



Kansas NG9-1-1 Special Council Meeting Minutes

Friday, January 12, 2018

1 Call To Order

Chairman Heitschmidt called the Kansas 911 Coordinating Council (“Council”) meeting to order at 11:03a.m.

2 Roll Call

Council Members in Attendance

Mike Albers, Rick Billinger, Troy Briggs, David Cowan, Jerry Daniels, John Fox, Marci Francisco, Adam Geffert, Dick Heitschmidt, Sherry Massey, Robert McLemore, Josh Michaelis, Melanie Mills-Bergers, Ken Nelson, and Ellen Wernicke.

Council Members Absent

John Alcala, Robert Cooper, Larry Dexter, Rusty Griffin, Kyle Hoffman, Kathy Kuenstler, Michael Leiker, and Kerry McCue.

Also in Attendance

Michele Abbott, Lori Alexander, Eileen Battles, Kathleen Becker, Scott Boden, Scott Ekberg, Elora Forshee, Angela Murphy, Phill Ryan, Gayle Schwarzrock, and Randall White.

3 Approval of Agenda

4 Approval of Minutes

Chairman Dick Heitschmidt presented the December 15, 2017 meeting minutes for discussion and approval. A motion was made by Robert McLemore and seconded by Sherry Massey to approve the minutes. All in favor. The motion passed.

Chairman Heitschmidt presented the January 5, 2018 meeting minutes for discussion and approval. A motion was made by Josh Michaelis and seconded by Robert McLemore to approve the minutes. All in favor. The motion passed.

5 Presentations

5.1 Investment Policies

Randall White presented the two (2) policies up for approval: one for the grant fund and another for the state fund. On December 1, 2017, the Council approved the funding strategy for how the Council wants to invest the funds. The third alternative was selected, which offers the highest yield at acceptable risk.



The investment policies now need to be approved, which are the instruments that are going to allow the LCPA, Nonprofit Solutions, Inc., to implement the investment alternative.

Kathleen (Kathy) Becker advised the Council the purpose for selecting a new investment alternative is to increase the yield the Council is receiving. The policies are essentially identical. The statutes were reviewed in detail, and INTRUST and their investment managers reviewed the information to ensure we were within the statute guidelines. The new alternative is very secure and offers the highest yield for both the grant and state funds.

Randall pointed out a spelling error that will be corrected on the investment policies on page 2, in the section pertaining to minimum and maximum allocations, the word "Poll" should be "Pool" – referring to the pool of money that will be utilized in the investment option.

Randall reiterated that the grant and state funds are essentially identical in content. Kathy confirmed and advised nothing within the policies is different, other than word differences to distinguish the state fund from the grant fund.

Scott Ekberg advised that the estimated return of this investment strategy will be around \$200,000.00 per year. Kathy confirmed that is a safe estimate. Scott further advised that with this return, the Council's budget can nearly be covered with the interest earned, if it matures as has been forecast.

Chairman Dick Heitschmidt asked for questions and further discussion on the investment policies. None were presented. Chairman Heitschmidt requested a motion to approve both policies. Sherry Massey motioned to approve the policies, seconded by Mike Albers. All in favor. The motion was passed.

5.2 Workstation Return Policy

Scott advised the Council a PSAP, who at the time that they came onto the system, installed six (6) workstations with the intention of utilizing one (1) of the workstations to co-locate a state university within their PSAP. That has not occurred, and the unused workstation is costing them \$18,000.00 per year. The PSAP inquired what the procedure is for returning a workstation. This policy was created as a result of that.

The policy recovers the one-time costs that the Council expended on the workstation from the PSAP, based on how long they have had it. Included in the \$18,000.00 fee that they are paying is a cost recovery on the one-time costs over seven (7) years. Depending on how long they have had the workstation, they would pay off the balance of the one-time fees. In addition to the fee to the Council, if there were any early termination fees charged by AT&T, those would also be the responsibility of the PSAP. Scott does not feel it is likely this policy will be utilized much in the future, but would be in place in case this situation arose again.

Chairman Heitschmidt requested questions and feedback on the policy. Chief Robert McLemore inquired if the PSAP would be able to return the workstation now, or if they would need to wait until December 15, 2018. Scott advised they can return it at any time. If they return it any time this year, it would count as the last year of when they had it. Angela Murphy inquired what would happen with the returned equipment, and if it could be purchased by another PSAP at a discount fee. Scott advised that the workstations belong to AT&T, and he assumes they will likely put it in their spares cache to use within the state. The Council wouldn't be able to resell it since it belongs to AT&T.

Elora Forshee inquired if a PSAP, within the terms of their MOA, were to elect to terminate their agreement, and the one (1) year notice of termination was given for the phone system, would the return of equipment as set out in this policy be in addition to what was signed off on in the MOA. Scott



advised that this policy would only apply to PSAPs who are continuing on with service, but reducing their number of workstations. If the agreement were terminated in its entirety, the policy would not apply.

Chairman Heitschmidt requested a motion to approve the Workstation Return Policy. Melanie Mills-Bergers motioned to approve the policy, seconded by Sherry Massey. All in favor. The motion passed.

5.3 Change In Funding Model Memo

Randall presented a memorandum wherein Scott is proposing a change in funding of the hosted call handling solution. Scott advised that for the PSAPs who have been on the system since its inception and up through October 2018, a portion of the \$18,000.00 per workstation fee they pay, covers the recurring costs of connectivity and the workstation, etc., and also includes a portion that is retained to fund text-to-911 and Emergency Services IP network (ESInet). The PSAPs that have come on early have been paying into that pot of money since they came on, and receiving no benefit for it during that time. Scott's view is that because we now have text-to-911, and later this year we will also have ESInet, it is not fair for a PSAP that has not committed to coming onto the system until now, and with their installation they have text-to-911 and ESInet, without having contributed anything toward the pot of money that allowed the Council to provide those services. Scott's proposal is that we provide notice that if a PSAP does not commit to coming onto the statewide system by midnight on March 31, 2018, then any PSAPs who commit or come onto the system on or after April 1, 2018, would pay the one-time cost for the workstations as a way of ensuring that PSAP's that have waited contribute just as PSAP's that were early adopters.

For example, Reno County, the first PSAP to come on the system in August 2015, through October 2018, has contributed approximately \$60,000.00 toward the pot of money that allows the Council to provide text-to-911 and ESInet. For each PSAP that number would be different based on when they signed on, but this would be a way to ensure that any PSAP who waited to come on would contribute something toward those costs, in the same way as the early adopters.

There are 12 remaining PSAPs that could be affected by this. The majority of those purchased a new system just before the Council's hosted platform became available, and their systems have a typical life cycle of five (5) to seven (7) years. We want them to be able to run out that life cycle. Therefore, under this proposal, if they commit to coming on, they can lock in the Council covering those one-time costs, and then set their install date for the end of the life cycle of their existing equipment. This proposal is intended to make things fairer to everybody involved. We don't want to penalize the PSAPs who haven't signed up, but we don't want to penalize the PSAPs who were early adopters and who have paid a large amount of money toward the new technologies.

Sheriff Troy Briggs commented that he feels anyone who may have waited may have made a smarter business choice. He believes it looks weighted and that the Council is trying to push the remaining 12 PSAPs by telling them if they don't sign up now, then they will have to pay more later. He isn't comfortable going that route.

Senator Marci Francisco inquired if the PSAPs that did not sign on have other charges they are incurring, such as providing text-to-911. Scott advised it is the Council's position that they are obligated to provide text-to-911, but none of them currently are. Senator Francisco advised she would like to confer with the PSAPs in her jurisdiction, Douglas and Jefferson Counties, before she makes a decision on this matter. However, if others are ready to move on, she would abstain.

Chief McLemore inquired how many of the PSAPs are paying for some of the expenses out of their own pockets and not out of the 911 disbursements that they get monthly and annually. Scott advised he believes that all of the PSAPs that are on the system have been using 911 funds to pay their annual fee,



but it's difficult to say because if they are not getting sufficient funding, they may be paying the 911 workstation costs out of the 911 funds, and paying something else out of the general fund. Chief McLemore commented if the PSAPs are paying for it with 911 funds anyway, then it's not a large hit on their local budgets. Scott responded that if they have sufficient 911 funding to pay all of these costs and everything else related to 911, with the exception of salaries, then there is no impact on their local budget. If they don't receive enough to do that, which the vast majority do not, then they are making it up out of general fund monies. Chief McLemore commented his thought was that the ones who are paying more are ones who have requested more workstations than they need or than the local collections will provide from the 911 fund. He doesn't feel it would be a huge hit if most costs are coming out of 911 money, rather than using local tax funds to support that.

Mike Albers inquired if the other PSAPs are not planning to come on, or if there is a reason they are not coming on. Mike is also seeking clarification on whether they are thinking about coming on and sign an intent to do this process, then this policy wouldn't affect them. On the flip side, if others have paid costs during the process, that these PSAPs have missed out on, then there should be a way of recovery. Scott confirmed that if the PSAPs indicate their intent, then they stay under the program as it is now. It would only be those PSAPs that did not commit to coming on by March 31, 2018, that this change in funding would affect. Scott also advised that as far as their plan or intention, we do not currently know. They have not yet indicated one way or the other, but this is a benefit in that if we were to change the policy, it helps us plan for what the future looks like moving forward.

Senator Francisco inquired how much of the costs of ESInet and text-to-911 came out of the Management Reserve vs. what the PSAPs have contributed. She also inquired if, with this March 31, 2018 date, the PSAPs are getting enough time to get a proposal together and interact with their county government. It seems like a quick turnaround of two (2) months for them to make the decision, get it in front of a council to review and decide, and then respond.

Josh Michaelis inquired if there could be a fiscal savings to the Council in the future if when renegotiating contracts with AT&T on equipment, we know how many workstations are going to be fielded and in operation. Scott confirmed that is correct. Senator Francisco inquired if PSAPs are committing to the number of stations. Scott advised they are through a Service Order Request (SOR), which includes the number of stations that they intend to procure. It is not set in stone, and can be changed up through the final conference call before the installation occurs. Typically, they know how many workstations they will need, and it stays consistent from the SOR through installation.

Scott responded to Senator Francisco's inquiry about money collected for ESInet and text-to-911. He advised that he doesn't have the exact numbers, but the cost of ESInet and text-to-911 are about \$4.2 million per year and the total contributions from all of the PSAPs for their workstation fees in 2017 was approximately \$4 million. After deducting the costs of the workstations, about \$2 million is contributed from the PSAPs. Senator Francisco stated that all of the PSAPs that are getting a percentage for each cell phone, have contributed, and Scott confirmed.

Sheriff Briggs advised there may have been PSAPs who purchased [standalone] equipment installed recently, and they now need to make a decision by March 31st if they want to get rid of that equipment when the life cycle is up, and go with the state solution in order to maintain that financial incentives. Scott advised that is what this change in funding would allow – for them to commit now and set their install date out to when their current equipment life cycle is up. For most of the 12 PSAPs, it was 2015 when they purchased their current [standalone] systems. Sheriff Briggs also inquired if they were to withdraw from the commitment, would there be penalties associated with that. Scott advised if they were to commit and then change their mind, there is no penalty for that and never has been.



Senator Marci Francisco suggested extending the deadline to April 30, 2018 to make sure the PSAPs have enough time to consider the offer and disseminate the information. She made a motion to change the deadline to April 30th, unless there is something happening in March or there is a reason for that date. Scott advised the only reason is that it is the end of a quarter, but he doesn't think it's an issue changing the date. Sheriff Briggs inquired about taking more time to consider this locally vs. making a vote today and discuss it at the January 26, 2018 meeting. Senator Francisco agreed. Chairman Dick Heitschmidt requested that Senator Francisco withdraw or amend her motion to postpone a decision until the January 26th meeting. She agreed. Sheriff Briggs also advised that Kansas Association of Chiefs of Police (KACP) and Kansas Sheriff's Association (KSA) will have meetings before then and this can be brought to them for feedback and gauge where things are from their viewpoint. Chairman Heitschmidt clarified there is a motion to amend the document with a deadline of April 30, 2018, and to postpone a decision on the proposal to the January 26, 2018, meeting. Senator Francisco concurred. Motion made by Senator Francisco and seconded by Sheriff Briggs. All in favor. Motion passed.

5.4 Kansas 911 Act Draft

Randall presented the current draft of the Kansas 911 Act with current changes marked. Scott took all of the action items indicated in the minutes that were approved this morning and met with Matt Sterling, the Revisor, and made updates and changes that were discussed and agreed upon by the Council. Randall advised that the provisions that are being included in this bill are in relation to what is occurring in the nation and not just in Kansas. Technology is constantly evolving, and the changes ensure that Kansas remains at the forefront and is an early adopter of new technology rather than a late adopter.

Randall presented changes on page 7, section (e) wherein "recommending" was removed, and the authority of the Council was strengthened. Scott advised that the GIS committee had a list of five (5) areas where they felt they needed the authority to create Kansas Administrative Regulations (K.A.R.) around GIS data. Scott provided Matt with those and asked him to review the language and advise if it would allow the Council to create K.A.R. around those five (5) items. Matt advised that creating a K.A.R. to mandate the reporting requirements of every quarter, and to require compliance with the GIS governance policy, were probably not covered by the language proposed. Therefore, those elements were added to the end of the section: "...and data reporting requirements; requiring compliance with Council policies...". Scott advised that with Matt stating this, he felt the Council probably needs specific authority to enforce minimum training standards and not just establish them. Therefore, it was suggested in the Legislative Committee meeting this morning that "requiring compliance with Council policies" be amended to say "requiring compliance with Council standards and policies".

Sheriff Briggs advised that from several conversations with KSA and others, that at this point giving the Council the authority to require training of PSAP personnel, not knowing what that training will be, what the minimums are, and the fact that it has placed the weight on the PSAPs or counties vs. the individual inside, such as an officer whose certification is his own and not the department's. Sheriff Briggs has received "a lot of concern from sheriffs and chiefs" regarding the topic. In terms of the Geographic Information System (GIS), he agrees that it needs to be right and correct, and the data needs to be maintained. Sheriff Briggs asked about GIS compliance so far. Scott advised that the data has been 100%, and he feels the point is that we keep doing business exactly as we have been and try to keep that percentage at 100% without ever having to do anything to enforce it. However, because we are totally dependent on GIS data to make NG911 work properly [geospatial call routing], can we rely on the goodwill of everybody involved to continue that way with issues such as personnel turnover? If the next



person that comes into the jurisdiction in the GIS position doesn't want to follow the current process, then the statute must give the Council the ability to write K.A.R. around it to ensure we can rely on every jurisdiction continuing to participate. Sheriff Briggs inquired how many PSAPs are touching their own GIS data vs. contracting out the effort. Scott advised the majority are contracting for the maintenance [of GIS data], but he doesn't have an exact number. Ken Nelson advised that the exact percentage can be looked up, but it is probably 65-70% that are contracting with a vendor for their data maintenance. With the policies that have been established, there is a data steward and data maintainer role in place, so they are still involved in the GIS maintenance process. Sheriff Briggs advised that most everyone out in the western part of the state do not have a full-time GIS person. Ken advised that is something that they track, and Sherry Massey and Eileen Battles keep on top of.

Michele Abbott requested clarification from Sheriff Briggs on his comment that there are some who do not know what the standards are, or that they don't know what they would be signing off on, or would be obligated to follow. She advised that standards have been approved and adopted by the Council, and she would assume that is how they would move forward when there is a change or addition. She further advised that the standards mirror or match the national standards. Sheriff Briggs advised that one of the biggest issues is in regard to a deputy and a communications officer that is going to be held to a training standard that is required and maintained yearly. He further advised that as an officer he is required to maintain 40 hours of training per year, not the department. It's the individual's certification, and it would be better to place that on the individual rather than the department. As far as discipline operations and disciplining personnel, he is going to decide how to discipline that personnel rather than a standard that is set out by a Council. He feels it's a territory that goes outside of a realm that he believes any sheriff would be comfortable with signing off on.

Sherry Massey advised there is a fundamental difference in the training between officers and dispatchers, in that dispatchers almost exclusively train in-house. The agency typically has picked the type of training, the company giving the training, etc., whereas the officer has a broader choice of training. Sheriff Briggs advised that a sheriff or chief signs off on every training that is pushed forward to count against the hours given each year, and decides whether the training taken was sufficient enough to go toward their 40 hours, and he feels in this aspect they would be giving that up. Scott advised that continuing education is all approved by the agency head and Sheriff Briggs agreed. Scott advised that is how the continuing education is set up for dispatchers as well; the agency head retains that authority. Sheriff Briggs agreed, but feels that as far as what that training will be and as far as minimum standards, doesn't feel the standard is set out clearly.

Josh Michaelis inquired where the concern has arisen from the KSA and the KAPC since this was adopted by the Council in 2014. Sheriff Briggs advised that he hadn't received this specific document until this year, and he doesn't know if the document was well circulated, but now that it has come forward that's where a lot of concern is coming from. He feels the document has just sat there and was unenforceable. There's a financial concern as well on the individual departments with regard to training hours. The 24 hours of training has not been budgeted by any department, and may not be just 24 hours of straight pay but could result in double time and a half, or more, to cover those hours. In a 4-person dispatch where there are four (4) people covering 24 hours a day, 7 days a week, which is probably the majority of the western half of the state, if one (1) person is in training, that person may be on straight time, but the person covering their shift is going to be time and a half, or more, depending on their individual policies. He has circulated the document, but there is still concern on the financial aspect and the



unknowns. He advised that he first received it on December 5, 2017, and there has been very little time to fully understand what the implication is. He agrees that staff should be trained the best they can be, but there is a lot involved, as every department trains their staff differently based on individual needs and job aspects. Ellen Wernicke advised that flexibility has been incorporated into the standards for incorporation of local protocol and processes. She also advised that this document has circulated a variety of times, including being put on the 911 Knowledge Center, and distributed and communicated at conferences over the course of the last two (2) years. Sheriff Briggs advised he hasn't been on the Council that long. Michele Abbott advised that the document also went out in the Kansas Association of Counties (KAC) newsletter as well as the League of Kansas Municipalities (LKM). Sheriff Briggs isn't sure how many sheriffs and chiefs actually receive communication from these two organizations, but he sees it as a relatively new and strong issue amongst the organizations.

Scott advised that the way the standards are written, if a PSAP elected to do so, they could do every bit of the training in-house and during on-duty time, to alleviate cost issues. Sheriff Briggs advised he wouldn't disagree with that, but there are times when they are busy and their focus isn't going to be on training. He feels that his day shift staff would have a difficult time getting through 1-2 hours of training uninterrupted, and they need to focus on that training without interruption.

Angela Murphy advised that in the way she is reading things, it doesn't sound like the Council is going to micro-manage exactly what type of training is being [stipulated], just training standards and the fact that PSAPs are required to have training. She stated that officers are not sent out into the field with a weapon or a firearm without training, or paramedics out into the field with IV's (intravenous drip) without training, and a dispatcher can't be put behind a radio to answer 9-1-1 without training. She feels it is unjust to our citizens if we aren't offering that same level of training in every community. When her 9-1-1 lines go down and she has to pick a jurisdiction to reroute her calls to, she is selective because three of the four agencies do not offer Emergency Medical Dispatching (EMD) to their citizens, and her citizens receive both EMD and Emergency Fire Dispatching (EFD), so she feels it is only fair that she transfers her calls to a jurisdiction of equal ability. She feels that if standards are not set, then dispatchers are being set up for failure because they're being throw in blind [situations] and we're not doing what is right by our citizens.

Senator Francisco would like to be sure this document is sent to the KSA and advising them of the Legislative hearings. They [KSA] have a lobbyist at the Capitol, and we certainly want them to weigh in on the discussion of this Bill. She feels that would be an appropriate way to handle the situation, to let them know what the Council feels is important for standards, and then make sure that we are asking for their input. Sheriff Briggs also suggested adding the KAPC as well and Senator Francisco agreed. He also advised that he recalls that when these portions of the Bill were originally discussed, it was decided that they would be separated vs. one Bill inclusive of everything. Senator Francisco clarified it was a discussion about having the votes separate.

Senator Rick Billinger advised that he spoke with the lobbyist for the Counties and she advised that she was involved in the original 9-1-1 bill and has offered her assistance. Michele Abbott inquired what her position is on the recommendations. Senator Billinger advised she had asked him the other day about the legislation being proposed because she had been involved in getting the original bill approved, and that she'd be happy to help with the current bill. He hadn't had a chance to further discuss it with her. Senator Francisco feels this could also be sent to the KAC and the KLM because they, in essence, have



responsibility for the budgets for their sheriffs and chiefs of police. Senator Billinger mentioned the discussion during the Legislative Committee meeting about contacting Senator Robert Olson, and he feels contact should also be made with Representative [Joe Seiwert] as well.

Michele Abbott advised it comes down to a single point of failure. Everyone, fire, EMS, etc. should be on board with this. If a call is not answered, launched, and managed correctly, the total outcome is based on how they act and perform - the standard level of service that goes behind the minimum training standards. What she has heard from dispatch centers is that they are not struggling to meet the standards, they are already doing it. This just puts it in a verification and certification perspective. Most agencies would want that from a liability standpoint. Angela added that this has been discussed at nearly every [Kansas] Association of Public-Safety Communications Officials (APCO) and regional meetings. Most of the PSAPs are aware of this, and her takeaway, is that a lot of the PSAP directors are supportive. Michele agrees and also advised that it has been discussed at Homeland Security meetings as well. But there is apparently a disconnect somewhere.

Scott inquired if Chairman Heitschmidt wanted to follow Senator Francisco's recommendation to see how the Council votes on this issue. Chairman Heitschmidt clarified it would just be regarding training standards for the dispatchers and Sheriff Briggs agreed that is his concern. Chairman Heitschmidt called a vote of the voting members as to whether they support the specific portion of the legislation related to PSAP training.

Mike Albers advised he supports it, and feels that until there is a way to mandate that the training is being completed, there is too much at stake to not have it done by one particular agency.

Senator Francisco clarified that she is supporting it with the change that Scott discussed about standards and policies.

In Favor: Mike Albers, Rick Billinger, Marci Francisco, Dick Heitschmidt, Sherry Massey, Robert McLemore, Josh Michaelis, Ellen Wernicke.

Opposed: Troy Briggs

Chairman Heitschmidt inquired if the Senator's intent was to not include the vote if there were not enough votes, or just to get an idea of how many supported it. Senator Francisco advised she was concerned that the Council have the opportunity to vote separately on the matter. She further advised that her statement about the conditional "yes" was simply to include Scott's recommendation. Scott repeated that his recommendation was to include "standards", so it will read "...requiring compliance with Council standards and policies...". Randall inquired if Senator Francisco was ok with that and she agreed. She wanted to ensure the Council was voting on the wording that had been proposed.

Scott believes that there is an overwhelming consensus that this is something the majority wants to see in the Bill. It doesn't look like we have a sufficient presence for a quorum, but it at least identifies that, of those present, the vast majority want to carry this forward. Randall advised that in terms of next steps, given what Scott stated, and looking at a meeting next Friday to work on finalizing this Bill, is there anything that needs to be done before then to help with the topic. Sheriff Briggs advised that the KACP, Kansas Peace Officers Association (KPOA), and KAS will meet on January 23, 2018, for a joint legislative meeting, and there could be a consensus gained there. Senator Francisco suggested sending



a draft of the Bill to each of those organizations and ask them to review, specifically the topic of training, and discuss it at their joint meeting.

Michele advised that she received an e-mail from Melanie Mills-Bergers, advising she had accidentally hung up from the call, and that she [Melanie] supports the training standards.

Randall moved on to the next major update, on page 8, section (f) involving the Fee cap. Randall advised that in this draft, the cap has been set at \$.95 per device per month. The cap was put in at the request of a number of members on the previous call. Randall then referenced page 15, section 7, which would put the current 911 Fee at \$.90 per month per subscriber. Scott advised that in the existing legislation, the Council had the authority to increase the Fee from \$.53 to \$.60. Some of the discussion last week revolved around leaving that ability for the Council to raise the Fee as needed, and this would give the Council the authority to raise it up to \$.95. It also sets the Fee at \$.90 with \$.80 to the PSAPs and \$.10 to the Management Reserve. There was some discussion last week that maybe \$.85 was the correct amount with \$.75 to the PSAP and \$.10 to the Management Reserve. However, Scott feels that a very strong argument can be made that \$.90 is an appropriate amount to fund the PSAPs at a level that comes closer to funding 911 for the PSAPs; and the \$.10 to the Management Reserve puts us in the middle of the 10-15% range. Additionally, it allows for negotiations if the Legislators feel that \$.90 is too much.

Ken stated that Kansas has always been in the low 10-15% of the 911 tax across the nation, and even though we're looking at an increase, once the national average adjusts [for NG911], he believes Kansas will be right back down in that lower tier. He advised that Nebraska just increased their fee to \$1.25 [per subscriber]. He inquired if the cap is high enough and if there should be more room in there, or if we will need to open the legislation back up in a few years because additional services were higher than anticipated. He suggested not setting the new rate higher, but leaving more room for expansion with the cap. In agreeing with Randall, he reiterated that the Council has accomplished a lot with the low tax and that Kansas is a leader and will continue to be [a leader] no matter where we land with the rate.

Randall reiterated what Ken stated and advised if you look at all of the states and what they are charging for a 911 fee, a large number of states have not even begun to get into the NG911 world with the ESInet. Scott agreed and advised most of them have not begun the migration to NG911 in any big way. He advised that with the increase, we move up to the middle of the pack, but as the other states start implementing [ESInet] services that we are already implementing, we are going to end up back in the bottom percentage, because they are going to have to increase their fees more than where they are now as they start adding these additional technologies.

Michele Abbott inquired what they are lobbying for this year to try to accomplish. She stated as she sees the national office looking at Computer-aided Dispatch (CaD) standards and creating and developing those, and as we see the integration with FirstNet and ESInet, our expectation is to be able to communicate and share data agency-to-agency inside and outside of the state. This comes with a cost. She fears that we may be short-sighted and will be back at this same place shortly.

Josh Michaelis shared that Rice County is looking at a significant capital outlay project. With what they have been able to save in 911 fees, even with a down payment on a leased purchase of equipment, at the current funding rate, in 5 years their fund is broke. Even after the capital outlay purchase, they would not be able to continue on with maintenance agreements or connectivity costs associated with



the project. Chairman Heitschmidt clarified that he [Josh] is talking about the current funding rate. Josh advised that in talking with Scott, even the \$.10 increase would not get them past five (5) years. Chairman Heitschmidt inquired what he thinks would be needed to get them past five (5) years and Josh advised he has not looked at that yet. Josh advised that he is supportive of whatever the Council decides. He does believe there is room to increase the fee for the PSAPs, and agreed with Michele's comment about projects occurring in the future and the costs being unknown.

Scott advised that he thinks the \$.90 being proposed, with \$.80 going to the PSAPs, would be looking at covering existing bills and not looking at the future, other than Management Reserve. Phill Ryan suggested that if we are looking at the future, then we should probably look at going past the \$1.00 [Fee] mark. Scott advised it is either that, or accept going into legislation that we are going to probably be back in front of the legislature in five (5) years, or maybe less, looking for another increase. However, there is the requirement written into the statute that the legislature review it every five (5) years, so it will be back in front of them again one way or the other. Josh agrees and is very supportive with the cap being \$.95 at this time, knowing that the legislation is going to be looked at again in five (5) years. The lease purchase that Rice County is looking at is a five (5) year lease anyway, so that will give him good insight of what funding is looking like. Randall inquired with Scott that based on what Josh shared if that is something we might want to present at Session as a supportive case study. Scott agreed that it will be beneficial in presenting the request for an increase. Randall inquired of Senator Francisco what her thoughts are on the matter. Senator Francisco agreed as well.

Elora Forshee stated she has some concerns over the rate [Fee] that the Council is wanting to increase to. As others are saying, she can continue doing business as she has been, but she can't grow. She feels that she has a community that wants 9-1-1 to grow and be more innovative and efficient. She understands that there will be a legislative review in five (5) years, but if we already know we are going to have some short-comings in the ability to grow our systems, why wait five (5) years to ask for an increase. She feels that in five (5) years we could be seeing that we missed the mark and be asking for a substantial increase beyond what we are asking for now.

Senator Francisco advised that this will be a difficult legislative year because legislators just voted to change the formula for taxes last year and school finance will be addressed this year. This would be an easier discussion next year than it is this year. It's also an election year for every member of the house. Michele Abbott inquired if it would make a difference that this is not a tax, but rather a service fee for those who choose to subscribe. Senator Francisco advised that some people also feel it is a "utility" and it is how we are paying for a governmental service. The Council may want to say \$1.00 but she doesn't think it should go beyond that. If that is a case that can be defended, then that would be appropriate.

Scott advised that in his view we need to present something that has a chance of passage and we have to look to our legislative members of the Council for guidance. They know better than we what will and will not pass. He advised he would like to see the Council present an amount that has a chance of passage, or, in other words, it would be better to "get a little bit rather than nothing".

Randall advised it would be helpful to have Josh work with Scott on his case study he cited with the idea that it might be used during the session to plead our case.

Randall advised that his understanding is that the Council needs to go to the House Committee on Utilities and Telecommunications, and the Senate Committee on Utilities in order for this Bill to be



heard. He requested Senator Francisco's assistance in ensuring we are on task and taking the necessary steps once that time comes.

Randall next referred to page 13, Section 5, and advised that Matt was consulted on the phrase "advice and consent" with regard to working with the Legislative Coordinating Council on selecting an LCPA. Matt did strike that out and replaced it with "approval". Section 6 also had the same change.

On page 14, Randall reflected on the section about the thresholds for Management Reserves. He advised that Matt has reviewed it and made some grammar changes. Scott advised there was language also added to that section about the procedure if the Council goes over the 15%, which includes utilizing the excess funds for PSAP grants, as previously discussed. Senator Francisco inquired if there is a reason the section has to indicate that the Management Reserve shall be no less than 10%. She stated that the Council is getting \$.10 from every 911 fee remitted. Scott agreed. Senator Francisco advised also that if the Council feels there is an important investment and were to spend down that fee, knowing that the \$.10 is going to start coming in again every month, and if we adopt this as is, we'll always have to have 10% in the Management Reserve just earning interest. Because the bill now includes the \$.10 per fee, it would seem appropriate to remove the "shall be no less than 10%" and just leave that it "shall be no more than 15%".

Randall explained his viewpoint that if you look at the business case and the Management Reserve drops below 10%, and the fee isn't replenished as anticipated. He gave another scenario, explaining that the Management Reserve is for features that are going to be coming in the future. If a new feature comes along that costs \$6 million, and Management Reserve has dropped to \$1 million, less than the midpoint anticipated, what do we do? Scott responded there wouldn't be anything to do aside from going back to the legislature, so there really doesn't need to be anything specifically listed in the Bill that says "if you drop below 10% you go back to the legislature". Senator Francisco advised her concern is that it says you cannot spend 10% of the money you have collected, no matter what the business case is. So, the Council should think carefully about going below the 10% but it is the Council's decision to do so. Randall clarified with Senator Francisco her point that with regard to the responsibility of the Council, if the Management Reserve were to fall below 10%, it should be a warning indicator to the Council that we may not have enough [reserve funds] to cover the futures, and we need to figure out how to resolve that. Senator Francisco agreed. Randall also clarified with Scott his point that if it does fall below 10%, then we need to find a way to get more money, and the only way to do so is go back to the legislature. Scott agreed.

Josh Michaelis advised he agrees with Senator Francisco in removing that language. He further advised that a safety net for the Council, if the Management Reserve does fall below the 10%, is knowing this is scheduled to be reviewed again in five (5) years. Randall made a suggestion that if the Council had a latitude of adjusting the fees, as far as how much goes to the PSAPs and how much goes to Management Reserve, then those could be adjusted in real time, according to the statute, in order to rebuild the Management Reserve, without hurting the PSAPs in the process. An example given was putting the fee at \$1.00 and giving \$.05 to the Management Reserve and \$.95 to the PSAPs. He inquired if the percentages and cap could be adjusted in a way to make the Management Reserve exceed the 10%. Scott responded that he thinks the Management Reserve slipping below 10% could be used as an argument as to why the Council should exercise its option to increase the fee. But he doesn't think the Council should be given the authority to adjust the ratio. If that were allowed, the Council could decide



to reverse it and give the PSAPs only \$.10 and the Council getting \$.90. He feels that should never be made a possibility. Scott believes that if the Management Reserve drops below 10% and the option has been exhausted to raise the Fee per the Bill, then the solution is to go back to the legislature.

Senator Francisco suggested that instead of a monetary amount, it could be a percentage. If that were the case, she feels the Council should be given the authority to reduce the amount to the Management Reserve in any year that it is over 15%. Right now, the simplest thing to do is take out the minimum so that the Council has full authority to spend the money we are collecting. Randall inquired Chairman Heitschmidt's thoughts on the matter. Chairman Heitschmidt agreed that the "no less than 10%" should be removed.

Randall moved on to page 16, section 9, which discusses the prepaid wireless 9-1-1 Fee. The percentage has been increased from 1.06% to 1.8%. This change is just a simple update per the Fee – the fee divided by 50.

Randall advised the Council that on page 21, the minimum distribution to the PSAPs was changed from \$50,000.00 to \$60,000.00. Also on page 21, in section (c) the maximum deposit amount for the prepaid wireless fees into the state grant fund was changed from \$2 million to \$3 million.

Randall next moved on to page 24, section (c) regarding 911 audits. Randall asked Chairman Heitschmidt to speak on this matter. Chairman Heitschmidt advised that the Legislative Post Audit Committee has drafted Senate Bill 255 (sb255) which will change the Division of Post Audit 911 audit procedures and timeframe, wherein instead of every three (3) years, it will be every five (5) years. Additionally, it would move the next audit up from 2019 to 2018. This would actually save the Council some money, and in the Chairman's view it is not a bad idea. He will get in touch with Senator Robert Olson to let him know about our Bill in conjunction with this one [sb255]. Scott advised that there has been discussion about tying the two Bills together and addressing it as just one Bill. However, since the Audit Bill is a good idea and he feels it will pass without any controversy, and yet, he is not sure about our proposed Bill, it would be detrimental to see the two Bills tied together. Our portion [of the joint Bill] could die in committee somewhere, and the Audit portion die with it. He feels it would be beneficial to allow them to proceed through independently and ensure our 911 Bill doesn't counteract what is in the Audit Bill.

Randall advised that there is still work to do on the Bill, so we are not yet in the position to vote on it. Scott advised he doesn't believe we could vote on it without a quorum. Chairman Heitschmidt advised there is a quorum, but inquired if the proposal is to wait until January 26th to vote. Randall advised there are a few options. The first option is to have the Legislative Committee and the Council meet in a week to work on finalizing this draft Bill. The other option is to wait until January 26, 2018, to meet and work on the draft Bill. Jerry Daniels inquired about the face-to-face meeting on January 23rd [KACP, Kansas Peace Officers Association (KPOA), and KAS]. Chairman Heitschmidt advised he cannot attend the joint legislative conference, so someone could go in his place if they would like.

Josh advised that he feels that we need to finalize the draft Bill before it is presented to the other associations on January 23rd. Scott stated that the meeting on January 23rd is more a matter of trying to garner support from the sheriffs and chiefs, and really has no impact on what we present in our Bill, so he would agree with Josh. Randall clarified that the suggestion is to have a meeting in a week of both the Legislative Committee and the Council. Senator Francisco advised she could meet in a week, but



there is an agricultural tour that day, so she believes that Senator Billinger and Representative Hoffman will be on that tour. She suggested having them call in or be called for a vote. Scott inquired if a Legislative Committee meeting is really necessary or if just a Council meeting to review changes and take a vote. Randall agreed. He inquired about having a meeting one week from today, and in the meantime, Scott and Matt will work on updating the Bill so it is ready for the next meeting. Scott agreed, and inquired if any decision was made on what the Fee should be – leave it at \$.90 with the \$.95 cap or a further increase. Chief McLemore advised leaving it the same would work. Even an increase to \$1.00 wouldn't make enough difference and it would still need to be increased later. Chief McLemore and Jerry Daniels both agreed to leave the Fee as is. Jerry also stated another concern he heard was about the five (5) years and not being able to sustain it for that long. There needs to be a way to incorporate a review in one (1) to two (2) years, if needed. Senator Francisco advised that an opportunity we have is getting the Post Audit next year. We could use the [Post Audit Report] information to look at and determine if we need to go back for another review. Scott advised the only real change is to add the “and standards” in the training section. Senator Francisco reminded him there is also the section where the 10% minimum needs removed. Scott agreed.

Randall then confirmed that a meeting will be set up in one week, and in the meantime, the draft will be updated to present at that time. Additionally, Chairman Heitschmidt will contact Senator Olson about Senate Bill 255. And finally, we will be working on preparations for presenting the draft at the meeting of the KACP, Kansas Peace Officers Association (KPOA), and KAS, January 23, 2018, Topeka. Scott agreed and suggested to also limit the meeting next week to just the approval of the proposed Bill. Chairman Heitschmidt agreed. Chief McLemore advised he has a conflict at the time of the next meeting, but advised he can join the call if he is needed for a quorum. He also inquired if he could do a proxy vote by e-mail. Scott advised that he could review the changes and then e-mail them the proxy and his vote. Chief McLemore agreed and will send an e-mail early next week to let them know if he will be in another meeting for sure or not. Senator Francisco made a motion that the only matter to be discussed at next week's meeting is to take into consideration any motions or changes to the bill, and vote on a motion to adopt the draft of the Bill, and that any motions or changes to be considered should be submitted to Randall and Scott in writing by 5:00p.m. on Tuesday. Chief McLemore seconded. All in favor. The motion passed.

6 New Business

The next meeting is **January 19, 2018, at 11:00a.m.**

7 Adjournment

The meeting adjourned at 1:14p.m.

Submitted by:

Scott Ekberg
NG911 Administrator