

**MINUTES OF THE MEETING OF
ARKANSAS 911 BOARD
November 19, 2019**

A regular monthly meeting of the Arkansas 911 Board was held 1:00 a.m. on Thursday, November 21, 2019.

The following were in attendance:

Board

AJ Gary	Director, AR Division of Emergency Management
Skot Covert	Office of Auditor of State
Shelby Johnson	Director, AR GIS Office
Rusty McMillon	Judge, Greene County
(via Conference Call)	Central EMS
Jamie Pafford-Gresham	Pafford EMS
Robert McGowen	Administrator of Public Safety, Benton County
Brian Presley	911/Dispatch Coordinator, Independence County
Rodney Wright	Sheriff, Saline County
Chadwick Henson	Police Chief, City of Trumann PD
(via Conference Call)	
Tommy Sizemore	Fire Chief, Barling Voluntary Fire Department
Doug Sprouse	Mayor, City of Springdale
(via Conference Call)	

Guests:

Renee Hoover	AR ETS Board Administrator
Brad Nye (via call)	Asst. Attorney General, State Agencies Dept., Office of Arkansas Attorney General Leslie Rutledge
Josh Curtis	Association of Arkansas Counties
Alice Wallis	Perry County 911
Jennifer Wheeler	Arkansas GIS Office
Judy Wells	Van Buren County 911
Gary "Bud" Gray	North Little Rock OES
Jordan Roark	North Little Rock OES
Ronya Marveggio	Bentonville Police Department
Brandy Mendoza	Bentonville Police Department
Brittney Pullen	Bentonville Police Department
Mindy Corbett	Bentonville Police Department
Tina Owens	ADEM
Nita Roper	Logan County 9-1-1

Josh Hallenbeck
Blake Gary
Angela Bain
Stacy Hunt
Jonathan Duran
Randall Berry

Mullenix & Associates
Arkansas Municipal League
MEMS
ADEM
AR GIS Office
Grant County 911

A quorum was declared and Director Gary called the meeting to order and presided over the meeting.

Upon a motion made and seconded, the minutes of the October 17, 2019 meeting were unanimously approved as amended.

Financial Reports – The financial report was approved as provided which reflected the total assets and liabilities as of October 31, 2019 to be \$7,517,613.38 in which \$5,207,265.13 is in the State Treasury Money Management Fund account and \$2,310,348.25 is in the US Bank working capital account. An explanation of each of the reports that were included in the monthly financial reports was provided to the Board.

Ms. Hoover reminded the Board that it may be necessary to transfer funds from the State Treasury Money Management Fund to the US Bank working capital account prior the 3Q19 PSAP Distribution in December, 2019.

Jamie Pafford asked for clarification from where the funds in the State Treasury Money Management Fund had come. Ms. Hoover provided the history on the origination of the account and the transference of the funds from the US Bank Investment Account. Ms. Hoover reported that the Arkansas Emergency Telephone Services Board had chosen to transfer the funds due to the opportunity for a higher yielding interest return. She also reported that the income reinvestment has been averaging approximately \$12,000 per month in comparison to an average of \$230 per month at US Bank. The funds originated from the remittances of the 911 surcharge of \$0.65 per month per subscriber.

Monthly expenses of \$302,420.39 were approved for payment as submitted.

OLD BUSINESS –

15% Allocation Balance by County Report - An updated report of the 15% Allocation Fund was presented reflecting a balance of \$740,360.65. This report reflects the total balance remaining and allocated for reimbursement for 17 PSAPs. At the request of Chairman Gary, Ms. Hoover provided an explanation of the funds in the 15% Fund that were allocated for reimbursement of 911 system upgrade costs at the time that the percentage of revenue distributed to the PSAPs quarterly increased from 49.5% to 83.5%. As a result of this change pursuant to legislation that was passed during the 2009 Legislative Session, going forward, there were no longer additional funds to be retained for reimbursements of 911 system upgrades and training expenses. The total of the funds available at the time that the 2009 legislation became effective was allocated by County/PSAP based on the respective population of each so that the funds that were available for reimbursement could be distributed equitably among all primary PSAPs. The report containing the breakdown of the reimbursement allowance for each county/PSAP has been and will continue to be maintained on a monthly basis until the allocation fund has been depleted.

2019 Fiscal Year Audit – Ms. Hoover reported that Hudson, Cisne, & Co., LLC, has provided a draft of the audit report for her review, and the final audit report will be ready for distribution to the Board the following week. The Board members elected to receive a soft copy of the report, so the report will be distributed upon receipt from the auditor. Chairman Gary shared with the members that it is a common practice for the auditor to reach out to the members during the audit process to inquire if there are any concerns regarding the financial reporting. Chairman Gary shared that the auditor had reached out to make him aware that the preliminary report would be out shortly and that everything looked good. He clarified for the Board that the audit was of the Arkansas Emergency Telephone Services Board financial reporting for the previous fiscal year. The members elected to receive the audit report electronically rather than a hard copy. Ms. Hoover also shared that that auditor would be willing to attend the next meeting should it be the pleasure of the Board for additional discussion.

Website Status – Ms. Hoover reported that website for the Arkansas 911 Board is ready for data to begin to be populated, and the site should be available soon.

NEW BUSINESS

Joint Legislative Committee Meeting – Chairman Gary shared with the Board that he had received a request to attend a joint legislative committee meeting on November 6, 2019. During the meeting, he provided an update on the current activities of the Arkansas 911 Board –a brief update of what the Board has been working on and where the Board is at with the subcommittees. Some of the questions that were asked were some of the same questions that the Board still has at this point – what is consolidation going to look like, how much money is coming in, etc. He shared that it will take a while before the increase in funding begins to flow in. The biggest concern that they have is that the prepay fee (10%) they are getting complaints from

Ms. Hoover shared that she has received a lot of calls from consumers who have the same types of questions that the legislators are receiving, and that is why has there been a significant increase from the \$0.65 per transaction to 10% per transaction total. Many of the calls that have been received have been from customers using Straight Talk service, and they have shared that they have authorized Straight Talk to auto draft their bank account for the replenishment of their prepaid service for 3 months in advance. As a result, these customers have been accustomed to paying \$0.65 per subscriber line for three months, and are now paying 10% of the transaction amount for the three-month period.

Chairman Gary shared that the concern is that 10% of the transaction amount may be too much, and it may need to be adjusted during the next legislative session. Also, it is the expectation that the Board will be required to provide updates at future joint legislative committee meetings, so notices for future meetings will be sent to the members even though the meeting notices sometimes go out with very short notice.

Chief Sizemore asked is there are steps that the Board could take to research the questions in advance. Chairman Gary shared that while the legislators may reach out to the Board with questions, they normally go through the Bureau of Legislative Research to gather data. In response to Chairman Gary's question, Ms. Hoover shared that the Bureau of Legislative Research has routinely reached out to her to provide data such as revenue from the 911 surcharges and distributions to the PSAPs.

Shelby Johnson suggested that the Board create a frequently asked questions to post on the website as soon as it is up and running. Ms. Hoover shared that there had previously posted some frequently asked questions with answers to the Board's account on the portal for the public meetings calendar, and those should be updated with more current and relevant questions.

Rules/Bylaws/Operational Standards & Guidelines Sub-Committee – Sub-Committee Chair, Mr. Johnson reported that while this sub-committee has not had an opportunity to meet since the last Arkansas 911 Board meeting, he would like to schedule the next committee meeting for early December. Ms. Johnson shared that he had previously reviewed the current draft of the proposed bylaws with Brad Nye from the Office of the Arkansas Attorney General, and he (Shelby) will share the draft with the members so they may review it prior to the next sub-committee meeting. The next sub-committee meeting for work on the Bylaws was scheduled for 9:00 a.m. on December 11, 2019.

NG911 Implementation Plan Sub-Committee – Sub-Committee Chair, Chief Tommy Sizemore shared that during the NASNA meeting he requested from some of those who have already been where we are to share some documents, and he has received some back already and is waiting on a few more. And upon receipt of those, he will be ready for the sub-committee to meet and begin researching to build a framework for an RFP for an ESInet for the state. Chief Sizemore shared that this whole process is going to take years. He also shared that the State's plan laid it out bullet point very well, so he believes that the Board is at the point now where they ready to begin the process.

Mr. Johnson inquired of Chief Sizemore if he had an opportunity to visit with the Iowa 911 program manager at the fall NASNA meeting. Mr. Johnson shared that having the opportunity to hear from one of his colleagues from the State of Iowa, it seems that they are a lot further down the road than some other states. He suggested that since Iowa is another rural state like Arkansas, it might be beneficial to visit with them further.

Ms. Hoover shared that she had visited with the Iowa 911 Program Manager during the meeting, and they have implemented NG911 services, and they have been engaged with three of their surrounding states performing some interoperability testing across state boundaries.

Sheriff Wright asked Mr. Johnson if Iowa has a 911 coordinator or 911 director for state, and asked the Board if that is something that the Board will be doing to move as one point - to have someone that is going to head up the whole project. And at what point would the Board do that so that person is involved in the majority of the project?

Director Gary shared that is a decision the Board will need to determine.

Sheriff Wright shared that he believes that it is a decision that the Board take action and put out an RFP for a consultant so that the consultant could be engage from the beginning to run the project and to guide the Board.

Ms. Pafford-Gresham asked if this was something that the State planned to do or if it would be up to the discretion of the Board to put that position out there.

Chairman Gary shared that he didn't believe that it would be a State position that would be over 911. He shared that his thoughts were that it would be a consulting type position similar to the administrator's position by service agreement. He also shared with the Board that they

will need to get input from Brad Nye with the Office of Attorney General to determine if the current 911 funding can be used.

Ms. Hoover shared that she will research the NASNA library where there are RFIs and RFQs in which other states have shared as they have already gone through some of the same processes and project with which the Arkansas 911 Board is tasked.

Sheriff Wright shared that he believes that the Board should be thinking about this between now and the end of the year, and maybe consider taking action in January if the Board chooses to go that route with that particular position.

Chairman Gary shared with the Board that these thoughts and ideas are good thoughts, and that the Board wants to do it right, and “quick” is not necessarily right. He shared that he knows that the Board has some timelines, but the biggest timeline is to have a plan put together on how to get it done.

Consolidation Plan for Funding 77 PSAPs – Sub-Committee Chair, Jamie Pafford-Gresham – Ms. Pafford-Gresham shared that the committee has not met, and they will take action as the rules and the bylaws are set forth. She shared that there was a really good meeting when the Board attended the round-table discussion two months ago, and they received great feedback. She shared that the sub-committee needs assistance as well. She stated that she stands pretty close to Sheriff Wright on the fact that the members feel that they need some assistance at the table. She shared that she did not feel that it is the administrator’s job in that sense, and while she has been stellar and very informative, she is going to need assistance the Board goes forward. She shared that it is a huge load and asked for Ms. Hoover’s input.

Ms. Hoover shared her agreement that it is a big project, and that she feels that there has to be someone who leads the communication with consultant(s) who might be hired to work on the NG911 project and the PSAP consolidation plan. And it hasn’t been clear if it was the decision of the Board for the chair of each of the specific committees to be that person who leads the communication.

Sheriff Wright shared that he doesn’t know if the members’ knowledge base is there for that, and he feels that the Board needs someone with that expertise to lead these projects.

Chairman Gary shared that he believes that the members are all in agreement that the Board is going to need to bring in some consultants on these two projects - the ESIInet and how that technology piece is going to work out and also the PSAP consolidation plan.

Mr. Johnson shared that while the Board has the authority to initiate contracts, but he was unclear if the Board, having oversight of the 911 fund, is required to follow the same procurement procedures in the same way that a State agency is required.

Chairman Gary recommended that the Board request advice from Brad Nye for clarification on Mr. Johnson’s question.

Ms. Hoover shared that she had a conversation of a very similar nature with Brad Nye the previous week in which this was part of the discussion. Previously, the ETS Board was not required to go through the annual appropriation process. And while a typical agency will know based on historical data what their expenditures are going to be, and that would be true for this Board with the exception of the funding model change which would have made it very

challenging to estimate the PSAP distributions. Ms. Hoover shared that Mr. Nye has agree do some follow up with the Office of Procurement, and provide a response back to the Board. And unfortunately, he had a conflict and was unable to today's meeting.

Mr. Johnson shared that he was glad that Ms. Hoover had already followed that path and had that conversation which was valuable. He asked if the fees for the proposed consulting services would be paid from the administrative fund or one of the other funds (15% Fund or 83.75% PSAP Distribution Fund) and is there sufficient funds available.

Ms. Hoover shared that it is her opinion that it would have to come out of the administrative fund, and while she doesn't see how there is any allowance in the 15% Fund, there is definitely no allowance in the PSAP Distribution Fund (83.75% Fund).

Chairman Gary asks Ms. Hoover if Mr. Nye is possibly researching this already, and if not, requested that she ask him to provide advice on the question. Ms. Hoover confirmed that they had not yet had any conversations that specifically, but will request his advice on the matter and report back to the Board.

Chairman Gary raised a question regarding the requirement in the legislation for the Board to promulgate rules within one year of the effective date of July 24, 2019 as outlined in Arkansas Code 12-10-305 (b)(2). The question paraphrased was, What if we determine that there are not rules required, is there still a requirement to promulgate a rule in order to be in compliance with the above-referenced code? He suggested that this is another question to refer to Mr. Nye. Chairman Gary also asked for input from Josh Curtis, Association of Arkansas Counties since he helped with the drafting of the legislation.

Mr. Curtis suggested that the question be deferred to Mr. Nye. In follow up to some previous discussion regarding the ability to pay for consultant services from the 15% Fund, he shared that the legislation allows for the purchase of a statewide infrastructure for next generation 911 NG911 including without limitation ESInet, connectivity costs, and next generation 911 components. He shared that it was his opinion that made an allowance for having a consultant to purchase that – to work to purchase that. He shared that he would argue that the Board could use that type of money to hire a consultant to work on the ESInet, to work on the infrastructure for next generation 911, but again, that is a question that should be referred to Mr. Nye.

Chairman Gary requested that Ms. Hoover add that question to the list of questions to submit to Mr. Nye for clarification.

Ms. Hoover asked the Board if a rule would be necessary regarding the decision of the Board to distribute funds monthly to the PSAPs or to continue the current process of distributing the funds quarterly. She shared that the language in the new legislation says the Board "may" remit monthly to the PSAPs. And since the language says "may" rather than "shall", the Board has the discretion to continue to distribute the funds quarterly. Ms. Hoover shared that she has already had a discussion with Mr. Nye regarding this topic, and his informal opinion is that the Board may continue to with the quarterly PSAP distributions if they so choose. However, we did not have any discussion as to the need for any rule on this.

In response to Sheriff Wright's question for clarification as to how long the PSAP distributions have been issued on a quarterly basis, Ms. Hoover confirmed that the PSAP distributions have been issued quarterly since the wireless fund was established.

Again, in response to Sheriff Wright's question as to what are the advantages/disadvantages of remitting monthly, Ms. Hoover shared that a disadvantage would be increasing the workload at the PSAP (or designated county/city office). The Board agreed to continue the process of quarterly distributions to the PSAPs.

National 911 Program Office - 911 State Assessment – The consensus was that there was a great deal of overlap of processes that had already been completed when the Arkansas NG911 Plan was developed. As a result, there was no motion to move forward with a 911 Statewide Assessment.

During this conversation, an additional question was directed to Sheriff Wright asking if APCO made a recommendation for Saline County as a result of their PSAP consolidation study. Sheriff Wright shared that it is his understanding that they will make a recommendation when they meet with them in early December. He also shared that he believes they will make a recommendation as to which department the PSAP should be located.

The Board agreed to have Ms. Hoover reach out to APCO to inquire if they would consider doing a statewide consolidation study and report back to the Board as the information is received.

Chairman Gary shared a recap of some of action items from the meeting as well as some of the questions for Mr. Nye, and then announced that the meeting would be opened for questions from the floor hearing questions from the members first.

Mr. McGowen made a motion for the Board to go into Executive Session, and Mr. Johnson seconded the motion. The Board voted to move into Executive Session.

The meeting was then adjourned with an announcement that the meeting would reconvene upon conclusion of the Executive Session. The recording of the meeting was suspended at that time leaving the conference bridge up for the members on the call.

The meeting reconvened, and Chairman Gary shared that the Board entered into Executive Session to discuss personnel labor contracts, and there was no action to be taken by the Board.

From the Floor (Members) –

Mr. Johnson requested to have an item added to the agenda for the December meeting to bring awareness to the Board of a date conflict in the legislation that relates to the addressing and mapping.

Chief Henson asked about the outage reporting that was discussed in the previous meeting, and after some discussion, the Board agreed that at this time, a reminder will be sent out to the county emergency managers as well as the 911 coordinators requesting that they send notification of the outages to ADEM.

From the Floor (Guests) –

Ronya Marveggio, Bentonville PD, expressed her thanks for allowing the guests to attend and provide input. She expressed the importance to all input from the 911 center managers as

decisions are being made. She suggested that legislation should possibly include that providers should also provide notification to ADEM.

Randall Berry, County OEM and 911 Coordinator, asked for clarification if the Board is requesting notification for all types of outages or just those outages that prevent the 911 call from being delivered to the PSAP. He shared that the Board would be shocked to see how many outage reports are received in a week, much less a year since many are reporting things such as ANI/ALI failures and not just call delivery outages.


Chairman Gary requested that only the outages that prevent 911 call delivery to the PSAP be reported.

Judy Wells, Van Buren County 911 shared that she thinks that the idea of a state 911 coordinator is a very good idea, and that she believes that the Board already has someone who has been involved in the business, has a wealth of knowledge, and is familiar with the operations of – not just one PSAP but many – who would be an excellent one – and that is Ms. Hoover.

Josh Curtis strongly advised the Board to bring on board the consultants to lead the projects as soon as possible. He shared his agreement with what Sheriff Wright had said earlier, that the Board members have a lot of other duties for which they are responsible above and beyond their responsibilities to the 911 board. He also shared the following, complementing the Board, and that is in conversations with a couple of county judges who were in the process of getting APCO to come in and do a study similar to Saline County. But, they did hear that the Board was talking about doing a consolidation plan, and they didn't want move forward if the Board is going to take that action.

The next meeting has been scheduled at 1:00 p.m. on Thursday, December 19, 2019 at ADEM (Arkansas Division of Emergency Management). The date, time, and location of the Arkansas 911 Board meetings will continue to be posted on the Arkansas Public Meetings calendar.

There being no further business to come before the Board, a motion to adjourn the meeting carried.


Chairman