



DATE: June 21, 2018
TO: 911 Coordinating Council
SUBJECT: Proposed PSAP Expenditure Process and Procedure

We are submitting this letter to voice our opinion and concerns on several issues in the proposed PSAP Expenditure Process and Procedure. Since we are currently without a voting member representing the chiefs, it is important we take this opportunity to voice our concerns.

In our opinion, any changes in process or procedure should apply to future expenditures and not retroactively to purchases made prior to approval of these new expenditure policies. It is our hope the policy will bring about improved consistency in rulings on expenditures and avoid the Coordinating Council expanding restrictions not provided for in the statute, which we do not believe the Council has been granted authority to do.

As discussed at your last meeting, we believe including the pre-approval process in the document is critical. However, after receiving the draft of that addition today we have some concerns:

1. First, we believe the provision in #4, 5, and 6 of the preapproval process will violate the Kansas Open Meetings Act. KOMA applies to the Expenditure Review Committee. KOMA applies to any meeting "in person or through the use of a telephone or any other medium for interactive communication by a majority of the membership of a public body or agency. . ." and includes all ". . .councils, committees, subcommittees and other subordinate groups thereof. . ." (See KSA 75-4317 and 75-4318.) We believe these meetings should be telephonic with provisions for public access.
2. We request the Council to consider including an acknowledgement of receipt of the request to be returned to the PSAP by the 911 Liaison.
3. We also encourage the Council to allow a representative of the requesting PSAP participate in the discussion and answer questions the committee members may have prior to making their decision. The PSAP should be notified of if and when such meeting will take place and how they may attend.
4. We do not agree with the provision in item #4 that a decision lies solely with the 911 Liaison on whether a prior decision is applicable to the request without an opportunity to appeal to the Expenditure Review Committee.
5. We also suggest timelines for the responses from the 911 Liaison and from the Expenditure Review Committee if it is referred to them. Perhaps a 10 business day timeframe. We also believe if the ruling of the Expenditure Review Committee is appealed by the PSAP to the full Council that a decision be made no later than the next meeting of the Council.
6. We believe items #7 and 8 need clarification. Does #7 mean an appeal from the Expenditure Review Committee by the PSAP to the full Council will result in a pre-expenditure decision by the Council or is it saying #8 is the pre-expenditure appeal action.
7. We also feel strongly that a decision to deny the pre-approval request should be appealable to the Administrative Appeal Procedures if the PSAP chooses to do so. This should be allowed as part of the pre-approval process and prior to the PSAP expenditure.

We also have additional concerns with the following provisions in the proposal. All references are to the document distributed on June 21:

1. On page 6, in the next to the last paragraph on the page quoting the previously approved policy statement we are concerned the Council has excluded pagers for any use. It appears the Council has included pagers in

the statutory prohibition of use of funds regarding “subscriber radio equipment.” We point out KSA 12-5363 defines “subscriber radio equipment” as “mobile and portable radio equipment installed in vehicles or carried by persons for voice communication with a radio system.” [Emphasis added] We do not believe pagers fit that definition and the Council has not been given authority to expand the expenditure restrictions beyond those in the statute.

To be clear, we are not advocating pager systems should be allowed without justification of their necessity for the 911 system. For example, we believe a pager expense should be evaluated similar to how you evaluate outdoor sirens. Your example provided by the Council is that if the siren is used to alert the public the expense is not allowed, but if it is used to alert volunteer firefighters to a call it will be allowed. We believe a pager expense could be allowed under the statute using your same theory of approval of outdoor sirens expenditures for similar dispatching purposes.

2. Also on page 6, but in the last paragraph, the policy statement provides, “If the training is part of a conference package presented by APCO or NENA that is related to “911 services”, generally, use of 911 funds to pay for registration fees and costs of attendance (meals, mileage, and room) would be appropriate.” [Emphasis added] This provision for conference expenses should hinge solely on whether the training is related to 911 services and not based on who provides the training. We believe the words “presented by APCO or NENA” should be stricken.

Our rationale for this is acceptance of training expenditures should be based on content and not on who is presenting it. This provision also has an appearance of attempting to use 911 funds to financially support conferences by those organizations over other organizations and implies appropriate training at a conference presented by anyone but APCO or NENA would not be allowed. Even with this amendment the APCO and NENA conferences should clearly be an acceptable use of the funds.

3. In the first full paragraph on page 7, the last sentence states “Further the Council believes the intent of the legislature is to prohibit the purchase, replacement, upgrade, or maintenance of subscriber radio equipment.” We believe once again this statement exceeds the Council authority by expanding the limitations beyond “purchase” as stated in KSA 12-1375. We find no provision granting the Council authority to expand the prohibitions provided by statute.

We point out KSA 12-1375 is the statute governing the expenditures being addressed in the proposed policy, and it states, “Such costs shall also not include expenditures to purchase subscriber radio equipment.” [Emphasis added]

We also recognize that KSA 12-1368 has different language but these provisions apply to the grant funds and not to the PSAP funds. In this statute the legislature stated, “Distribution of grant funds shall not include expenditures to procure, maintain or upgrade subscriber radio equipment.” [Emphasis added]

KSA 12-1368 includes prohibiting maintenance or upgrading subscriber radio equipment with grant funds, while KSA 12-1375 only prohibits the “purchase” of subscriber radio equipment. The choice of the legislators to use different criteria for the two funds is a clear statement of intent. Again, we will clarify we are not advocating PSAPs to use the funds for these expenditures, but we do not feel the Council has the authority to modify by policy or regulation what is clearly stated in statute as allowed or prohibited expenditures.

We appreciate your consideration of these concerns.



Jennifer Duffy
Executive Director