

South Dakota 9-1-1 Coordination Board

Meeting Minutes for April 11-12, 2011 (DRAFT)
Cedar Shore Resort, Oacoma, South Dakota
South Dakota Department of Public Safety

April 11, 2011

Board members present: Barthel, Carmon, Falken, Goldschmidt, Haines, Rufledt, Sawvell, Sebert, Serr, Turman

Board members absent: Turbak

Staff present: Michael Houdyshell (9-1-1 Coordinator, DPS Attorney)

Others present: Greg Dean, Edie Jenniges, Tom Sandvick, Elton Blemaster, Rich Rasmussen, Kathryn Benton, Joe Hutmacher

I. Call to Order & Roll Call

Meeting called to order at 1:00 PM by Chairperson Rufledt. Roll was taken and a quorum was present.

II. Approval of Agenda

Motion to approve agenda.

Moved by: Sebert Second by: Haines

Discussion: None

Conclusion: Motion carried unanimously.

III. Approval of December 16, 2010 Meeting Minutes

Motion to approve meeting minutes.

Moved by: Sebert Second by: Carmon

Discussion: None

Conclusion: Motion carried unanimously.

IV. Public Comment

Rich Rasmussen, Brule County Commissioner, asked the Board if siren and radio upgrades were allowable expenditures of the 9-1-1 surcharge. Rasmussen commented that the county had surcharge monies available for those expenditures, but was unsure whether the Board's administrative rules allowed expenditures on these items.

Kathryn Benton, Brule County Emergency Manager, provided additional information to the Board regarding the county's issues with the current sirens and radios. Benton noted that the county had secured grant funding for the required upgrades, but that a match was required by the terms of the grant and the surcharge was one source of match the county was considering at the time.

Joe Hutmacher, Chamberlain, SD Police Chief, provided the Board with information regarding the lack of coverage available on the state radio system in portions of Brule County. Hutmacher explained that the requested upgrades would ensure that fire, police, and medical personnel had adequate communications throughout the county.

V. Election of Board Chair and Vice Chair

Chairman Rufledt opened the floor for nominations for the positions of Board Chair and Vice Chair. Rufledt noted that the Amended Bylaws require election of Chair and Vice Chair during the Annual Meeting in October; however, this was not done in 2010. In order to get back on schedule, Rufledt sought nominations for both positions to serve from the present date to the Annual Meeting in October of 2011.

Motion to nominate Rufledt as Chair and Haines as Vice Chair.

Moved by: Barthel Second by: Sebert

Discussion: Barthel commented that both Rufledt and Haines had served the Board admirably during the past and should continue to lead the Board going forward. Haines concurred that Rufledt should continue as Chair.

Conclusion: Motion carried unanimously.

VI. Review of 9-1-1 Board and Committees: continue as is or changes needed?

Houdyshell gave an overview of the current Board subcommittees and membership terms.

Motion to create a nomination subcommittee.

Moved by: Carmon Second by: Haines

Discussion: Carmon commented that the Board should have a subcommittee to make recommendations for future Chair and Vice Chair nominees. Barthel, Carmon, and Falken volunteered to sit on a nomination subcommittee.

Conclusion: Motion carried unanimously.

VII. Re-cap of 2011 Legislative Session and possible legislation for 2012

Houdyshell provided a re-cap of HB 1014, which passed during the 2011 legislative session. Houdyshell commented that the legislation improved the Board's ability to oversee the use of 9-1-1 surcharge monies through administrative rulemaking and provided clarity to the purpose of the 9-1-1 surcharge.

Houdyshell then provided an update on the Winbourne & Costas, Inc. contract and 2009 surcharge data collection project. Houdyshell noted that the consultant agreed to accept eighty-five percent of the total contract amount as payment in full on the contract and to cease work on the report.

Motion to acknowledge receipt of consultant's final draft of report and settlement of contract for eighty-five percent of total contract amount in lieu of full payment of the total contract amount.

Moved by: Carmon Second by: Serr

Discussion: None

Conclusion: Motion carried unanimously.

Houdyshell then described the white paper he prepared based on the consultant's analysis and the Board's funding subcommittee internal review of the 2009 surcharge data. Houdyshell will make any necessary final revisions prior to the next Board meeting.

The Board then discussed whether a formal position needed to be taken in regard to a potential surcharge increase.

Motion to authorize the state Coordinator to discuss a surcharge increase with the Secretary of Public Safety and to have the Secretary brief the Governor's staff on the situation and report back with the administration's position on the matter.

Moved by: Carmon Second by: Sawvill

Discussion: None

Conclusion: Motion carried unanimously.

Houdyshell then discussed the issue of point-of-sale collection of the surcharge on prepaid wireless service. Houdyshell commented that at least three states currently have laws requiring point-of-sale collection and several other states either have proposed legislation or are considering point-of-sale collection on prepaid wireless service.

Motion to refer issue to funding subcommittee.

Moved by: Barthel Second by: Sebert

Discussion: None

Conclusion: Motion carried unanimously.

VIII. Discussion on possible administrative rulemakings.

Rufledt deferred this agenda item until the next day's session.

IX. Presentation on NG911 by SDN/IES

SDN Communications and IES provided an overview of their NG911 solution to the Board.

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Board members present: Barthel, Carmon, Falken, Goldschmidt, Haines, Rufledt, Sawvell, Sebert, Serr, Turman

Board members absent: Turbak

Staff present: Michael Houdyshell (9-1-1 Coordinator, DPS Attorney)

Others present: Edie Jenniges, Tom Sandvick, Elton Blemaster

X. Continued discussion on possible administrative rulemakings from previous day.

i. Radio equipment

The Board had a discussion on whether certain purchases of certain radio equipment should be an allowable expenditure of the surcharge. Draft language for a possible

administrative rule was discussed. The board discussed possible revisions to the draft language.

Motion to accept radio equipment rule proposal and to direct Chairman Ruffedt and Coordinator Houdyshell to clarify the draft language prior to the next Board meeting.

Moved by: Barthel Second by: Sebert

Discussion: None

Conclusion: Motion carried unanimously.

ii. Addressing and street signs

The Board had a discussion on what addressing and street signage expenditures should be allowable uses of the surcharge. Haines suggested some revisions to the proposed rule, which will be incorporated by Houdyshell in a subsequent redraft.

Motion to accept addressing and street sign rule proposal with Haines revisions.

Moved by: Carmon Second by: Haines

Discussion: None

Conclusion: Motion carried on a 8-1 vote (Serr voting Nay)

iii. 9-1-1 Fund balances

The Board discussed a proposed rule regarding county/municipal 9-1-1 Fund balances. Houdyshell stated that he had sent the draft language to the Department of Legislative Audit for feedback, but had not heard back as of today. The board agreed that some limits on fund balances may be necessary, but felt it would be better to hear from DLA prior to moving forward. Chairman Ruffedt tabled the issue.

iv. MLTS (multi-line telephone systems)

Ruffedt briefed the Board on the issues involving multi-line telephone systems. Several states have legislation addressing the issue, but nothing has been done in South Dakota to require E911 compliance for MLTS. Houdyshell commented that he thought the issue should be addressed legislatively.

Motion to refer the MLTS issue to the technical subcommittee for further study.

Moved by: Barthel Second by: Falken

Discussion: None

Conclusion: Motion carried unanimously.

XI. Discussion of State 9-1-1 Plan and NG911 issues

Rufledt led a discussion on the preparation of a state 9-1-1 Plan, which the Board is tasked with per state law. Several sample plans from other states were distributed to the Board for review. It was agreed that the Board could use other state plans to develop an outline of what South Dakota's state plan should contain. Rufledt asked the Chairs of each subcommittee to review the sample plans and provide Houdyshell with a summary of what each member felt should be in the South Dakota plan. Houdyshell will then prepare an outline of a draft plan for review at the next Board meeting. The Board will then assign sections of the plan to the appropriate subcommittees for completion.

XII. Coordinator's Report

i. Updated on AT&T prepaid surcharge issue

Houdyshell briefed the Board on the prepaid wireless remittance issue caused by the Alltel-AT&T transition. According to Houdyshell, the problem has been identified by AT&T and the company will be filing amended returns for the 3rd and 4th quarters of 2010 and will be remitting 1st quarter 2011 prior to the April 30 deadline. The Board directed Houdyshell to send a letter to AT&T confirming its understanding of the resolution.

ii. Update on North Sioux City/Union County issue

Houdyshell briefed the Board on the ongoing issue in Union County regarding the efforts of North Sioux City to collect the surcharge on wireless users within the corporate boundaries of the municipality. The Board does not consider this to be an issue for Board resolution and directed Houdyshell to draft a letter to the parties explaining that the Board will not be intervening in the matter.

iii. PSAP rules compliance surveys/rules compliance issues

Houdyshell briefed the Board on the rules compliance surveys and indicated that there are several surveys yet to be completed. Board members who have not completed their assigned surveys will do so at their earliest convenience. Houdyshell will then compile the results and begin calling or visiting PSAPs with compliance issues.

iv. Update on Board newsletter/regular communications with PSAPs

Houdyshell informed the Board that he intends to prepare a Coordinator's report to periodically distribute to the PSAPs. The purpose of the report will be to keep PSAPs

informed on the Board's work and to provide guidance on rules compliance issues and other matters.

v. PSAP Master Files

Houdyshell showed the Board an example of the PSAP Master Files he is compiling for all 34 PSAPs in the state. The Master File will contain policy and procedures, points of contact information, annual financial reports, and other materials as needed.

XIII. Board meeting dates for remainder of 2011 and other business

The Board agreed on a meeting schedule for the remainder of 2011: June 9th, August 11th, October 13th, and December 8th. All meetings will be held in Oacoma, SD. Meetings in 2012 may move to various locations throughout the state.

XIV. Adjourn

Motion to Adjourn

Moved by: Serr Second by: Sebert

Motion carried unanimously

Meeting adjourned at 12:02 PM