Kansas NG9-1-1
Special Session Council Meeting Minutes

Friday, January 5, 2018

1   Call To Order

Chairman Dick Heitschmidt called this special session of the Kansas 911 Coordinating Council ("Council") to order at 11:05a.m.

2   Roll Call

Council Members in Attendance

Troy Briggs, Robert Cooper, Jerry Daniels, John Fox, Marci Francisco, Adam Geffert, Dick Heitschmidt, Kyle Hoffman, Kathy Kuenstler, Michael Leiker, Sherry Massey, Robert McLemore, Josh Michaelis, Ken Nelson, and Ellen Wernicke.

Council Members Absent

Mike Albers, John Alcala, Rick Billinger, Jay Coverdale, David Cowan, Larry Dexter, Rusty Griffin, Kerry McCue, and Melanie Mills-Bergers.

Also in Attendance

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

3   Agenda

Randall White presented a proposed agenda for this meeting:

1. Review minutes from December 15, 2017 meeting.
2. Draft Bill markup.

Key points to cover:

1. Training
    a. Public-Safety Answering Point (PSAP) operation training
    b. Geographic Information System (GIS) data maintenance training
2. Fee Structure
    a. Fee for PSAP's to furnish the best 911 service possible
    b. Management Reserve for the future

4   Review of Kansas 911 Act Revisions

4.1   Training

Randall advised the Council of three (3) items to be addressed with regard to training:

- risk tolerance
- leadership and guidance
- time and cost.

With regard to risk tolerance, does the Council and the state as a whole want to accept the risk of not having adequate training? Training needs to be established in order to ensure the residents of Kansas are provided with uniform 911 public safety. The Council provides leadership and guidance in the 911 community. Not all jurisdictions are able to define what training needs to be invoked. The Council is able to do that. Some believe that training can be too expensive and too time consuming. The position of the Legislative and Executive Committees [of the Council] is that this is very misleading. The Council has contracted for our Knowledge Center to provide online training, which takes little time and expense.

Scott Ekberg expressed that the Council has the authority to make compliance with the training standards a part of the Memorandum of Agreement (MOA) with the PSAP that come onto the 911 hosted solution. The proposed changes in the legislation will ensure that the Council has the same authority with those who choose not to come onto the system. From border to border, the citizens deserve a common standard of excellence in providing 9-1-1 service, no matter where they are in the state.

Randall reviewed pages 2-4 of the minutes from the December 15, 2018, meeting with regard to training. On page 2, Randall went over the language regarding the Council's ability to create Kansas Administrative Regulations (K.A.R.). The bill will give the Council the authority to establish those K.A.R. Scott Ekberg reiterated what Randall said – the legislation will give the Council the authority to create K.A.R. in regards to training.

Also on page 2, Randall reviewed the terminology of "minimum training standards". The term "minimum" is a very important word because it communicates that the Council is not trying to be heavy handed with training, but rather is trying to establish a minimum level of training that ensures public safety. It also provides a latitude for a jurisdiction to exceed those standards if they wish to do so. The term "standards" is also important in that the standards that have been developed for PSAP's and GIS were created based off consultations with entities such as Association of Public Safety Communications Officials (APCO) and National Emergency Number Association (NENA) on national standards. We looked at how the national standards fit Kansas as a state, and what needed to be done differently if they did not fit. Randall reiterated a discussion that Senator Marci Francisco initiated in the December meeting regarding avoiding terminology such as "requiring" compliance and look at focusing on compliance with standards and data maintenance.

Randall pointed out that all items highlighted in blue [on his working copy of minutes] are action items being worked on. He advised that Scott Ekberg and Matt Sterling, the Legislative Revisor, will be reviewing the terminology that has been discussed and determining a better way to word what needs to be said.

Randall reviewed page 3 of the December meeting minutes and pointed out that Ken Nelson discussed the importance of GIS data maintenance. If people are not trained on how to maintain the data properly, then the system fails. With geospatial call routing and ESInet, which will be up and running this year, the data has to be 100% correct or the call does not get routed properly.

On page 3, Randall discussed another action item that Scott and Matt will be working on - inputting the appropriate language to fit the needs for GIS training and data maintenance, so it is suitable for the bill.

On page 4, Randall reviewed a suggestion that Chief Robert McLemore had made regarding having adequate documentation of why there are standards and how they need to be enforced. This is another action item that will be discussed with the Revisor as well, to incorporate for all of the provisions of the bill.

Randall pulled up page 7, section (e), of the draft of the Kansas 911 Act (Act) referring to training and discussed the need to edit the language to resonate with what the Council is looking for regarding minimum training standards. Chairman Dick Heitschmidt expressed the importance of the Council as a whole recognizing that dispatchers are professional first responders. Therefore, there is training that is required, along the same lines as law enforcement, fire, and EMS.

Randall continued reviewing section (e), and the importance of making sure the legislative history is going to capture the intent of what the Council is trying to accomplish. The standards are not arbitrary. Time and resources have been utilized in working with national public safety organizations such as APCO, NENA and the National Association of State 911 Administrators (NASNA) to develop the appropriate standards for Kansas. Randall also reiterated that the Revisor will be looking at terminology that will better express the need for training in lieu of "requiring" or "recommending". Randall also reminded the Council that the importance of the bill is to give the Council the authority to establish K.A.R.

Randall discussed a change that the Legislative Committee recommended in section (e) regarding changing the wording to "training of PSAP personnel and GIS training, standards…", therein removing the term "recommending". This would address both the dispatchers and the need for maintaining GIS data, and the fact that training goes with both of those. Senator Marci Francisco suggested changing the wording to say "establishing minimum standards for compliance with GIS training…", removing the word "requiring" as well. Chief Robert McLemore suggested that along the lines of legislative history and the K.A.R., a reference to technology constantly changing should be made in order to explain why the Council needs the ability to do what we want to do with this bill.

Ken Nelson addressed the previous discussion during the Legislative Committee meeting regarding section (e), of coupling the training of PSAP personnel and GIS, but the compliance with GIS data standards and GIS data maintenance procedures being enforced through the K.A.R. It was discussed that the K.A.R. would really address the compliance and establishment of the training standards, data standards, and data maintenance policy. A decision was not made due to time constraints, but rather just a discussion about revising that section. Senator Francisco stated that Ken's comments were helpful and inquired if the people doing GIS are also the PSAP personnel, or if they may be different. Scott advised that in most cases they would be different. Senator Francisco then suggested saying "establishing minimum standards for training PSAP and GIS personnel". Sherry Massey advised that the training of PSAP personnel is the standard that is being established. For GIS, the standard is a data standard, not a training standard. There is a training component, but we're not saying this is the minimum amount of training that is needed for someone to be GIS personnel. The discussion about setting a standard or establishing a standard, is just a data standard and a submission period for GIS. The classes that GIS have are offered as part of their governance. Ken advised that earlier in the Legislative Committee meeting, there was discussion on whether there needed to be a word that

followed GIS training, because as Sherry mentioned, it's not a training standard, but rather a training on procedures and changes in the data models. Sherry advised it is attendance on one class that GIS offers. It's not a minimum, it can't be done elsewhere, and it's just one class that GIS provides. Chief McLemore stated it is the data itself, not the training that is the primary concern for the GIS part. Ken agreed. Senator Francisco inquired if the wording could then be changed to say "requiring compliance with GIS standards and data maintenance…" in the statute, because what is being focused on is the standards and data maintenance. Sherry agreed. To comply with that, we're saying a class has to be taken to comply with the standards and data maintenance, because you cannot comply with the data maintenance if you don't do what is required and take the one class. That takes training out of that phrase to say specifically compliance with GIS standards and data maintenance. Ken agreed.

Senator Francisco further pointed out the separation between "establishing minimum standards for training" and the "requirement of compliance with the GIS standards and data maintenance". Ken agreed. Chief McLemore suggested saying "establishing minimum standards for training of PSAP personnel, and compliance with GIS standards and data maintenance…". Senator Francisco advised they do not need to be together because they are separated by semicolons, as they are all things we can require service providers to do. Ken agreed it works with leaving the semicolons in and dropping "training" from the GIS section. Sherry and Eileen Battles both agreed.   Chairman Heitschmidt suggested in the sentence being discussed, after the semicolon, add in "establishing GIS data standards and maintenance…". Sherry advised she feels the word "maintenance" needs to be stronger. It's not just that it's being maintained, but that it's being maintained at a minimum level. If the Council feels that "establishing data standards" by itself would encompass the entirety of the GIS Governance Policy, and the submission rate that is part of the standard, [then the wording is satisfactory]. Scott advised he thinks the K.A.R. will help flesh that out, and that this will give the GIS committee the authority to create K.A.R. around data standards and maintenance, and then the K.A.R. can include all of those details.

Chief McLemore advised he has no issue with the word "require" because this is an important component. It's important that the PSAP's understand this is a requirement, and if they want to use the service, they are going to have to do these things. Chairman Heitschmidt inquired what they will have to do. Chief McLemore advised they will need someone to take the required training to be able to do the updates on the GIS system. Chairman Heitschmidt advised that what they are going to have to do is going to be laid out in the K.A.R. He advised he sees this portion of the bill giving the Council the authority to create K.A.R. on these issues. Each individual K.A.R. will then spell out each item. Chief McLemore agreed. Senator Francisco advised that the K.A.R. are not to go further than the statute, they are to flesh out the statute. In this case, we really want compliance with the training, so are we giving the Council that ability to require it without saying it? Ken expressed his concern he doesn't want to weaken what needs to be done. He would be in favor of requiring compliance, but if the Council feels confident it can be achieved through a K.A.R., then he is fine with that. Ken inquired if the word "policies" needs to be included after "GIS standards and data maintenance". Randall White inquired what Sherry's input would be on this addition. Sherry agreed it would be reasonable, and it would be "policies", as the governance document covers multiple policies. Without "policies" being included, it limits the abilities to establish broader policies.

Representative Hoffman stated that as much as we want our PSAP's to be trained, even the best-trained PSAP personnel are not going to be able to do their job if the GIS is not up-to-date. So, ensuring that the GIS stays up-to-date is almost more important than making sure the PSAP's are properly trained. The

word "requiring" in this section is not as overwhelming as in the PSAP part. To keep it the same, it is probably best to change it to "GIS standards and maintenance policies". It's important to stress to the Legislature how important the GIS data is going to be.

Josh Michaelis added that with regard to requiring GIS training standards and the relation to the training of PSAP personnel, he reviewed the recommended standards that the Council has already passed regarding training. With GIS being so significant, it was even mentioned there that PSAP personnel need to be trained in the identification of errors and the internal workflow for error reporting and resolution. GIS is important in making sure the data standards and data sets are correct. But if we don't train the personnel on how to identify those errors, then they don't get fixed. Randall and Michele Abbott agreed that is a very valid point.

4.2   Fee Structure

Randall expressed the importance of three (3) things regarding the fee structure:

- adequate funding for PSAP's
- funding for i3 futures through the Management Reserve
- finding the optimum balance [of the first two].

We want to ensure that the PSAP's get adequate funding. As Senator Francisco and Representative Hoffman pointed out, at the end of the day, the money is for the PSAP's to provide exceptional public safety for Kansans. At the same time, if we do not set money aside for the future, we will not be able to afford the future. Looking at the current rate, we will go bankrupt by the end of 2020. To prevent this, we have looked at setting up a management reserve with 10-15% gross revenue. The important aspect is finding the optimum balance between getting money to the PSAP's and making sure that the Council are good stewards of money and can afford the future.

Randall advised the Council that Senator Francisco had a suggestion of setting up a mechanism that sets out so much money for a fee and a portion of that money goes to the management reserve and a larger portion goes to the PSAP's. On page 3 of the December 15, 2017, meeting minutes, a management reserve threshold was discussed. Additionally, on pages 3 and 4, Scott pointed out that the PSAP's have recurring expenditures, and in addition to that, they have to be able to afford capital expenses, such as buying new equipment. Page 4 also notes the minimum funding for PSAP's, which is currently set at $50,000.00. The idea is to increase that minimum so that the PSAP's who are in need of equipment can get it.

Randall talked about the optimum balance and fee structure if certain amounts of money are decoupled. Randall asked Scott to brief the Council on three (3) what-if fee scenarios.

Scott presented his first scenario which reflects the current rates and fees as they are now. That is $.60 to the PSAP, no money to the management reserve, and $50,000 minimum funding to PSAP's. With this scenario, by 2020 the Council would have approximately $132,301.15 in the bank, with $29 million worth of expenses to be covered for the following year.

The second scenario looks at increasing the fee to $.85 with $.80 going to PSAP's and $.05 to the management reserve, and then increasing the minimum funding to PSAP's to $60,000. When the fee was originally raised from $.53 to $.60, the PSAP's who are currently receiving the $50,000 minimum saw no increase at all and stayed at the $50,000. Looking at recurring 911 costs and call handling fees,

about half of them come up over the $50,000 minimum, so this increase to $60,000 would help to cover those costs. Additionally, in this scenario, by 2020, the management reserve would be at approximately $10,239,919.23, which is still below the 10% minimum management reserve total.

In the third scenario, the fee would increase to $.90 with $.80 going to the PSAP's and $.10 to the management reserve, and a $60,000 minimum to PSAP's. With this scenario, by 2020 we would be at approximately $15,986,029.18, which would put us midpoint between the 10%-15% management reserve thresholds.

The primary factors are what is given to the PSAP's and what is given to the management reserve. The business case is set up so that an amount can be set up for the PSAP's, and an amount for the management reserve, and an amount as minimum to the PSAP's. This tool can address any other suggestions on amounts. With how it is set up now, it leaves the funding formula exactly as it is. It only increases the fee and then adds to the language to direct a portion of the fee into the management reserve. One of the weaknesses of the [funding] model is if we drop below that 10% management reserve, the only way to fix the short-fall is to come back to the Legislature to resolve it by either a fee increase to the management reserve or a decrease to the PSAP's. In looking at the possibility that the funding projections are faulty and we go over the 15% threshold of the management reserve, then it is suggested that language be included in the statute stating if we exceed the 15%, anything in excess remains in the State Grant Fund but is earmarked either for individual PSAP grants or for a fund to cover one-time costs for non-statutory PSAP's that would want to come onto the system. Right now, because of a definition of a PSAP as being owned by a city or a county, for example the university PSAP's and Kansas Highway Patrol, have to fund their one-time fees, which makes the costs of coming onto the system prohibitive for them. If we go the State Grant Fund route, and offered grants to individual PSAP's, Scott sees that as being a competitive grant program. Those that show the greatest need would be the ones funded to the extent that we could fund them. Scott believes that with the third scenario falling right in the middle of the 10%-15%, he does not think we will ever exceed the maximum management reserve threshold.

Chief McLemore inquired that if in five (5) years this needs to be revisited with the Legislature because costs have increased, and they do not approve an increase, is there any mechanism where those amounts can be adjusted between each other. Scott advised that is not something that is set up at this point, but is something that could be added if we feel like it needs to be done. Currently, it would need to go back to the Legislature. Senator Francisco advised she likes the idea of setting aside some funds for the management reserve so we are not always just increasing the fees to meet what we need for the management reserve. However, she would like to see a cap on that. If we know we will be collecting it, then 12.5% seems appropriate, or set a minimum. Only collect that $.10 until we meet that threshold and then distribute the rest to the Counties or as indicated in a State Grant Fund program. The management reserve shouldn't be $10 million of state money sitting in an account. She does like the idea that with a management reserve that is invested, a lot of Council fees will be paid out of interest rather than collected fees. She would like to talk about where the management reserve target should be. As an example, Senator Francisco advised that gasoline tank storage fees are currently set up so an amount is collected until a certain amount is met, and then they stop collecting and the excess funds are redistributed. Representative Hoffman expressed Senator Francisco having a great point. Senator Francisco inquired if we know we are filling the management reserve every year, what is the need to have it over 10%? Randall White advised that the amount is based on industry best practice, wherein

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the industry looks at a minimum of 10% and a maximum of 20% retention depending on the risk that the corporation is facing. High risk programs lean closer to the 20%, wherein 10% leans toward the day-to-day functions. The 15% is looking at ensuring we have enough not knowing what the future holds. We do not know when new features will be available, nor how much they will cost. Text-To-911 is the newest feature right now. The next function will be Emergency Services IP network (ESInet), and that will come along mid-2018. That is going to be a substantial amount of money. Senator Francisco inquired if that would be more or less than $10 million. Randall advised it will be less than $10 million [later corrected].

Michele Abbott advised that one of the things the Council has been trying to do is keep the per-seat cost and the local cost consistent, so we have been paying for those at a state level to share the cost equally. The importance is that the minimum distribution agencies that are only getting the minimum $50,000 can know that their per-seat cost or annual cost is going to stay consistent by the Council paying it and sharing that cost. If there were not a management reserve, she could see that cost being done at a local level, reducing their ability to manage things at a local level. Scott agreed and advised there would be no other way to continue to operate the system other than to pass the cost off to the PSAP's, who cannot afford that.

Randall advised Senator Francisco that in reviewing the cost of ESInet, he was in error. The cost is forecasted at $10.9 million. Senator Francisco advised that is good to know, because we can then say that in a single year we could spend that minimum, and that's why we need our target to be higher. Randall advised it will be split over 3 years, coming out to about $3.5 million over the next 3 years. After that it will reach a steady state amount.

Randall reviewed the scenario of an increase to $.90 with $.80 going to PSAP's and $.10 going to the management reserve, and increasing the minimum to PSAP's to $60,000. Sherry stated she thinks that this is a good idea. She agrees that there should be discussion as to what happens to any money if the management reserve maximum is reached, and how high to set the maximum for the management reserve. Randall asked Senator Francisco to give more information on her suggestion of the 12.5% maximum. Senator Francisco advised it has helped her to understand what the costs might be in a single year, with regard to new functions and costs, and staying as close to the actual amount needed and not exceeding that. Randall advised they reviewed many scenarios on how to achieve what is needed. Looking at the $.85 fee, it sets the outcome in a low zone. Looking at the $.90 that puts the management reserve in a safe zone. Senator Francisco advised the differences she sees between those two (2) plans are the fee and how much is going to the management reserve. It would still be possible to increase the fee to $.85 and still send $.10 to the management reserve. Randall advised they tried that scenario with $.75 to the PSAP's and $.10 to the management reserve, and the PSAP's would get short-changed. Scott agreed and stated it obviously reduces the amount going to the PSAP's. Senator Francisco pointed out that it does still increase the fee from $.60 to $.75. Scott advised that at $.75 to the PSAP's and $.10 to the management reserve, the management reserve comes in at $14.5 million, and that would be a 15.5% increase to the PSAP's. Randall advised Senator Francisco he recalls in a previous conversation that she might see that as a good sweet spot for the PSAP's and the management reserve. She agreed it may be. She then inquired of the expenditures in the management reserve, are those mostly helping the PSAP's that are participating in the statewide program, or are they available statewide? Scott advised that the majority[of expenditures] are helping the PSAP's that choose to participate in the statewide system, but there is some that is beneficial statewide, regardless of the call

handling system being used. The majority of the expenses are in operating the system. Senator Francisco stated that will be the other issue that needs to be acknowledged - that we are trying to make a program that is affordable statewide, but counties such as Johnson County, are helping pay for what is going on through the rest of the state. Representative Hoffman inquired if we put $.90 in the statute, but make it known that we're only going to go up to $.85 right now, with the ability to increase to $.90 if needed. Robert Cooper advised that on page 8 of the draft, there's a cap that says $.80. Will that be changed up to $.90 then? Scott advised yes, that would need to be adjusted throughout the proposal. Representative Hoffman advised that looking at the $.85 proposal ($.80 to the PSAP's and $.05 to the management reserve), it puts us at the management reserve minimum. If we went with $.75 to the PSAP and $.10 to management reserve that would still work - that may be better. That way we are not collecting more than we need right now, but if we do need more, we could increase to $.90. Senator Francisco agrees that would be the best way to go politically. We are asking for an increase and figure out a proposal at the $.75, $.80, or $.85, but not the $.90 to start, to allow the Council flexibility to move if needed. Scott clarified the suggestion that a proposal of $.85 is made, with the ability for the Council to raise to $.90 based on need, like the old Legislation had from $.53 to $.60. Representative Hoffman and Senator Francisco both agreed. Scott agreed that makes sense.

Kathy Kuenstler thanked the diversity of the Council with regard to getting this figured out. Jerry Daniels also thanked the Council with regard to their discussion on funding. Senator Francisco inquired what type of increase Jerry would like to see. Jerry advised as much as possible. Jerry stated that as a former Trooper responding to 911 calls, he wants the 911 centers, dispatchers, and GIS individuals as highly trained and proficient and streamlined as possible to get those calls to those first responders as quickly, efficiently, and accurately as possible. Senator Francisco advised that every parent who wants their child to have a cell phone, wants them to have it to call 911. Representative Hoffman advised that there is not much more that we can do than to ensure we have a good statewide system. We want to ensure that a call being made in the middle of nowhere in Western Kansas works just as well as one being made in downtown Kansas City.

5   Next Review

Randall inquired if the Council would like to set another meeting to discuss and review the draft. Senator Francisco inquired when Matt might have an updated draft prepared. Scott advised he would be incorporating what was discussed today and see about having it by middle of next week for everyone to review. Senator Francisco advised if we could have it by Thursday, everyone could review, and then meet on Friday. Representative Hoffman inquired if we need a full Council vote on moving forward and Scott agreed. Senator Francisco advised that she and Representative Hoffman could introduce the bill, but she wants to say it is the Council's bill. Scott also advised we want to ensure we do not have something that a Council member is opposed to prior to submitting it. Senator Francisco agreed there needs to be a majority vote of the Council. Randall White set the next meeting for **Friday, January 12, 2018 at 11:00a.m.**

6   Adjournment

Chairman Heitschmidt adjourned the meeting at 12:22p.m. Submitted by:

Submitted by: Scott Ekberg, NG911 Administrator