



Kansas 9-1-1 Coordinating Council Special Meeting Minutes

Monday, April 1, 2019, Mulvane, Kansas

1 Call to Order

The Kansas 911 Coordinating Council was called to order at 9:06 A.M. by Chairman Dick Heitschmidt.

2 Roll Call

Roll call, Gayle Schwarzrock

Council Members in Attendance

Voting Members: Mike Albers, Melanie Bergers, Sheriff Troy Briggs, Robert Cooper, Senator Marci Francisco, Chief Jerry Harrison, Kathy Kuentler, Michael Leiker, Sherry Massey, Kerry McCue, Chief Robert McLemore, Josh Michaelis, Ellen Wernicke.

Non-voting Members: David Cowan, Jerry Daniels, John Fox, Patrick Fucik, Robert McDonald Ken Nelson, Mark Tucker, Bill Walker.

Council Members Absent

Voting Members: Representative John Alcala, Senator Rick Billinger, Representative Kyle Hoffman, Jonathan York.

Non-voting Members: Sarah Spinks.

Also in Attendance. Michele Abbott, Lori Alexander, Eileen Battles, Kathleen Becker, Scott Ekberg, Dick Heitschmidt, Angela Murphy (PSAP), Phill Ryan, Gayle Schwarzrock, Randall White.

3 Old Business

3.1 Meeting Minutes

- Josh Michaelis moved to accept the minutes of the regular meeting, **January 25, 2019**. Seconded. No corrections, no additions, no amendments. Voice vote. **Motion carried.**

3.2 LCPA Report, Kathy Becker

- We are operating at a deficit.
- Bank fees due to fund transfers. Standard practice. **Action** Kathy try one more time to get bank fees reversed.
- Spending more funds than bringing in; still running at a deficit.
- Administrative overhead 1.71%
- Moved to approve the LCPA Financial Reports and
- [Note: CC&S auditor arrived late. Provided Audit 2017 summary from 10:10 AM to 10:16 AM. Discussion placed here in the Minutes for continuity with other NSI Financial Report.] Financial



Audit for Year 2017, Greg Schmidlein, CPA, Cummins, Coffman & Schmidlein (CC&S). Greg stressed that:

- Management’s Responsibility. Financial reports are ultimately the responsibility of the Council. If there is something the Council doesn’t agree with, then important to have discussion to investigate whether financial opinion can, or should, be changed.
- Auditor’s Responsibility. Greg issues only an opinion.
- Opinion. Financials are on cash basis rather than Generally Accepted Accounting Principles (GAAP). Opinion is not modified based on cash basis.
- The Auditor’s opinion is that the financial statements reviewed present fairly, in all material respects, the cash receipts and disbursements of the Kansas 911 Act Funds, for the year then ended December 31, 2017,
- Main Financial Audit. Based on a single year since CC&S did not audit prior year. Next year, there will be two (2) columns for two years: prior and current.
- Our bank deposits in separate accounts (State Fund \$4.7M and Grant Fund \$9.5M) are covered by both FDIC insurance and pledged securities; therefore, both funds are fully insured; no risk if bank defaults.
- Josh Michaelis moved to accept Audit for 2017. Sherry Massey seconded. Voice vote.
Motion carried.

3.3 Legal Services, Chief Heitschmidt

- Office of Attorney General terminated legal services Memorandum of Agreement (MOA) with the Council effective February 7, 2019. We are attempting to secure alternative legal counsel.
- Contacted John Yeary, Chief Counsel, Department of Administration (DoA) for their advice on how to proceed, and if they would be willing and able to support the Council. [**ACTION** *Randall White followed-up with John Yeary, Chief Counsel DoA, April 4, 2019, not able to assist due to insufficient staff. Action item complete.*]
- Former legal counsel spoke with Shawnee County District Attorney about open meetings violation, October 2017, but did not prepare letter. Chief Heitschmidt spoke to District Attorney. [**Action** *Chief Heitschmidt sent self-reporting letter to Michael Kagay, Shawnee County District Attorney, Topeka, April 19, 2019. Action item closed.*]
- Adjutant General Office knows we are working to find permanent housing for our two staff personnel. Ken Nelson investigating temporary hosting our staff within the GIS Office of University of Kansas (KU), Data Access and Support Center (DASC). [**ACTION** *Ken Nelson met with KU legal counsel, April 15, 2019; there is concern of possible conflict of interest; suggested approaching Kansas Ethics Commission. However, Ethics Commission meets sporadically, and KU legal counsel not optimistic of favorable outcome. Action item closed.*].
- Sen. Marci Francisco commented that the Docking Building may have space available in 2-3 years. Capital Police and HP considering. Council should not enter any office space lease without considering Docking option.

3.4 Administrator Report (Scott Ekberg)

- Riley County Memorandum of Agreement (MOA). Former legal counsel failed to complete contract addendum to existing MOA by adding Riley county standard contract language. Scott reviewed Riley County contract language; recommended that Council accept Riley County



proposed amendment to our Council MOA. Motion to accept by Sherry Massey; Sen. Francisco seconded. Voice vote. **Motion carried.**

- Scott reviewed HB2084 status amending Kansas 911 Act. Fee increase from existing \$0.60 to \$0.90 does not fund all future enhancements. The \$1.03 fee requested would have funded all future enhancements. Bill change thumbnail summary:
 - **Fee revenue distribution**
 - \$0.66 direct distribution to PSAPs
 - \$0.23 direct distribution to Operations Fund
 - \$0.01 direct distribution to Grant Fund with \$2M cap
 - Prepaid wireless fee from 1.20% to 2.06%; previously tied to post-paid fee
 - Minimum PSAP payment from \$50,000 to \$60,000
 - Administrative expenses cap from 2.5% to 2.0% of total revenue
 - **Council Membership**
 - PSAP Representative Regardless of Size changed to Representative of Association of Public-Safety Communications Officials (APCO)
 - Two additional non-voting members representing non-traditional PSAPs:
 - One must represent Tribal Nation Government
 - Other to be determined
 - **GIS Data Integrity**
 - Jurisdiction required to maintain and update GIS data
 - If not update within year, Council gives notice of error in data
 - Council has the prerogative to remediate the data, bring up to standard, bill back the cost to the delinquent PSAP
 - **Expenditure Authorization**
 - Expenditure reporting process used since 2012 now codified
 - Authority to withhold 10% of 911 fund payments if PSAP fails to comply
 - Expenditure Pre-approval process now codified
 - **Liability Protection**
 - Changed from “reasonable care” to “gross negligence” standard
 - Applies to LCPA, PSAPs, Service Providers
 - **911 Act** is added to other legislation that local government cannot opt-out under Home Rule government.
 - What about **consolidation**? What about collaboration? There is no consensus as to what “consolidation” looks like. Chief Heitschmidt stated that the Council does not have a role in consolidation. Sheriff Briggs stated that 911 is specific to local jurisdiction, not a Council issue. Sen. Francisco believes that consolidation is a local decision; the Council is providing statewide hosted solution and training opportunities. She also believes that it is important that PSAPs have people who are familiar with their counties and where [911] services exist. Chief recommends that consolidation should be addressed by the individual organizations on the Council.
 - What future **NG911 enhancements** might not be realized? Do we need all the “bells and whistles”? Chief mentioned that while some believe that “basic 9-1-1 is good enough”, Kansans want the very best 911 available. Scott stated that statute states Council is responsible for meeting “next-generation 911”. The answer depends on the evolution of



i3 standards and the associated cost of the feature. The younger generation will insist on advanced technology and performance that they are already accustomed to now. Since we were not given the full fee needed for future next generation functionality, we will likely have to revisit the 911 Act in 3-4 years. Otherwise, local property tax will have to fund the deficit.

- *[Post Note HB2084:*
 - *Requested for Introduction by Scott Ekberg, 911 Coord. Council, Jan 24, 2019*
 - *Original and Current Sponsor – Committee on Energy, Utilities and Telecomm.*
 - *Amended by House Committee, Feb 22, 2019*
 - *Amended by House Committee of the Whole, Feb 26, 2019*
 - *House Final Action passed 94 / 29, Feb 27, 2019*
 - *Amended by the Senate Committee of the Whole, March 25, 2019*
 - *Senate Final Action passed 36 / 3, March 26*
 - *House concurred with Senate amendments 87 / 35, April 4, 2019*
 - *Approved by Gov. Kelly, April 16, 2019*
 - *Enrolled – law effective July 1, 2019]*
- Annual Review of LCPA. KSA 12-5367 requires the Council review the designation of the LCPA and the LCPA contract. Non-profit Solutions Inc. (NSI) is doing an exceptional job. They are responsive, timely and easy to work with. Current contract expires December 31, 2020. Annual cost for 2019 is \$130,050 and for 2020, \$132,650. In addition, the LPA Audit Report shows no areas of concern. Scott recommends that the Council approve the designation of the LCPA [NSI] and the LCPA contract for this year. Motion to approve NSI as our LCPA this year by Josh Michaelis; seconded by Mike Leiker. Roll call vote unanimous. **Motion carried.**
- NG911 Strategic Plan for 2019-2021. Scott recommends approval. Motion to approve Strategic Plan by Mike Leiker; seconded by Ellen Wernicke. Voice vote. **Motion carried.**
- System Statistical Report presented by Scott Ekberg:
 - Explained Non-Service Initiated (NSI) calls.
 - Explained the significant number of text sessions February 25, 2019, in Ellsworth County was due to Active Shooter Drills conducted and three schools. **Action** Scott to contact Ellsworth County to see how the text messaging worked out during the drill and report back to the Council. For example, could they keep up with the volume of texts?

3.5 Liaison Report (Lori Alexander)

- Visited 23 PSAPs to help facilitate expenditure report process.
- Visited with Pottawatomie Nation Chief of Police, Terry Clark
- Lunch and learn series webinars on different topics to strengthen 9-1-1 in Kansas

3.6 Operations Committee Report (Josh Michaelis)

- Expenditure Report
 - Lori Alexander, Expenditure 2017 Status Report (to date):
 - Total \$19.5M
 - Follow-up \$4.5M
 - Unallowable \$101K
 - Four (4) counties incomplete.
 - Lori Alexander, Expenditure 2018 Status Report (to date):



- due date is March 1 of year following reporting period
- Total \$20.1M
- Follow-up \$4.4M
- Unallowable \$13k
- Josh mentioned that process is going better than last year.
- Council Review and Decision – how benefits delivery of 9-1-1 services:
 - Admin stamp for accounting. Motion by Sherry Massey this is not allowable expense. Seconded by Kathy Kuenstler. Roll call vote unanimous. **Motion carried.**
 - Dispatch subscriber equipment portable radios purchase, maintenance, repair issues:
 - Update of two (2) dispatch subscriber portable radios
 - Replace battery for dispatch subscriber portable radio
 - Replace charger for dispatch subscriber portable radio
 - Motion to deny expenditures the above three (3) requests as not allowable under 911 Act by Josh Michaelis. Seconded by Kerry McCue. Roll call vote unanimous. **Motion carried.**
 - Mileage reimbursement for Telecommunicator Emergency Response Taskforce (TERT) deployment is not “training” and does not make the criterion for training of PSAP personnel; therefore, not reimbursable. Chairman Heitschmidt asked if expenditure was made from the home of the dispatcher, or from the agency that dispatcher was deployed to. Josh stated that expense came from the agency that the individual works at from their 911 funds. Scott Ekberg mentioned that the existing eight (8) allowable uses might need to be expanded by the legislature. Chief McLemore mentioned that deployment falls under “mutual aid” mutual aid and therefore, not truly an allowable expense as it is eligible for reimbursement; should be a local expense. Josh mentioned that the act is noble but does not fit within statute. Sherry Massey moved that this is not an allowable expenditure. Seconded. Roll call vote unanimous. **Motion carried.**
- Pre-approval Expenditures
 - Sound-proofing panels (between two radio consoles to prevent audio feedback cost about \$600.00). Not attached to infrastructure.
 - Anti-static floor mats to protect expensive equipment. Mike Albers recommended using simple grounding process [wrist strap] and handle as an office expense.
 - Scott Ekberg mentioned that both items above are not specifically mentioned in statute; they are examples of gray areas of definition. Nevertheless, he believes they should be considered allowable. Anti-static carpet would probably be unallowable since considered a remodeling expense. Anti-static floor mats would probably be considered allowable since it is not a remodeling expense. The criterion of “what is the nexus between the expenditure and the receiving, processing or dispatching of the 9-1-1 call.” Scott’s opinion is that these two expenditures are allowable. **Action** Josh craft a short position paper by next Council meeting, June 7, 2019, opinion for pre-approval items such as, but not limited to:
 - Sound proofing



- Anti-static floor mats
 - HVAC air filtration (environmental protection)
 - A few other items that have crept into pre-approval process.
 - Sen. Francisco requested that the position paper stipulate that the allowance is based on specific need. For example, “sound proofing panel needed to reduce interference between two workstations,” prevents the precedent for sound proofing a single workstation or for room sound proofing. Another example may support a single workstation if an equipment rack is location adjacent to a dispatcher, and the equipment fans are loud, then sound proofing may be a justified expense. PSAP could go ahead and purchase the pre-approval items using general funds and then later, once Council opinion is finalized, June 7, 2019, the PSAP could request reimbursement.
- The Coordinating Council will again this year co-sponsor with Kansas APCO, fall conference, October 7-9, 2019, Prairie Band Casino, Mayetta, KS.

3.7 Training Subcommittee Report (Ellen Wernicke)

- Need to decide what to do with “Knowledge Center”, Learning Management System (LMS). It is not highly used across the state, as originally envisioned. It is not particularly user friendly. Therefore, cost-benefit is questionable. Ellen recommends that a sharing platform among PSAPs is worthwhile, we need to encourage its use, but Knowledge Center is not a good alternative. Options are:
 - Renew contract with NEOGOV (formerly FirstNet Learning) at the end of this year, or
 - Issue a Request for Proposal (RFP) for a new, different platform, if there is enough time before contract renewal deadline, or
 - [Sherry Massey] let existing contract expire and go without to give Council enough time to decide whether to issue an RFP.
 - Lori Alexander is waiting to hear back from NEOGOV about a new platform [“Learn”] that may be a better product for us. There will be overview and demo of Learn with Ellen, Scott and Josh first week of June. Lori wants hands-on assessment before deciding. **Action** Lori and Ellen to assess cost-benefit of new NEOGOV “Learn” platform as a Council investment; make recommendation to Council at next meeting.

3.8 Text-to-911 Subcommittee Report (Melanie Bergers)

- Working on Public Service Announcement (PSA) for 2019. Tim McQuade, Barton County, on subcommittee, reaching out to PSAP to collect text-to-911 success stories. So far, have 8-10 success stories for use in the PSA. Josh wants to reach out to some local schools to develop the PSA, then chose best.
- Scott Ekberg explained text-to-911 map status. Most of the state can offer text-to-911.
- Josh Michaelis shared that text-to-911 success is a true indicator of why “Cadillac” 9-1-1 offers far more to public safety than a “Chevy” solution. **ACTION** Melanie develop a map of text-to-911 success stories to demonstrate importance of NG911 saving lives of Kansans and prepare for next legislative thrust.
- Robert Cooper shared Deaf and Hard of Hearing community report that over last couple of months, there have been some phone calls asking why text-to-911 was not available to them



(Smith County and Marshall County). People are starting to notice when NG911 features such as text-to-911 are not available to them.

- Scott Ekberg remembered that years in the past, when Kansas was moving from 911 Basic to 911 Enhanced, there was a similar response, “Basic 911 works fine, why do we need this fancy stuff that gives location [of the caller].” Looking back in time, the benefit of having call location information is not only beneficial, it is essential. The same will happen with upcoming NG911 features. Years from now, people will say “I see how this new technology is essential to saving lives. Josh reinforced Scott’s statement recalling that broadband access across the state. Make the service more robust which ties into having enhancements available.

3.9 GIS Committee Report (Ken Nelson)

- GIS Data Maintenance Submission is 96% compliant with our Data Governance Policy. The change in legislation will be very beneficial to our process.
- Statewide orthoimagery 12” leaf-off imagery is complete. Statewide imagery customer quality assurance testing is complete. Orthoimagery data schedules for delivery, April 9, 2019.
- Local buy-up option for enhanced imagery in 2019 now includes Doniphan County (6”), Pratt County (6”), City of Iola (6”), City of Abilene (3”). Things going well under our 3-year contract with SURDEX. We are ahead of schedule.
- Currently evaluating alternative Call Handling Mapping Solutions Motorola VESTA Map Local and RapidDeploy using live testing at our Yoder Test and Evaluation Site. Specific timeline for shipping newer imagery to PSAPs is pending on direction of Mapping Solution due to the cost and complexity of retrieving and reloading NAS devices.

3.10 NG911 Program Portal Report (Eileen Battles)

- New - Call Location Maps. Provides spatial distribution of 911 calls using ECaTS data based on time frames and routing polygons. Scott and Sherry mentioned that this portal tool helps PSAPs to make call routing decisions in concert with their GIS coordinator ahead of time. Current technology does not allow making real-time decisions about call routing on the fly as i3 standards suggest.
- New - Expenditure Map. Interactive view of PSAPs expenditure report administration.
- New - Resolution Center group email. Allows operations manager to send group emails.
- On-going enhancements to existing Expenditure Module User and Admin Toolset.
- On-going maintenance and hosting of Program Portal

3.11 NG911 GIS Toolbox and General Topics (Eileen Battles)

- Includes user-requested updates and enhancements to support West Enterprise Geospatial Data Management System (EGDMS).
- GIS Imagery Network Attached Storage (NAS) devices: 94 built and shipped to date.
- Call handling solution map templates (VESTA Locate): 85 published and maintained.
- NG911 GIS User Group on-going webinars continue to be well-attended.

3.12 Geospatial Call Routing Report (Sherry Massey)

- Program is remarkably successful without errors or hiccups.
- Conversion to geoMSAG nearing completion: 90 PSAPs operating from their GIS data.
- On-going maintenance and end-user training.



3.13 9-1-1 Federal Grant Status (Sherry Massey)

- Overview
 - Per the National 911 Office: “The 911 Grant Program provides Federal funding to help 911 call centers nationwide upgrade equipment and operations so that citizens, first responders, and 911 call-takers can use digital, IP-based, broadband-enabled technologies to coordinate emergency responses.”
 - Only States, Territories, and Tribal Organizations are eligible.
 - This is a reimbursement grant with a 40% match; recipient pays all expenses and submits the paid invoices; grant program then reimburses the 60%.
 - Kansas 911 Grant Program Award: \$2,759,782.00 maximum
 - The Council is applying on behalf of all the PSAPs in the state.
 - We are ready to submit our final application today.
- Grant Project 1 - Subgrants directly to Kansas PSAPs
 - Project Total: \$3.1M, Grant = \$1.8M, Matching Funds (from PSAPs) = \$1.3M
 - Our LCPA (NSI) will administer grant funding and matching funds.
 - A pass-through grant program allowing PSAPs to apply to the Council for projects that meet both the 911 Grant Program requirements and the Kansas 911 Act allowable uses of 911 funds.
 - PSAPs will be required to provide the 40% match as cash in the form of paid invoices. The Council would pay the remaining invoices and submit them for reimbursement.
 - Minimum PSAP project \$10,000
 - \$4,000 from PSAP
 - \$6,000 from Council reimbursed through 911 Grant Program
 - Maximum PSAP project \$500,000
 - \$200,000 from PSAP
 - \$300,000 from Council reimbursed through 911 Grant Program
 - Projects larger than \$500,000 would have a maximum grant award of \$300,000. PSAP would be responsible for the balance, with no reimbursement.
 - **Action** Sherry to facilitate Federal Grant rules development for Council approval once grant is awarded. For example, if a non-traditional PSAP wants to participate in this grant project-1, Council is prohibited from spending 911 fee funds on them. But where grant is reimbursed by Federal government, is that considered spending 911 funds on a non-traditional PSAP. Developing detail rules of the subgrant program do not have to be addressed right now. The first stage of the grant program is to develop such rules.
- Grant Project 2 - Mapping Application for Hosted Phone System
 - Project Total: \$2,135,000
 - Grant = \$959,782
 - Matching Funds (from Council) = \$1,175,218
 - Replace our existing mapping application on the Hosted Solution
 - Our current mapping application VESTA Locate is at end of Life
 - Evaluating replacement applications VESTA Map Local and RapidDeploy
 - Project budget based on estimates of first year costs for each application as provided by AT&T.



- Sherry Massey requested a motion that Council approve [Federal Grant] application and submit on behalf of the Council. Motion made and seconded. Roll call vote unanimous. **Motion carried.**

3.14 Broadband Interoperability Report (Michele Abbott)

- Statewide Interoperability Advisory Committee (SIAC) both have broadband interests.
- *NOTE: this section of the web conference recording went dead due to someone's phone hijacking the recording. Therefore, the following is a reconstruction of what is believed discussed by Michele Abbott during the blackout. does not think they can work under our Charter due to the language of authority; they are under legislative authority. They like mingling the committees but the language of authority under our Charter should be taken out; they feel like they can't work under it. We can make it work if we remove the "Authority" language out of our charter. Next meeting is April 30, 2019.*
- Broadband / FirstNet™ subscribers and infrastructure buildout is way ahead of where they thought they would be at this time. Updated Band Class 14 deployment in the state.
- Invitation to tour FirstNet site in Missouri. **ACTION Scott, Lori and Phill to attend tour April 25, 2019; Michele not able to attend.**

3.15 Technical Committee Report (Phill Ryan)

- Phase-1 is our hosted solution
 - 91 PSAPs on our platform
 - By consolidating backroom equipment saves about 50% over individual
- Phase-2 is our ESInet
 - Puts more sophistication in switching in back side of the 911 platform (not legacy CAMA tandem circuits)
 - Allows call to come in 7-12 seconds faster [every second counts in an emergency]
 - Allows calls to be transferred anywhere in the state with anyone on the system; can now cross LATA with ALI /ANI
 - Have 79 PSAPs on ESInet
- Phase-3 is our geospatial call routing
 - Currently loading Motorola release 7.2 software on south host that will allow geospatial call routing
 - Hutch/Reno going on platform in May and soak test for 30 days; then, migrate to rest.
 - GIS work being done in the background to be able to use geospatial call routing which brings enormous capabilities now and in the future. For example, sets the stage for wireless carriers when they send handset longitude-latitude coordinates specific boundaries can be carved out so that call can be routed to exact jurisdiction that call comes from.
- Day-2 Support. Every week we collect and analyze trouble tickets. About 50% of tickets are generated internally where PSAP is not even aware that an event even happened. The other 50% of tickets are troubles that PSAP report to the Resolution Center. Significant events go through a formal after-action review process to make sure the incident is well understood, and future occurrences are unlikely.



- Security subcommittee. Reviewed annual AT&T Security Audit Report under non-disclosure agreements due to the sensitivity of cybersecurity concerns. A few answers forthcoming from their service provider.

3.16 Program Management Report (Randall White)

- Program is currently on track against the original implementation baseline. However,
- Strategic Plan for 2020-2022 must be significantly revised to match HB2084 changes to Act
- Business Case must be significantly revised to match HB2084 changes to Act
- Work Plan must be significantly revised to match HB2084 changes to Act

4 New Business (Chief Heitschmidt)

- **Next meeting is June 7, 2019, web conference.**
- Chairman Heitschmidt thanked everyone involved in HB2084. While we did not get where we wanted to be, we made progress. He encouraged Council members to reach out to their represented organizations and to individual legislators to discuss HB2084 and its impact to the program.

5 Adjournment

Sheriff Troy Briggs moved to adjourn. Kathy Kuenstler seconded. Voice vote. **Motion carried.**

The meeting adjourned at approximately 12:01 P.M.

Submitted by:

Scott Ekberg
NG911 Administrator