



**SOUTH DAKOTA 9-1-1 COORDINATION BOARD**  
**MEETING MINUTES (DRAFT) FOR OCTOBER 24, 2013**  
**AMERICINN, FT PIERRE, SD**

**Board members present:** Carmon, Falken, Haines, Harding, McPeek, Price, Ruffledt, Sawvell, Serr, Turbak  
**Board members absent:** Jaeger, Krause (Ex Officio Member)  
**Staff Present:** Shawnie Rechtenbaugh (State 9-1-1 Coordinator), Jenna Howell (DPS Staff Attorney)  
**Others present:** Sue Black (Lawrence County 911), Sara Weston (LR Kimball), Eric Erickson (CenturyLink), Julie Wegener (Lake County 911), Daren Ketcham and Jen Disburg (Metro 911), Stacen Gross (GeoComm)

**I. Call to Order and Roll Call**

Meeting called to order at 10:01am CDT by Ruffledt. Roll call was taken and a quorum was present. The board welcomed Chief Lee McPeek as he is a new board member. He is the chief of police at the Watertown Police Department.

**II. Approval of Agenda**

Motion to approve agenda.  
Moved by: Carmon                      Seconded by: Harding  
Discussion: None  
Motion carried unanimously.

**III. Annual Election of Board Chair and Vice Chair**

Falken reported no nominations for the chair or vice chair had been received prior to the meeting. Falken called for nominations for vice chair. Price nominated Kelly Serr as Vice Chair. Haines seconded the nomination. No other nominations were received. Nominations ceased.

Motion to elect Kelly Serr as vice chair.  
Moved by: Price                      Seconded by: Haines  
Discussion: None.  
Motion carried unanimously. Serr abstained.

Falken called for nominations for the chair. Haines nominated Ted Ruffledt and Falken seconded the nomination. No other nominations were made.

Motion to elect Ted Ruffledt, Jr as the chair.  
Moved by: Haines                      Seconded by: Falken  
Discussion: None.  
Motion carried unanimously. Ruffledt abstained.

**IV. Approval of Meeting Minutes**

Motion to approve August 13-14, 2013 meeting minutes.

Moved by: Carmon                      Seconded by: Haines  
Discussion: None  
Motion carried unanimously.

**V. Legal Services**

Howell summarized the letter sent to the board dated September 16<sup>th</sup>. Howells primary role is to serve as counsel for DPS. If the board and DPS would differ on policy issues, their positions could be in direct conflict. Howell recommended the board seek outside counsel. Board members acknowledged that should a situation arise such as this, Howell would withdraw herself as counsel for the board and they would need to seek outside counsel. If the board would like to continue with Howell as legal counsel an Acknowledgement and Waiver of Conflict would need to be signed by the board.

Motion for Ruffedt, on behalf of the board, to sign the waiver of conflict with the changes noted.

Moved by: Carmon                      Seconded by: Turbak  
Discussion: Falken would like to have outside attorney look over the waiver.  
Motion carried unanimously.

**RFP Discussion:**

Secretary Jones and Deputy Commissioner Jim Edman have visited about BITs role in the RFP process and they did confirm that BIT retains the authority to require changes in the specifications if the design does not follow best practices for current and future considerations. Jeff Pierce and Pat Snow, BITs Network Group Manager have been participating in the Network RFP conference calls to provide technical support. Harding shared his experience working with BIT on projects has always been positive and they were an asset. Carmon commented that since he and Sawvell, who are two of our technical experts on the board, have abstained from participating in the RFP process, the BIT staff would be helpful technical experts in the process. At this time we don't know for sure if the Network RFP will result in one or multiple contracts. We will need to work with BIT to determine which will need to be signed by both DPS and BIT administration. Rechtenbaugh will work with Debbie Lancaster from BIT to coordinate the steps of the RFP/contact process with BIT.

**VI. Draft Policy re: Public Safety Software Purchases**

As discussed at our last board meeting, there is a need for the board position on public safety software purchases. At the boards' request, Ruffedt drafted a policy for the boards' consideration.

Motion to approve the policy with the two edits discussed.

Moved by: Carmon                      Seconded by: Price  
Discussion: None  
Motion passed unanimously.

Rechtenbaugh advised she would add the policy to the FAQ document, make other needed updates, and send the updated FAQ out again to interested parties.

**VII. Codington County Inquiry**

The board received an inquiry from Sheriff Toby Wishard of Codington County requesting the board allow for the use of 911 funds to pay 50% of the recurring costs for a dedicated fiber optic line between the Codington County Sheriff's Office and the Watertown Police Department 911 Center. Based on the newly adopted policy, 40% of the cost would be allowable. Rechtenbaugh will share the adopted policy with Sheriff.

## **VIII. Kingsbury County Inquiry**

The board received an inquiry from Kingsbury County related to the expenditure of their surplus 911 funds. They would like to spend \$80,000 to replace all street/avenue intersection signs in the county. They would like approval to pay First District for address assignments. Additionally they asked about paying county coordinator wages and four other E911 Mapping Maintenance services provided by First District, both of which are allowable expenses per administrative rule. The board has previously ruled on these costs as not allowable and felt it was appropriate to adhere to the prior ruling. Rechtenbaugh advised information gathered from the Annual Financial Reports showed Kingsbury County had not made payment to their contract PSAP (Huron) in the last year thus it appears they have at least two years of payments that will need to come from their reserve funds. Additionally, with NG911 on the horizon there may be necessary costs at the local level those funds would be needed for. Falken will meet with the Kingsbury 911 Coordinator and/or the County Commission to discuss the boards' position.

## **IX. Draft RFP Progress Update**

Weston presented a progress update on the two NG911 project RFPs. The NG911 RFP subcommittee and the GIS RFP subcommittee have been meeting via conference call to provide support to Kimball as they draft the documents. Weston advised she would probably need two more calls to finish drafting the RFPs. The drafts will then go through Kimball's QA process and then to the board for review. Weston reported she thought the RFPs would be ready for the board to review in mid to late November. Once the board reviews, makes any changes, and approves, Howell and Secretary Jones will review. Rechtenbaugh will visit with Debbie Lancaster at BIT to see if they have a review process for the RFP. Once the RFP is approved, it will be forwarded to the Office of Procurement for release.

## **X. Assignment of Master Plan Goals**

Rufledt requested the subcommittees each take responsibility for reviewing the applicable goals in the State 911 Master Plan and come up with a proposed timeline for each of the objectives and the overall goal completion. The goals were assigned as follows:

- Goal 1: Legislative Subcommittee – Statutory environment that does not impede implementation of NG911.
- Goal 2: Operations Subcommittee – Create new administrative rules as the 911 system transitions.
- Goal 3: Technical Subcommittee – Communication with carriers.
- Goal 4: Operations Subcommittee – Process and procedure for measuring the efficiency of PSAPs.
- Goal 5: Technical Subcommittee – All PSAPs will connect to the NG911 Network.
- Goal 6: Technical Subcommittee – PSAPs will have the ability to share statewide platforms.
- Goal 7: Technical Subcommittee – Manage the acquisition, implementation and maintenance of NG911 network.
- Goal 8: Administrative Subcommittee – Hiring an additional full-time employee to manage the NG911 program.

The subcommittees will meet to draft suggested timelines for their goals/objectives and report back at a future board meeting.

## **XI. Magic Jack Update**

Rechtenbaugh was recently contacted by a Magic Jack customer who was trying to remit their 911 surcharge. The customer has recently received a communication from Magic Jack saying they are not required to offer

E911 services by the FCC, but have chosen to voluntarily offer E911 service where available. If you sign up for the service, you then receive an email saying Magic Jack is required to attempt to bill you via email for the 911 surcharge imposed by your district. If you agree to pay it takes you to their website and asks for credit card info and asks that you prepay 6 months of surcharge.

As of last Friday, DOR reports Magic Jack did contact them and is now a licensee.

## **XII. Code Red**

Haines advised some of her user agencies have again asked about the use of the alerting system "Code Red." For Mitchell, it would be a secondary paging system. Discussion - There are many different alerting services available today, using a variety of technical solutions to deliver the service. Haines advised she was told by the Code Red representative that the Mobridge PSAP uses their service to page out responders. Code Red states they can translate a voice page to a text and send it to responders so it would not add additional steps or work to what the dispatcher is already trying to do. Some responders served by the Mitchell PSAP live outside their main paging systems coverage area. Code Red would send the page to them as a text message to their cell phone. Mitchell is exploring this as an option for getting pages out to responders, but questioned whether or not 911 funds could be used to purchase the service when using it as a paging solution. Potentially this type of service might be something that could be considered for statewide use once the NG911 network is up and running. There are a handful of PSAPs in the state that use some sort of alerting service now as a secondary paging option. It is not clear if 911 funds were or are being used to pay for the service at all PSAPs. The board considered an earlier request about alerting services but tabled the item. Ruffedt advised this was something the board needed to study and address, in a manner similar to the public safety software policy adopted by the board earlier in this meeting. Serr asked board members to keep an open mind when considering this issue and how the locals address the paging needs in their area. He suggested we need to remember that what works in one county may not work in another. Ruffedt asked the Technical Subcommittee to look into this issue further and bring a report and recommendation back to the board at a future meeting. Rechtenbaugh will email PSAP managers and inquire about any alerting systems they may use and will provide the responses to the Technical Subcommittee. Turbak commented that the board has already established the allowable uses of 911 funds yet spends a lot of time considering requests to spend 911 funds on other things while at the same time, the PSAPs are only funded at about the 50% level. He also commented that the counties and cities that operate PSAPs have to use their general funds to make up the difference to keep their PSAPs open while many counties that contract for PSAP services seem to have surplus 911 funds. Turbak commented that the board would need to address this issue at some point and that most or all of the 911 surcharge a county receives should be going to fund the budget of their PSAP.

## **XIII. Coordinators Report**

- A. GOAC Presentation** – On Sept 24<sup>th</sup> Rechtenbaugh presented a summary of the Annual Report to the Government Operations and Audit Committee members. Board members Price and Ruffedt attended the meeting as well. This fulfills the statutory requirement until next August.
- B. Compliance Review** – Rechtenbaugh has completed the annual compliance reviews of the eleven incentive PSAPs. All 11 were found to be maintaining compliance with administrative rule and therefore still eligible to receive the incentive dollars.
- C. Conference Phone Purchase** – Per the direction of the board, a conference phone was purchased and is being used today for the conference bridge. The purchase total which included the polycom, two extended reach microphones, travel case and 3 year total warranty was \$1,292.

- D. Web-based Annual Report System** – Smart Software Solutions is working with BIT and they are currently in the process of running the application through scanning processes that make sure it is safe to run on the state servers. It should be up and running at some point in November. SSS will then do more training with Rechtenbaugh to ensure the system is ready to go by Dec 1st. Rechtenbaugh will then contact the counties and PSAPs to get them a login for the system in preparation for their spring report submittal.
- E. PSAP Annual Budget Collection** – In October, Rechtenbaugh contacted the 29 locally operated PSAPs and the 4 tribal PSAPs and requested they submit their annual budget for calendar year 2014. At the time of the meeting, 16 reports have been received. The deadline for submission is Oct. 31, 2013. The board asked Rechtenbaugh to summarize some information from the reports and provide it at the next board meeting.
- F. Condition Statement and Collections Report** – The September Condition Statement shows the 2% pre-paid wireless revenue received for FY14 is \$135,753. The revenue from the states portion of the \$1.25 for FY14 is \$691,626. Total balance in the 911 Coordination Fund is \$3,933,049. The largest current expense from the fund is the contract with LR Kimball for the NG911 consulting services. The Collections Report shows 850,209 lines reported statewide for the month of July. The total surcharge collected by DOR was \$1,040,806. The surcharge is then split 70/30 with 70% or \$728,564 going back to the counties in which it was collected. The 30% is then further split with 26% or \$81,183 going to incentive PSAPs and 4% or \$231,059 going to the Coordination Fund which corresponds with the amount reported on the condition statement. And the 2% prepaid wireless amount again is the \$68,588.
- G. AT&T Mobility's Phase 2 data** – On Sept. 3<sup>rd</sup> Rechtenbaugh sent an inquiry to the PSAPs asking if any were seeing declines in the availability and accuracy of Wireless Phase 2 location information. Pennington, Mitchell, Custer, Watertown, Charles Mix, Brookings, Mobridge, Spearfish, Winner, and Hand County PSAPs reported they usually have to rebid the calls multiple times to get location information. Serr indicated Sheriff DeBoer talked with Gary Hanson at the PUC and they were working on it. Ruffedt shared that AT&T Mobility advised him they are operating within FCC guidelines.
- H. Dakota 9-1-1 Conference** – Rechtenbaugh and Ruffedt attended the Dakota 9-1-1 Conference in Bismarck, ND last month. There were some informative speakers that both found very relevant to PSAPs and law enforcement. Lt. Tracy Harpster presented on 911 Homicide Calls: Is the Caller the Killer, and Greg Reinke from the Federal Department of Energy-Office of Secure Transportation presented on the transport of nuclear weapons across the US. Both presenters provided a wealth of knowledge on their topic.
- I. FAQ's** – The frequently asked questions document is in need of an update. A couple answers need to be revised due to the past changes the board has made to administrative rule. Additionally, the information about the public safety software purchase policy will be added. Rechtenbaugh will have it ready for board review at the next meeting.

#### **XIV. Other Business**

**Coordination Fund Grant Program Eligibility** - At the last board meeting a question was raised about tribal PSAP eligibility for the Coordination Fund Grant Program since they do not contribute dollars to the fund.

The board decided the Applicant Eligibility section should be revised to note that eligible applicants include cities, counties, or federally recognized tribes in SD that contribute 911 surcharge into the State 911 Coordination Fund. Rechtenbaugh will make the changes as noted.

**Review of Sub-Committees Chairs for NG911 and GIS** – According to the bylaws the Funding Subcommittee is required to have six board members. Falken and Harding volunteered to join the Financial Subcommittee. Serr will replace Haines on the Administrative subcommittee and Price will be the chair. Falken agreed to chair the Nominations subcommittee. Falken will no longer be on the Operations Subcommittee so Haines will be the chair. The two RFP subcommittees will select their chairperson on their next conference call.

**Next meeting date** will be Thursday, December 12, 2013 at 10:00am central time in Fort Pierre. Rechtenbaugh will contact Yvonne Taylor with the SD Municipal League about using their conference room.

**Legislation Item** – John McQuillen from Brown County Sheriff's Office requested the board look into the PSAP Denial of Service (Swatting) incidences and making a change to statute to give more teeth to dealing with the problem. The related statute he suggested is SDCL 22-34-28. We are past the deadline to submit department bills for this legislative session. Price commented that Chiefs' of Police are looking into this and possibly bringing a bill. The board agreed to continue to watch the issue since several groups have an interest in combating this problem.

**Grant Request from Winner PD** – Rechtenbaugh received a grant request from Winner PD PSAP and provided copies for the board to review.

Move to approve the grant request.

Moved by: Falken      Seconded by: Carmon

Discussion: Rechtenbaugh will need to review the application to ensure it meets all requirements.

Amended Motion to approve the grant request after Rechtenbaugh has determined that all grant program guidelines have been met.

Moved by: Falken      Seconded by: Carmon

Discussion: None.

Motion passed unanimously.

**Update on Yankton County** – Falken reported a Yankton County Commissioner did present to the SD Association of County Commissioners legislative subcommittee to request they take legislation forward related to the allowed expenditures for 911 funds. The subcommittee did not approve the request and SDACC will not be bringing the legislation. Serr visited with Yankton County Sheriff Jim Vlahakis and the sheriff expressed that he understood the allowable guidelines for 911 surcharge funding now. The sheriff expressed intent to comply with the administrative rules related to allowable expenditures.

**Hiring of a second state level 911 staff person** – The board discussed the potential need to hire an additional staff person to be the states NG911 contract manager. Kimball advised the board it will take another full-time person to manage those duties. The board discussed options of a state level FTE through DPS, a contract employee, and a temp employee through DPS. The Administrative subcommittee will work on preparing documentation to show the need for the person, the responsibilities and explore the options available to the board and report back at a future meeting. Howell mentioned that a contract over \$50,000 has to be put out via RFP.

**Cost for BITs Involvement on RFP Subcommittee** – Rechtenbaugh will follow up with BIT to determine what cost if any is involved for the two BIT staff who are participating on the NG911 RFP call. Additionally,

Rechtenbaugh will find out if there will be a charge for BITs involvement with the NG911 contract process. Rechtenbaugh will report back at the next board meeting.

**XV. Public Comment**

There was no public comment.

**XVI. Adjourn**

Motion to adjourn the meeting.

Moved by: Serr                      Seconded by: Haines

Discussion: None

Motion carried unanimously.

Meeting adjourned at 1:37 pm central time.

DRAFT