

Kansas 911 Coordinating Council
Minutes from the April 8, 2013 Meeting
Wichita, Kansas

Attendance

Members Present: Chair Walt Way, Michele Abbott, Bob Boaldin, Pat Collins, Jay Coverdale, Sen. Marci Francisco, Dick Heitschmidt, Rep. Kyle Hoffman, Chris Kelly, Mike Napolitano, Kim Pennington, Jimmy Reed, Rob Roberts, Rebecca Rosenthal, Phillip Ryan, Col. Christopher Stratmann, Jimmy Todd, and Ivan Weichert.

Members Absent: Sen. Pat Apple, Coleen Jennison, Rep. Annie Kuether, and Kim Winn.

Others Present: Melissa Wangemann, Kansas Association of Counties; Jim Shinpaugh, Mission Critical Partners; APCO members.

Proceedings

Chairman Walt Way called the meeting to order at 1:07 p.m. Walt Way welcomed the APCO members to the 911 Coordinating Council meeting. All those in attendance introduced themselves.

Kim Pennington moved, and Jimmy Reed seconded, a motion to adopt the February 8, 2013 minutes. The motion passed. Jimmy Reed moved approval of the March 13, 2013 teleconference meeting minutes and Chris Stratmann seconded the motion. The motion passed.

Walt Way turned to Melissa Wangemann to give the LCPA report. She passed out the distribution chart showing the January, 2013 distribution made in March, 2013. She reviewed the 911 fee distribution chart as well as the current budget analysis completed by the KAC accountant. She also noted that \$1.4 million was transferred from the minimum distribution fund to the state grant fund after the 2012 distributions were completed, as required by state law.

Melissa Wangemann distributed the budget showing membership dues paid to National Association of 911 Administrators, legal announcements, contract fees for consultants and travel reimbursements to council members.

Melissa Wangemann said the Council had an overage of \$1.4 million in the minimum payment fund from which was paid \$50,000 in minimum payments to PSAPs during 2012. The overage

has been transferred to the State Grant Fund as required by Kansas statute. The State Grant Fund now totals \$14,880,676.

Melissa Wangemann said that the Kansas County Commissioners Association is planning a conference in May and would like the assistance of council members in a round-table discussion that occurs May 8 in Wichita regarding the next steps in 911. Anyone interested should contact her.

Michele Abbott provided the Operations Committee report. PSAP annual reports were submitted by March 1 and there were 89 reviewed; 32 did not submit a report and 10 required followup for clarification. Seven had expenditures that were not allowable. She said Dennis Kriesel had offered to assist PSAPs to complete their reports and had a few who asked for his help. Because this is the first year under the new law, Michele Abbott said the committee recommended another year of educating the PSAPs, repay if outside the statutes, then move into an additional 10% penalty phase next year, but asked the Council for its guidance on assessing the penalty on those PSAPs who submitted disallowed expenditures. Walt asked for examples of misuse; Michele outlined examples such as radios and weather warnings. Jimmy Reed said that PSAPs would pay 110% of the cost for the equipment after paying for it with 911 fees, repaying for it, and paying the 10% penalty fee all of which would go back into the State Grant Fund. Jimmy Reed suggested that the Council continue to educate PSAPs and request that the PSAP pay back the inappropriate cost from its general funds. Walt Way said that annually the Council must submit a report to the FCC and the Federal Government documenting 911 funds and the use or misuse. If we were to demonstrate much misuse, potentially we could be prohibited from receiving funds. Plus we must comply with Kansas law. Sen. Marci Francisco said the communication to the PSAP should be clear that there is a penalty under Kansas law. Michele Abbot moved to send letters to the PSAPs with inappropriate expenditures and notify the PSAP of the following: 1. The expenditure was inappropriate, 2. That Kansas law requires repayment plus a 10% penalty; 3. The PSAP shall reimburse the inappropriate expenditure with general funds by July 1 in order to avoid the penalty. Jimmy Reed seconded the motion. The motion passed.

Michele Abbott asked for guidance on Code red/reverse notification systems as used by PSAPs for the purpose of notifying first responders. While the traditional use of Code Red is not allowed because it does not advance a 911 call, the question presented was whether use of a code red to notify emergency personnel would be acceptable. Would it be appropriate to divide out the part of the expenditure that pertains to notification of personnel, if that is possible. Walt Way suggested that further discussion take place on this item and the Operations Committee make a recommendation. He asked council members to send

comments to Michele Abbott. There was some discussion about disallowing this expenditure in the past and now changing that position – a change of position will need to be backed up with a strong explanation.

Michele Abbott asked about the ineligibility that attaches to a PSAP that failed to file its report—what if the PSAP is part of a regionalized project? Mike Napolitano said he thought the Council needs to be firm – no report means no eligibility for grant monies. March 1 was the deadline for the report and the secondary date of March 31 is the date when Dennis Kriesel compiled the results – therefore, any reports delivered at this point provides no helpful information to the compilation. Walt Way asked Melissa Wangemann if she reached out to those who did not file the report on time and she said she had personal conversations with several. Jimmy Reed noted that the statutory deadline was March 1 and the consensus by the Council was that missing the statutory date makes the PSAP ineligible.

Michele Abbott noted that Ivan Weichert, Rebecca Rosenthal and Michele Abbott, all members of the 911 Coordinating Council, would attend the NENA Conference June 15-20 in Charlotte, NC. Mike Napolitano moved approval of the travel and Jimmy Reed seconded the motion. The motion passed.

Michele Abbott suggested that the 911 Coordinating Council help pay for the use of the rooms used by the Council at the APCO annual conference by paying a one-day registration fee of \$15 per person for those council members who physically attended the meeting. The fee covers meeting rooms and meal. Chris Kelly moved and Jimmy Reed seconded the motion to approve that expenditure. The motion passed.

Walt Way provided the Administration Committee report. He said that the LCPA and Walt met with the Legislative Post Audit Division to discuss the legislative post audit due by statute on December 31, 2013. He said the LPA would hire an outside vendor with more expertise and not conduct the audit internally. . He noted that Colonel Chris Stratmann helped facilitate a new position at the Adjutant General’s Office that will work with the 911 Coordinating Council, and a MOU has been signed by all the parties. Three key questions include 1) the status of 911 service implementation as of July 1, 2013, and contractors are to interview council members and PSAP officials; 2) evaluate whether monies provided to PSAPs during calendar year 2012 pursuant to E-911 implementation now and efforts for NextGen preparations; 3) if money used to support 911 service is being used appropriately and whether funding is adequate and what level of funding is necessary to fund services. They will evaluate 20 PSAPs with kinds of expenditures including personnel and other operating expenses, and start the evaluation this

summer and conclude it by the end of the year. They will report back to Council and then to the Legislature next session.

Walt Way said the Council had a request from Senator Apple's Senate Utilities Committee asking for total 911 revenues in 2012 as compared to 2011. A challenge is that in 2011 there was a wire line fee as well as wireless fee with differing rates compared to the \$.53 monthly 911 fee authorized for 2012. For the year 2012, \$19,410,000 in 911 Fees was collected and \$18,122,923 was remitted. The reason for the lesser amount being remitted to PSAPs was because not all counties receive 100 percent of the 911 fee based upon the statutory allocation established by population. Urban counties such as Sedgwick and Johnson receive 82% and counties with population less than 25,000 population receive 100% of the 911 fees collected in their jurisdiction. . The Kansas Legislative Research Department (KLRD) has projected \$18.6 million in 911 revenues for 2012 so the Council is fairly close to remitting what was actually projected. The other question asked concerned the prepaid wireless fee of 1.06% charged at retail. The KLRD projection was \$1.4 million and actual receipts were a little over \$1 million. For 2011, PSAPs received \$16.6 million 911 fees compared to \$18.1 million received in 2012. That was in part due to the \$50,000 per year to PSAPs to assure they had adequate funding for general 911 operating expenditures. Walt Way commended the Legislature for estimating 911 revenues so closely to the actual amounts received under the new law. He said that the amount of 911 revenue would be part of the audit to determine if the funds are adequate for the future.

Regarding the 911 Liaison position, Walt Way reported that the Council has signed an MOU with the Adjutant General's office to support the position full time under the supervision of Col. Stratmann. Applications for the position are being accepted April 4 through April 17. Email announcing the position was sent to the APCO membership and it was posted on the Kansas Jobs website. The goal is to screen applicants by the end of April and to have the individual hired by May 17. The MOU states that the travel costs may be up to \$15,000 a year and position expenses are paid quarterly in advance.

Walt Way requested that the Council approve a contract with Randall White to assist with writing, and screening RFPs for Council projects regarding the strategic plan implementation, GIS services, and ESINET implementation. He offered Johnson County as the contractor who will enter into a contract with Randall White in behalf of the Council which would be requested to reimburse Johnson County for the costs. Michele Abbott asked about the budgeted costs for this contract. Michele Abbott moved to authorize the contract arrangement with Johnson County for reimbursement and with an authorization of expenditures up to \$25,000 and Rep. Kyle Hoffman seconded the motion. The motion passed.

Chris Kelly provided the Technical Committee Report. He noted that Jay Coverdale had worked with the KBI and KCJIS group to implement a shared use of the KCJIS network for statewide connections with PSAPs and the ESINET system. He noted this system would be an option to PSAPs and not mandated, however, it would be a viable option for individual PSAPs. Jay Coverdale said the MOU followed the NG911 pilot project and thus follows the direction of the 911 Coordinating Council. Chris Kelly said he was putting together a four to five-member task force to work on some of the conceptual ideas of a technical nature found in Section Five of the Strategic Plan which would identify who is responsible for what components of an ESInet. Anyone interested in participating in that Task Force should contact Chris, Jay or other members of the Technical Committee.

Ivan Weichert provided the GIS Committee Report. He said 14 responses were received to the Request For Information by interested vendors, and thirteen were appropriate responses to the requirements. Ivan said the intention is to develop an RFP to hire one statewide firm to provide gap analysis and develop an RFP for database enhancement to bring GIS data up to standards in all jurisdictions. The resulting statewide contracts with vendors would allow the PSAPs to choose a vendor from a list of authorized vendors to improve their GIS data. He said they received GIS surveys from all but 6 counties and three surveys from Kansas cities. He would like to have 100% survey response to help with the upcoming gap analysis. Ivan Wichert noted that each PSAP needs documentation when GIS changes are made and that there should be 100% compliance that documentation exists. He will be working the Randall White to get an RFP ready for the first step by May 17.

Chris Kelly noted the importance of change management. As we deliver the new services we want to make sure that changes in one location do not impact another. Ivan Weichert said it is very important that each county get the assistance they need to improve their GIS data. The Council will help in the initial upgrade so that no county is left behind. Walt Way clarified that there is proposal RFP for statewide vendor for gap analysis; a separate contract for multiple vendors that would do enhancements and database upgrades to bring up to standard. PSAPs will get an approved qualified list of vendors.

Walt Way turned to the item of the 911 grants for GIS services. He said that because of the time cycle, some may not be able to submit a request by May 1. The question is do we want 105 counties submitting requests for grant funds or would the Council set up the contracts and regions would have the ability to choose a vendor and set up a scope of work. The money would come from the 911 State Grant Fund. He said the pilot project study showed the cost to fix GIS statewide would range from \$1.8 million to \$3 million. He said if the Council wished to

do so, it could fully fund the GIS update and expedite the process. He asked what level the grants should be funded – should the grant monies fund projects at 100%? Should funding be based on population? Michele Abbott noted that, if not funded at 100%, some PSAPs will not participate. If statewide participation is desired, the grants need to be at 100%. Ivan Weichert noted there is no point of doing gap analysis if no follow-up improvements are made. The question was asked whether those PSAPs that did not complete their report will be eligible for a regional grant and the consensus of the Council was the noncomplying PSAP would be part of any regional or state project. Walt Way said that the committee would use the statewide approach to develop the RFP and bring back to the Council on May 17.

Walt Way turned to Mike Napolitano and Melissa Wangemann to discuss the grant application form. Melissa Wangemann noted that the new application was scaled down to accommodate the two priorities for the summer 2013 grants. June 7 is the due date and applications will go to KAC. Mike Napolitano summarized the edits, noting that letters of support are now optional, based on comments from the last Council meeting. The grant year goes from the date it is awarded. Jimmy Reed moved and Kim Pennington seconded a motion to approve the grant application and to post it immediately on the 911 Coordinating Council website. The motion passed.

Jim Shinpaugh of Mission Critical Partners provided a review of the 911 Strategic Plan. Pat Collins had some comments about the plan's treatment of dispatch centers that are not considered PSAPs in Kansas law. Jim Shinpaugh said he could address Pat Collins' comments into the draft. The Council noted that the plan is a working document and the plan will evolve. Senator Francisco suggested a second sorting of the counties/cities in the Plan. Kim Pennington moved and Chris Kelly seconded a motion to accept the report. The motion passed.

Lastly, Walt Way discussed a RFP for future consulting services to implement the NG Strategic Plan. Michele Abbott moved and Mike Napolitano seconded the motion. The motion passed.

The meeting was adjourned at 3:20 p.m.