



SOUTH DAKOTA 9-1-1 COORDINATION BOARD

MEETING MINUTES FOR OCTOBER 19, 2017

211 E PROSPECT AVENUE, PIERRE, SD

Board members present: Brown, DeNeui, Haines, Kippley, Reinesch, Rufledt, Sawvell, Serr

Board Members Absent: Harding, McPeek, Miller

Staff Present: Shawnie Rechtenbaugh (State 9-1-1 Coordinator), Jenna Howell (DPS Legal Counsel)

Others present: Dawn Hill (DPS), Mark Mills, Sara Weston (911 Authority), Joel McCamley (911 Authority), Wendy Day (911 Authority), Jessica Frye (GeoComm), Cora Schwader (Miner Co Dispatch), Rich Coit (SDTA), Greg Dean (SDTA), Matt Tooley (Metro 911), Kim Scovell (Comtech)

I. Call to Order and Roll Call

The meeting was called to order at 10:00am CDT by Rufledt. Roll call was taken and a quorum was present.

II. Approval of Agenda

Rechtenbaugh requested to reorder a few items on the agenda due to folks who were joining the call to provide comment should the board need it.

Motion to approve the meeting agenda with changes noted.

Moved by: Kippley Seconded by: Haines

Discussion: None.

Vote: 8 yeas, 0 nays. Motion Carried unanimously.

III. Approval of Meeting Minutes

Motion to approve the August 10, 2017 meeting minutes.

Moved by: Haines Seconded by: Reinesch

Discussion: None

Vote: 8 yeas, 0 nays. Motion carried unanimously.

IV. Election of Chair and Vice Chair

Brown noted Rufledt and Serr were willing to serve another term in their respective roles if it would please the board. Members noted they have appreciated the leadership of Rufledt and Serr though the NG911 project.

Motion to elect Ted Rufledt, Jr as chair of the 911 Coordination Board.

Moved by: Haines Seconded by: Reinesch

Discussion: None

Vote: 8 yeas, 0 nays. Motion carried unanimously.

Motion to elect Kelly Serr as vice chair of the 911 Coordination Board.

Moved by: Haines Seconded by: DeNeui

Discussion: None

Vote: 8 yeas, 0 nays. Motion Carried unanimously.

V. NG911 Project Updates

A. GeoComm Report. Jessica Frye with GeoComm reported 62 of 66 are reporting data in the DIMES system. This includes 3 tribal counties. We have not received data from Butte, Dewey, Oglala Lakota, and Ziebach. The statewide accuracy average is currently at 93.01% with 28 counties over 95% accuracy rating.

B. NG911 Project Management Update. Sara Weston reported CPE installation is complete. We are diligently monitoring trouble tickets, which have been declining in numbers. The majority of our focus now is on the ESInet transition. Comtech is getting everything they need ready prior to first PSAP cut. The letters of authorization (LOAs) have been sent out to carriers and Comtech has recently provided us with the draft ESInet deployment schedule which we are reviewing. We have been in discussions with the Watertown PSAP who has agreed to be the Beta PSAP for the ESInet deployment. We have also been working on developing Policy Routing documents which each PSAP will need to complete ahead of their cutover to the ESInet. We are currently reviewing suggested edits provided by Comtech.

C. PUC Declaratory Ruling. One of the steps in the ESInet project is the connection of all the carriers in the state to the new network. Comtech has been working with those carriers to provide the information they need. We were contacted by the rural carriers in the state that are part of the SD Telecommunications Association. The question at hand is whether Comtech needs to come to the rural carriers or the carriers need to come to Comtech. We have had many conversations with both Comtech and SDTA on this issue as well as the two of them have discussed it as well, looking for a solution. We have come to a bit of an impasse and believe the PUC is the governing body to determine where the responsibility lies. In 2015 Comtech filed with the PUC to obtain CLEC status. At that time there was a stipulation put on the CLEC status that said the question of connection responsibility had not been decided. It was left as an unresolved issue to be addressed at a later date. We would like to request the PUC reexamine the issue and make a ruling of who has the interconnection responsibility. The applicable PUC rule is 20:10:01:34. Once the PUC has gathered the information they need, they provide a response within 60 days.

Motion to authorize the filing of the declaratory petition with the PUC.

Moved by: Serr Seconded by: Kippley

Discussion: Rich Coit with SDTA commented that the order was issued in December 2015 and the stipulation remains unresolved. SDTA and Comtech have not been able to find any common ground. SDTA is favorable to the idea of petitioning the PUC for declaratory ruling. They do not want to delay the project by filing their own formal complaint with the PUC. They would like to make sure transport obligations are in line with legal obligations.

Kim Scoville with Comtech commented that there has been a lot of good faith on both sides. There have been lots of well-meant discussions thus far. The PUC does have expertise in this area and looking at it in more depth. He asked if there was a possibility to do two things in advance. Could the board ask the PUC to have pre-meeting on the issue and he believes they are still missing information that is needed to resolve the issue. Howell asked if the pre-meeting would be likened to a discovery meeting. Ruffledt commented if the pre-meeting is part of the PUC's normal practice he would not have a problem making that request. Howell offered to ask PUC legal staff if it's part of their process. Rich Coit agreed it would be a good idea.

Brown asked Howell if due to his employment with SDN he should abstain from voting. Howell said in general cases it is up to the individual board member to decide to vote or abstain if they have a conflict of interest.

Vote: 6 yeas, 0 nays. Sawvell and Brown abstained. Motion passed.

D. NG911 Project Manager. Back in August of 2013 the board approved the State 911 Master plan. Goal 8 of the plan was to hire a NG911 Project Manager. She recommended the board consider approval of the position at this time. DPS has available FTE so it would not be necessary to ask the legislature. Rechtenbaugh would work with DPS and BHR to create the position and get it classified. The NG911 Project Manager would be a state employee hired and supervised by DPS and the salary would be paid from the 911 Coordination Fund. Ruffedt commented he has supported the addition of this position from the beginning. We will need the support of our consultants through the rest of deployment, but this gives us time to get a local person in a permanent position on board and up to speed to take over all of the daily maintenance work of next gen. Serr commented that 911 is not a Monday through Friday 8-5 position. It is an investment we need to make as the demands of the project are a lot to juggle. We need to start getting that knowledge transfer happening. Kippley asked if the position would be funded out of the 911 Coordination Fund and Rechtenbaugh confirmed it would if the board approves. Haines commented that it seems there would be plenty of work to keep a full time NG911 manager very busy. There is a lot of coordination when you consider equipment upgrades and replacement on a statewide basis. Rechtenbaugh would supervise the position.

Motion to authorize payment of a full time Next Gen 911 Project Manager out of the 911 Coordination Fund.
Moved by: Brown Seconded by: Sawvell

Discussion: Brown asked what we are currently paying our NG911 consultants. Rechtenbaugh referred the board to the condition statement for monthly expenditures. Serr asked if there is any other action that will be required of the board as DPS works through the BHR process to establish the position. Rechtenbaugh said she would provide regular updates to the Administrative Subcommittee on the progress. Ruffedt commented he was not comfortable with not including a dollar amount in the motion. BHR will determine the salary range, but the board could include a not to exceed amount in the motion. It should also allow for benefits and salary increases per state government processes. Serr asked how long it will take to complete the process and get a person in place. Rechtenbaugh reported it will take a while since we have to create a job description to create a brand new position. DPS will handle the administrative work with BHR.

Amended motion to authorize payment of a full time NG911 Project Manager not to exceed \$60,000 plus benefits and customary salary increases out of the 911 Coordination Fund.

Moved by: Brown Seconded by: Sawvell

Discussion: none.

Vote: 8 yeas, 0 nays. Motion passed unanimously.

VI. Legislative Session 2018

Howell briefed the board at a previous meeting about a problem with how SB 113 was written and passed during the 2017 legislative session. After it was passed, LRC determined it did not amend the required sections of session law in order to accomplish its intent (extend the date on the sunset clause to July 1, 2019). We have visited with Senator Peters (one of the bill's sponsors) about the need to fix the error. We do not know yet how the Governor's Office would like us to proceed.

We are aware of a request for a bill that would allow DOR to provide the line count data specific to each county to the public agency or PSAP it relates to. This is the data these entities used to receive prior to the passage of SB174 in 2012.

DPS will continue to monitor these items and keep the board informed of any 911 related legislation.

Rufledt commented that all board members need to be sure to brief the groups they represent on the board so if and when support is needed they will be prepared to do that. If the \$1.25 surcharge goes away between July 1, 2018 and July 1, 2019 as the law currently requires, this would be a major financial issue for 911.

VII. Annual Report

The 911 Annual Report was presented for board approval. Rechtenbaugh noted typographical edits submitted by board members. This report is submitted to the Governor, legislature and GOAC annually. Rechtenbaugh then presents a summary at a fall GOAC meeting. Exhibit C column "\$ paid to PSAP for 911 Services" needs to be changed as it misrepresents the amount here. While this column does include the dollars paid to a PSAP it may also include over services and fees a county pays. Rechtenbaugh suggested it be renamed as "Services and Fees" with a note identifying the inclusion of dollars paid to the PSAP for 911 services by contracting counties. Haines asked if it would be possible to separate out the contract fee amount paid to the PSAPs. Rechtenbaugh reported it is not possible with the current annual report, but the future report could be updated to separate this dollar amount. Board members agreed this change to the report format should be made for the 2017 report. Rufledt asked why the issues with SB113 were not included in the report. Rechtenbaugh explained the error with SB113 was not brought to our attention until after the reporting period this report covers (June 30, 2017). Therefore this information would be included in next year's annual report. Brown asked how the report is delivered. Rechtenbaugh explained a hard copy of the report is sent to the Governor and electronic copies to Government Operations and Audit Committee members (GOAC), Legislative Research Council and the board. Brown asked if a cover letter should go with it this year explaining the SB113 issues. Rechtenbaugh explained she thought the necessary people are aware of the issue. Senator Deb Peters who is on GOAC is aware of the issue as well as the Governors' Office.

Motion to approve the 911 Annual Report with edits noted.

Moved by: Haines Seconded by: Brown

Discussion: None

Vote: 8 yeas, 0 nays. Motion Carried unanimously.

Rechtenbaugh did point out on Exhibit C, that Mellette County did not submit data again this year. This completion of the 911 Annual Report is required of all counties and PSAPs who receive 911 surcharge funds. With the passage of SB113, the board now has the ability to enforce administrative rule compliance. Howell explained that under the new law, if Mellette County did not complete the next required data submission it would put Winner PSAP out of compliance. Under statute notice must be sent to the public entity (Mellette County) that their surcharge would be withheld until they come into compliance. Rechtenbaugh will communicate with the counties in the state at the release of the 2017 Annual Report form to make sure they are aware of how SB113 impacts them and consequences of non-compliance with administrative rule.

VIII. Yankton County Update

Rechtenbaugh has been in touch with Patty Hojem with Yankton County. Hojem identified the amount that was improperly paid from the county 911 fund back in 2012 as \$141,139. Patty Hojem and Commissioner Don Kettering have joined the call today to address the board on the issue. Hojem asked to remove the item from the legislative audit report and move forward now that the current commission and the county auditor know what they can and cannot spend their 911 funds on. Legislative Audit has left the audit finding in place as it was never addressed by the county with the 911 Board. There has been no further misuse of funds by the county. If the board accepts Yankton County's request that they have addressed the issue to the best of

their ability, Legislative Audit would be able to clear the audit finding. Rechtenbaugh will send confirmation via email to the county of the boards' action.

Motion to notify the Department of Legislative Audit that Yankton County has addressed the misuse of funds with the board.

Moved by: Kippley Seconded by: Reinesch

Discussion: None.

Vote: 8 yeas, 0 nays. Motion carried unanimously.

IX. PSAP Compliance

- A. Miner County – Submitted pictures and a drawing of how they plan to address the PSAP security issue they have remaining. Cora Schwader and Rob Eggert (Chief Deputy) from the county briefed the board on their remodel project to come into compliance. They need to know wall height requirement around dispatch console to be compliant. If permanent wall is built, Ruffedt feels 84" high would be sufficient. He did not feel simply adding height to the existing cubical panel system would create the security necessary to meet the rule. Serr would support construction of an 84" permanent wall with locking doors and a pass through window to conduct business with the public.

Motion to approve the Miner County plan to move forward with improving their PSAP area and come into compliance with the PSAP security requirements.

Moved by: Reinesch Seconded by: Serr

Discussion: None

Vote: 8 yeas, 0 nays. Motion carried.

- B. Bon Homme County – They have one remaining item to come into compliance – long term recorder. The PSAP submitted a plan to purchase the recorder in the next fiscal year and have it in place by March of 2018.

Motion to approve the Bon Homme County plan for compliance.

Moved by: Kippley Seconded by: Haines

Discussion: None.

Vote: 8 yeas, 0 nays. Motion Carried.

- C. Marshall County – The submitted their plan in July. Their commission approved to purchase a recorder. They plan to begin installation the week of October 23rd.

Motion to approve the Marshall County plan for compliance.

Moved by: Brown Seconded by: Haines

Discussion: None.

Vote: 8 yeas, 0 nays. Motion carried.

X. Condition Statement and Collections Report

The September 2017 condition statement and collections report were provided. As you can see by looking at the bottom of the condition statement, the monthly payments to our vendors are averaging about \$300,000. 2% prepaid revenue this month was just under \$100,000 and the states portion of the \$1.25 was about \$221,000. Ending cash balance in the fund is \$6.9 million. If you look at the collections report you will see

the lines are averaging about 815,000 per month. As with past months, about \$700,000 of the \$1.25 surcharge was distributed back to the counties this month. We also distributed about \$77,000 in incentive funds to the 11 eligible PSAPs. This is in line with past months. Revenues and expenses seem to be remaining steady at this time.

XI. Other Business

Next meeting date will be December 14, 2017. Location TBD.

Kippley noted that Brown County's current PSAP director will retire on December 22nd.

XII. Public Comment

There was no public comment.

XIII. Adjourn

Motion to adjourn the meeting.

Moved by: Haines Seconded by: Reinesch

Discussion: None

Vote: 8 yeas, 0 nays. Motion Carried unanimously. Meeting adjourned at 12:31pm Central Time.