projection, may be adversely affected. Kriesel said municipal governments are asking about a resolution to this matter as they are budgeting for next year and there is not a firm answer at this time. Regarding PSAPs' payments being significantly lower than projected, they may be related to the one entity in arrears. Dennis Kriesel said telecoms' internal systems are not uniform, and he needs to know how to translate the data. The largest telecom in arrears is capturing the right amount of money and says it can retroactively determine where the money should go. Dennis Kriesel reminds companies of the law changes through email blasts; however, the law says that until 2013 if telecoms are trying to comply, they are not to be penalized. Walt Way will extend an invitation to the telecom with the large arrears amount to attend the next Council meeting. Walt Way suggested if Council members are aware of companies not compliant with current law, to pass the names to the LCPA. Dennis Kriesel detailed the First Quarter Council Expenditures. They include:

• Reimbursements to council members	\$1848.67
• Reimbursement to the state for legislators	813.70
• National Association of State 911 Administrators dues	100.00
• Nexus interpreting LLC	489.22
• Publication fees to the Kansas Secretary of State	126.00
• Check order from Intrust Bank	\$43.00
• Total	\$3420.59

Chairman Way called on James Reed to give the Operations Committee report. Reed talked about the activation of the back-up center at Yoder on April 14, which was the second time a tornado necessitated the regional backup center to be open. Law Enforcement Center in the city of Lyons was hit by a tornado and disabled the county PSAP. No one was injured; they moved to the back-up center in Yoder, where Rice County operated for about 12 hours to keep the continuity of operations going. This is the back-up center for 19 counties in south-central Kansas in the homeland security region and is a great value. The Council approved the use of \$219,134.25 in undesignated wireless 911 fees approved to the region last fall and equipment for the upgrade has been ordered. The South-Central region back-up center now serves the original 19 counties and 24 PSAPs and it serves all PSAPs in the 316/620 area codes.

Reed reported on the PSAP Annual Report Findings, and said 96 of 118 PSAPs have reported; 13 PSAPs have purchases requiring follow-up information that may be allowable expenditures. The amount under review is \$53,626. Revenue in landline/wireless/voice-over IP is

\$22,125,936 and in the grant is \$11,646,066 for a total of \$33,772,002. This is in addition to local dollars that make the 911 system run.

Reed reported on the NENA conference and said the Operations Committee suggests three board members attend the NENA conference. The cost is estimated to be approximately \$8,900 with final proposed costs yet to be determined. Kim Pennington made a motion to send Richard Vogt, Jessica Frye and Michele Abbot to the NENA conference; seconded by Reed; motion passed.

Reed reported on the Technical Assistance Grant and said the language is undergoing revision to include using monies as done previously and for new priorities that will assure basics are covered. Chairman Way also said there is collaboration with the Office of Emergency Communication for a technical assistance class in July at Salina on state radio systems, NG911 and training of users. The Council will be a sponsor and may assist APCO with costs not covered by the \$5.00/person registration fee.

Chairman Way called on Richard Vogt to provide the Technical Committee Report. Regarding the Pilot Project Update, Byron Smith asked John Chronister from the Grants Office to report on the grant process. A component of the Pilot Project was an RFP for the vendors to provide Next Generation 911 elements in the pilot network being built. The IP network option is through the Office of Information Technology Services. Several responses were reviewed and within the last two weeks the contract was awarded to the low-bid vendor NG911 Ink of Williamsburg, IA. Smith said almost all equipment is onsite and installed for a secure network. Hardware and most of the software have been installed, with the remainder to be installed in the next week. The original design for Pilot Project was four components: GIS; exploration of construction of public safety quality IP network infrastructure, which the office of IT Services will supply; upgrade existing equipment of the pilot PSAPs to be NG911 compliant, which was a failure because no vendor was able to respond to the established timeline; and that vendor will supply functions and work stations to be installed in Lyon County, Clark County, and two in Johnson County to test the system. Deadline for the grant is September 30. The equipment should be in place about the end of the month and testing will begin, leaving August and September to prepare the final report. Testing equipment may stay in place through the end of the calendar year. Byron Smith said there was also the capacity to send text messages and pictures to the system and track that phone. Chairman Way suggested someone from the Kansas Commission for the Deaf and Hard of Hearing participate in the testing. Smith emphasized the demonstration system is capable of receiving and processing those texts, and the FCC will be setting guidelines on how the telecom companies will handle them.

Vogt reported on the Criteria for Usage of 911 State Grant Funds for GIS Enhancements. Richard Vogt said there were five areas of priority for grant awards. He had feedback from the

Administration Committee and included changes. The first priority is to align and update GIS data. Four subareas are proposed to describe the purpose of cleanup and also address of aerial photography. A) ESN boundaries; B) Street centerline; C) Address points; D) Ariel photography. To update aerial photography, the criteria to consider is: when – since last flight; total lane miles; number of added structures. The second funding priority is facilitation, consolidation and cost sharing of network infrastructure and services. Priority number three states the transition process from analog equipment to IP capability in PSAPs shall be compliant with NENA I 3, document 08003, version 2. Priority number four related to integration of digital data with a 911 call may not be needed due to emerging NENA I 3 standards. More information will be sought from PSAPs regarding their GIS status, and they will be referred to the Kansas911.org website for more information. PSAPs also could get advice in the future on the Kansas911.org website on selecting and vetting equipment vendors. The Technical Committee will be updating the PSAP equipment list over the next several months and should have updated data by the August Council meeting. Chairman Way said two companies, Lattice of Iowa and Verint of Florida have been in contact with PSAPs around the state about wanting to sell radio equipment and NG911 implementation services, and he advised PSAPs to evaluate their offerings against future standards to be adopted by the Council. Equipment standards should be included in the Strategic Plan that is planned for adoption by early December.

Vogt reported training will come from two sources: acquisition of GIS equipment will come with training by vendors or contracted parties; training beyond that will be handled by the Operations Committee and as provided with a Grant Request.

Lastly, Vogt said the Grant Application Process used previously by the Kansas Wireless Advisory Executive Board (KWEAB) should be modified for use in awarding 911 State Grant Funds in the future.

Jessica Frye reported the GIS study component of the NG911 Pilot Project is done. When the study is ready for public release, she will notify Chairman Way who will place it on the Council website so PSAPs can review and have an opportunity to have a voice in the process to plan GIS enhancements. She and Chairman Way presented on May 3rd to more than 100 county commissioners and GIS staff at the Kansas County Commissioners Association to give them information about preparing about the next generation of 911. Way said the Commissioners were encouraged to consider regionalization and multi-jurisdictional partnerships in establishing NG911 service in their communities.

Frye is concerned about the lack of documented GIS maintenance workflow at the local levels and she proposes having the Task Force work on the education for documenting maintenance workflow among PSAPs and GIS staff.

Frye sat in on some presentations with Mid America GIS Consortium and was told there would be no deviation from the current GIS standards under development. Documents are available on Kansas911.org under the heading of geographic information services. That website page now includes two conference presentations on next generation 911 and one about the Pilot GIS study results, and a document informing PSAPs of how to prepare their GIS data for NG911. This new webpage is intended to increase the information available to Kansas stakeholders.

Chairman Way gave the Administration Committee report. He asked the Council to review the proposed report to the legislative committees, particularly the information presented to the Senate Utilities Committee on what Council had accomplished to-date in January and it has been updated to include what has occurred since January. Administrative regulations and revenue collected, 2011 911 fees and how they were expended to PSAPs are included to give the legislative committees an idea of operations prior to the 911 act now in effect. It includes the 2012 work plan. The report will be submitted to two legislative committees.

Regarding the need for an Administrative Regulation for the Federal Grant Fund, the Administration Committee met May 4th. The 911 Act requires the Council create administrative regulations for distributing federal grant funds and Way said that with recent federal legislation, there may be federal funds awarded to the state in the future for distribution, and he wanted the Council to be in a position to apply for and receive funds if they become available. Federal grant Funds are to be used as necessary by PSAPs to purchase or modify equipment for next generation 911. The Committee proposes the criteria be sufficiently broad to allow the Council to award such funds. Consideration needs to be made to address the source of hard and soft matching of funds, use of consultants and expertise, criteria for training that would be included, and compliance for financial reporting. Pat Collins made a motion to approve the Administrative Committee's recommendation that it be assigned the task of developing administrative regulations and initiate the submission of draft regulations with the appropriate state agencies; the motion was seconded by Jimmy Reed; motion passed.

Chairman Way reported on the recommendations for voting members' terms of office. SB 384 states terms of office are to be staggered for 911 Council members. They can have two subsequent 3-year terms. The committee recommends 2, 3 and 4-year terms as follows:

2 years

Richard Vogt
Jessica Frye
James Reed
Kim Pennington

3 years

Chris Kelly
Bob Boaldin

Michele Abbott
Pat Collins
4 years
Gary Smith
Mike Napolitano
Rebecca Rosenthal
Walt Way

Jimmy Reed made a motion to accept the Administration Committee recommendations for terms of office; seconded by Pat Collins; motion passed.

Chairman Way has asked the LCPA to develop an index of policy decisions that have been made by the Council at various times for ease in future reference.

Chairman Way discussed the Administrative Committee's suggestions for the 911 State Grant Fund Award Criteria that includes standards being developed to guide the Council and PSAPs on grant uses; developing a strategic approach to NG911 services; the possibility of awarding grant funds for maintaining existing NG911 services where no other local funds are available; developing criteria for grant awards that meet technical standards for equipment and services; and that funds should focus on strategic uses rather than individual PSAP uses. Jessica Frye said there was a draft statement of work that is a step-by-step process to assure vendors provide uniform services across the state. Chairman Way said it was to be a positive evolutionary process to advance services. He said the Committee will put together a philosophy statement and forward to Council members to be considered prior to an August timeframe.

Under new business, Chairman Way announced the Council will meet August 3. In advance of that, there will be work on bringing telecommunications carriers into compliance with the requirements for collecting and remitting data needed to remit 911 fees to PSAPs and an invitation to attend the next Council meeting will be extended to the large telecom company that has not provided appropriate remittance data with the fees it deposited with the LCPA. Other activities planned prior to the August 3rd meeting include activation of the Pilot Project testing; development of administrative regulations for the federal grant fund; development of a philosophy and policy for award of 911 state grant funds, and development of a GIS RFP that would provide a statewide contract for services.

The meeting was adjourned at 1:15 p.m.