



Kansas 911 Expenditure Review Committee Charter

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Prepared for Kansas 911 Coordinating Council



1 Introduction

The Kansas 911 Act (K.S.A. 2018 Supp. 12-5362 et seq.) as amended by House Bill 2084, provides that the 911 Coordinating Council (Council) shall annually review expenditures of 911 funds reported on the annual report for each Public Safety Answering Point (PSAP) and shall appoint a committee to review such expenditures. The purpose of this Charter is to formalize the process for and define the mission of the Expenditure Review Committee (ERC).

2 Background

On July 1, 2019, amendments to the Kansas 911 Act (the Act) made by HB 2084, became law. The Act provides that a committee of the Council review all expenditures reported by PSAPs on the annual expenditure report. If the committee determines that a reported expenditure was not authorized by this act, the committee shall request that the expenditure be refunded by the PSAP to the PSAP's 911 account.

3 Authority

The ERC is created under the authority of K.S.A. 2018 Supp. 12-5375 (c).

The ERC will review each annual expenditure of 911 funds reported by the PSAPs on the annual expenditure report or in a pre-approval request pursuant to L. 2019, Ch. 39, Sec. 13 (b). The ERC will ensure that all 911 funds expended are for purposes allowed by K.S.A. 2018 Supp. 12-5375 (a). Those purposes are:

1. Implementation of 911 services
2. Purchase of 911 equipment and upgrades
3. Maintenance and license fees for 911 equipment
4. Training of PSAP personnel
5. Monthly recurring charges billed by service suppliers
6. Installation, service establishment and nonrecurring start-up charges billed by the service supplier
7. Charges for capital improvements and equipment or other physical enhancements to the 911 system
8. The original acquisition and installation of road signs designed to aid in the delivery of emergency service

The ERC will further ensure that no expenditure of 911 funds are for prohibited purposes as defined by K.S.A. 2018 Supp. 12-5375 (a). Those purposes are:

1. Expenditures to lease, construct, expand, acquire, remodel, renovate, repair, furnish or make improvements to buildings or similar facilities.
2. Expenditures to purchase subscriber radio equipment

The Council has empowered the ERC with the authority to:

1. Review all pre-approval expenditure requests made pursuant to L. 2019, Ch. 39, Sec. 13 (b).
2. Review all annual expenditures of 911 funds reported by the PSAPs on the annual expenditure report.



3. Request clarifying information from the PSAPs to aid in determining allowability of questioned expenditures.
4. Determine the allowability of all 911 fund expenditures in accordance with the Act.
5. Request refund of any expenditures found to be unallowable under the Act to the 911 Fee Fund Account of the PSAP found to have expended 911 funds contrary to the Act.
6. Provide information to the Council regarding any expenditure found to be unallowable.

4 Purpose

The purpose of this Charter is to establish the process for and define the mission of the Expenditure Review Committee (ERC). Further, it is the purpose of the ERC to ensure that all Kansas 911 fee funds are expended in accordance with the Act.

5 Scope

This Charter will be effective for all 911 fee expenditures made and reported on the 2019 Annual Expenditure Reports, due March 1, 2020, and will be controlling for all subsequent expenditure reports:

- Chairperson of the ERC will work with the NG911 Administrator and 911 Liaison to facilitate the successful completion of the tasks of the committee.
- Determine allowability under K.S.A. 2018 Supp. 12-5375 (a) of all 911 fee fund expenditures viewed in the light of the expenditure's relation to the **receiving, processing and transmitting of a 9-1-1 call**. In general, the use of 911 funds must have a direct relationship to the performance of 911 and emergency communications functions performed by PSAP personnel who receive, process and transmit 9-1-1 calls to emergency responders.
- The purchase, replacement, upgrade or maintenance of subscriber radio equipment is prohibited by the Act and any expenditures for this purpose will be found to be unallowable.
- Request reimbursement for any 911 fund expenditures found to not be allowable under K.S.A. 2018 Supp. 12-5375 (a).
- Notify any PSAP asked to reimburse an unallowable expenditure of their right to appeal the decision of the ERC, to the Council.
- Present the findings and reasoning of the ERC at any appeal hearing.

6 Applicable Documents and Standards

- Kansas 9-1-1 Act
- K.A.R. 132-4-3
- Kansas NG911 Operations Manual Section 5.6
- Council Guidance on Use of 911 Funds (<https://www.kansas911.org/wp-content/uploads/2019/06/NG911-Guidance-for-Use-of-911-Funds-Philosophy.pdf>)
- Council Frequently Asked Questions on Use of 911 Funds (<https://www.kansas911.org/finance/#fees>)

7 Organization

The ERC will consist of seven to ten members. The Chair of the Council Operations Committee will serve as the Chair of the ERC. Membership of the ERC will consist of members appointed by the Chair of the Operations Committee and may include Operations Committee Members, other Council Members, or representatives of the PSAP Community at large. The Chair of the ERC will distribute solicitations for



volunteers to serve on the ERC to all Kansas PSAPs. Determination of ERC members is at the sole discretion of the Operations Chair. The 911 Liaison and the NG911 Administrator will support the committee as needed.

The members of the ERC will serve at the pleasure of the Council Chair and Operations Committee Chair.

Decision making:

- Each member of the ERC has one vote to cast.
- The goal of the expenditure review will be to reach consensus on any expenditure questioned by any member of the ERC
- Decisions of the ERC membership will
- Simple majority rules. All decisions and recommendations approved by a simple majority will be considered a decision or recommendation of the committee.
- A simple majority of voting members of the ERC constitutes a quorum. A quorum is required to decide the allowability of an expenditure. If a quorum is not achieved, votes will be tabled.
- All Meetings of the Committee will comply with Kansas Open Meetings Act (KOMA) requirements, including publishing notice of all meetings on the Public Square website.
- Documents produced by the Committee, will be subject to the Kansas Open Records Act (KORA).

8 Communication Plan

The ERC will meet as needed to review expenditure reports. Meetings may be conducted in person or via web conference at the discretion of the ERC chairperson. Adverse decisions of the ERC will be communicated to the effected PSAP by email notifications.

9 Budget

The Council Operations Committee budget will support the ERC. Travel expenses incurred by ERC members in attending ERC meetings will be paid from the Operations Fund pursuant to K.S.A. 12-5364(c)(2)(i). Members of the ERC may receive reasonable reimbursement for meals and travel expenses, but shall serve without other compensation.

10 Reporting to the Council

The Chairperson or his designee shall provide a report of expenditure report review status to the Council at each regularly scheduled meeting of the Council as appropriate.

Approved by the Kansas 911 Coordinating Council on _____.