

State 9-1-1 Advisory COMMITTEE MEETING

May 27, 2009

Committee Members In Attendance

Ken Keim, ENP	State 9-1-1 Program
Shannon Marheine, ENP	State 9-1-1 Program
Mark Tennyson	State 9-1-1 Program
Gillien Duvall	State 9-1-1 Program
Sally Jones, ENP	PSAP Metro/I5 Region
Leslie Taylor	PSAP Metro/I5 Region
Mark Buchholz	PSAP Metro/I5 Region
Lynn Reeves, ENP	PSAP Metro/I5 Region
Margie Puckett, RPL	PSAP Central South Region
April Stream	PSAP Central North Region
Ann Rakosi	PSAP Coastal Region
Terry Swearingen	LEC - Qwest

Alternate Representation

Laura Wolfe for Lisa Turley, ENP	PSAP Metro/I5 Region
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Guests

Tobie Reynolds - Prineville 911	John Sneed, Deputy Director, OEM
Kristi Wilde, Central Lane Comm	Rob Poirer – Santiam Canyon 911
Mark Enfield, WESTEK	Johnna Hamilton – RVCCOM
Galen Howard, LCOG	Jolayne Fulmer – RVCCOM
Ken Murphy, Director, OEM	

Shannon Marheine, OEM, called the meeting to order at 10:10 am. At our last meeting we discussed procedures for these meetings as to how we were going to function and address having visitors. We originally intended for this to be a small group with reps from every region in the state. We seem to have a lot of PSAPs now who want to sit in and listen to the Advisory Committee Meetings. We welcome everyone and for the sake of efficiency and getting to all of our topics, we will leave a minute or two for each non-member/visitor at the end of each topic to make sure that your voice is heard.

I. Committee Procedures

Review of Minutes – Those of you who are committee members received these in an email with a specific amount of time to provide changes, etc. Once those are received we will post the minutes to our webpage.

Agenda Outline – For the committee Shannon outlined what her presentation will be for full group today:

- 1) Mark will be giving us a very brief update on the Wireless Committee.
- 2) There will be a brief discussion on the OARs and where we are with the revisions that we have discussed.
- 3) Financial & Budget Issues, that topic seems to be on every agenda as it seems to be the topic that we like to discuss. Most of us are aware of what is going on as a State and with the Legislature but if we need to discuss this more then we will.
- 4) Transition Planning was added to the agenda so that we could discuss what will happen with Ken Keim's position once he leaves. His last day will be this Friday.
- 5) Lastly, we will have open discussion for new business.

II. 9-1-1 Program Updates

Today in front of the group Shannon will be doing a presentation that talks about the 9-1-1 Program Goals and what we are doing to reach those goals and where we are going as a Program. She provided a brief summary sheet to the group which outlines the subjects that she will be discussing this afternoon. The reason this sheet is being handed out ahead of time is to give the committee an opportunity to add input or address any questions that they may have.

Q: Regarding the Strategic Planning mentioned in the handout – “Is this planning going to be worked out through this committee, will we have a roll in this? “

A: Shannon responded yes, absolutely. We are going to put together something in a draft form so that by the Fall Meeting this Committee will be able to review the draft.

The members of the Committee will receive a copy of this a week prior to the next meeting in October at the Riverhouse. The next Committee meeting will probably be held at OEM. Adding the Advisory Meeting on to our Fall Quarterly Meeting schedule seems to be a bit much for the amount of time that we have.

Q: Are you planning on doing anymore of the PSAP surveys?

A: Every December we will be doing the same type of survey with a ballot process. The following quarterly meeting after that you will receive a report on those results. That is the basis of this presentation. It was suggested at a past meeting that we have a type of report card on that survey.

Shannon mentioned that one of the topics she heard in passing was that there is sometimes a disconnect between the PSAPs and the 9-1-1 Program. The intent of this Advisory Committee is to be a stop gap. A lot of folks will come to us

personally and tell us what is going on and that is encouraged, but there are some that do not feel comfortable doing that or don't want to (for whatever reason) therefore, the survey will be given to everybody across the board.

III. Wireless Issues – Committee Report

Mark stated that he does not have a lot to report, he is working with the wireless carriers and continuing to get updated subscriber line counts by county. We are continuing to get Wireless Summary bills from Phase II Cost Recovery, so we take those and allocate down to the PSAP level.

Q. What do the carriers submit for cost recovery?

A. Mark answered that we are still under contract for some of the billed amounts for Phase II. I can get you the details on this later, but we get bills from all of the wireless carriers that we pay quarterly. They give me updated subscriber counts down to the county level, and in some cases down to the city. I look at the updates and what we are actually paying on behalf of any particular PSAP, or at least down to the county. The goal is to get a more finite billing. Right now it is just a quarterly bill. No breakdown in detail.

IV. OAR Update Discussion – Continued Review of Language

Shannon stated that at the last meeting there was a discussion about the revisions that we would be making to the OARS. It is the general consensus of this group to put this on the back burner for now until we get through this session. Everybody is so focused on the important issues at hand that they really have not had the time to go through them. We are still in a “standby” mode with the revisions and are still accepting input. At the October Meeting during our portion of the agenda we will talk about this again. Shannon stressed the importance of getting this done.

Ken Murphy, OEM, suggested that we not let them lag too long after our October meeting. He stated that the Department of Administrative Services has a Bill out now to charge people to change OARs which would cost a lot of money. He is not sure when this would go into effect, perhaps January 1, 2010. Shannon suggested that we set up a timeline at a certain point to get these changes made.

V. Financial – Budget Issues

As Shannon mentioned earlier, this subject has been an agenda item for a very long time. Obviously, because ‘budget’ is a big issue. She says that no one came to her specifically when she was putting the agenda together to say that they wanted to talk about this but she is leaving this on as an “open subject” for anyone who may have any questions or anything for group discussion.

Q: Has there been any word on the DOR wireline cost split?

A: There has been no word yet, the last time that we met with them in January we were told that they absolutely could not segregate those charges. When we heard that Representative Johnson said that DOR was working on doing this we contacted DOR right away and their response was that they are “absolutely not” doing that. They said that she must have misspoke because DOR does not have a way to do that yet. We asked that they contact us immediately if they ever have something in the works so that we are aware of it.

Q: Is the reason that they cannot do that because they are not allowed to reveal this information?

A: Their answer to us was because their data base just cannot handle tracking yet another piece of information. (The big providers do not break down the costs, they bill as a summary.) How they find out numbers is to get the subscriber count from the PUC. Some of our carriers have started to separate the costs. This brings to mind another issue several providers offer VoiP and Landline so how do you separate VoiP out from Landline? They are trying to look at that.

Q: Who could make a request to the Department of Revenue for information?

A: Any person could request information by law, but they can only give you just so much information responded Ken Murphy, who went on to say he would recommend this group have the Department of Revenue come to the October meeting and have them explain how they do things. Shannon agreed that would be a good idea and will look into it.

Q: What is the process if they cannot segregate the costs and it goes back to the Legislatures? Margie Puckett says that it seems like we are at a stalemate here. The Ways & Means Committee said they would not take that money if this was the case.

A. Shannon and Laura both agreed that Margie has a very good question but neither one have an answer at this time.

Shannon went on to say that it was discovered during the DOR audit, the PUC subscriber numbers did not equal revenue producing numbers because of those exempt from taxes. This is where we have a bit of a problem. Ken Keim added that once it becomes part of the tax system it is confidential information. Shannon added that another benefit of meeting regularly with DOR was the invitation to the PUC to meet with both agencies. They are now talking to each other trying to figure out a way to share subscriber information. Ken Murphy again stressed that we need to have them at the next meeting to address some these questions. A proposal could then be made to the Legislative Session to fix this issue, if it is fixable.

Q. Galen Howard stated that sometime ago there was a survey sent out by the Federal Government asking the States how they were using their 9-1-1

Revenue? He recalled seeing a blank form which was sent out. Has the state responded to that?

A. Ken K. answered “yes” the survey was submitted. He elaborated by referring to the form begin a requirement of the 9-1-1 NET Act. It basically asked for gross numbers and what we paid for with it. The time period they were asking for was up to December of 2008. Ken M. did add however, in our response, we did talk about the 3.6 M and the Governors 8.1 M.

Laura added that NENA and their Federal Lobbyist have been in touch with her and know what is going on and are watching it closely. Her opinion and she feels is theirs as well, is that Oregon is going to be made an example of.

Ken K. felt that the biggest worry is they are not able to tax wireless. If the wireless companies see that this money is being taken and diverted, they might not want to pay. Between wireless & VoiP alone, that is 50% of our income.

Margie stated we can't forget that Grant money does have an impact. One example is the current Federal Grant opportunity intended for Broadband for states to become IP enabled and ready for this Next Gen type stuff. This would be the perfect opportunity for the State of Oregon to create the backbone to have the Next Gen stuff put in from the State side.

Q. Another question Margie had (might be more for the Legislative Committee), wouldn't it make sense for this group, or the Oregon APCO NENA Chapter to write a letter to DOR to get an official answer that “No, we cannot segregate this?” Peter Buckley is on record as saying he would not take those dollars if the answer came back that they could not be segregated. Why not forward that back to him to get an official statement from DOR?

A. Shannon responded she thought that DOR made that statement in the first place and that is how they knew they could not do it at all? Margie said Buckley did testify in his statement that if it was proven that they could not split it, then he would look at it again. It was agreed overall by the group that it would be a good idea and Laura volunteered to write the letter. Shannon will provide some contacts for her to direct the letter to.

Q. Mark B. wanted to know at what point is this 8.1 M to come out and who determines that? Is it taken off the top, will it come out quarterly? After it goes into the sub-account? Or, after the distribution?

A. Ken M. responded that nobody can determine that date or time. Right now the process is with the Legislature and the Judicial & Executive Branches trying to come up with an agreement on the budget. FYI - Legislative Fiscal has already asked OMD for the balances in the 9-1-1 Accounts. It is their job to come up with all resources that are available for the Ways & Means by June 30th. It may go longer if they go into a special session and continue on into the summer.

Q. Mark B. is still wondering who is this 'someone' that decides how and when to take the money and how does that get carried out?

A. Ken M. responded that it would come from the Governors Office & the Legislature and they would have to come to an agreement. John Sneed added that we have already made a recommendation that the amount they take be split over the 8 quarters of the biennium rather than a lump sum. Whether or not they will do that, we do not know.

Q. Mark B. still is questioning how this is going to go. He has his fiscal people asking him to show them. They are thinking the money will be taken from the sub-account. Sooner or later these questions will matter. It is very unclear what the actions are and very difficult to try to explain to a Commissioner or a Council Member when he has no facts to back him up.

A. Ken K. responded that we have discussed this as a Program and as John stated, if we had our druthers it would come off the top with a million for each quarter. If it comes out of the sub-account it will affect our ability to pay the bills. Shannon added that they may or may not take recommendations from us.

Q. Mark B. then questions how this is decided? Is it decided on before a House Senate Bill is passed?

A. Ken M. answered it would be decided as one of those Bills. There will be a Bill for each Agency or Department. We will know ahead of time what the outcome will be. Shannon added that the minute we know something, all of you will know because it affects all of us. Let's say hypothetically, the 8.1 million is passed and if it is a million dollar quarter, like John said, a percentage would come out of the Distribution, the Enhanced Account and the Admin Account. They would all take a hit from the very beginning.

Q. Sally asked, if it comes out of the Enhanced Account would we have sufficient funds to pay the network bills?

A. Shannon said, hypothetically, if we are talking about 8 million and we separate it out every quarter, the hit itself to the 35% based on a million dollars, (then 350,000.00) would come out of the Enhanced Account and (this is providing that our Enhanced Account stays where it needs to stay) this is another given for the scenario, we would be ok. We would be able to sustain that hit and still be able to pay the bills. The other caveat to that is the fact they have swept 3.6 million out of the account and I am sure they are still looking at it. We need those funds to carry over to the next quarter. Those bills still come in no matter what, just like your bills do at home.

Q. What would the Program do when the bills are coming in and there is no money in the account to pay them?

A. Shannon said ultimately we are responsible. We have never run through this scenario on paper but she thinks what we would have to do is look at the deposits that have already been made to DOR for the next quarter and say that we need to take those deposits now to sustain operations. We do need to look at

this; it is a great point to be made. We need to put it on paper as a contingency plan.

Sally made the point to address the issues that Mark B. was stating earlier about not being able to explain how a loss of 9-1-1 dollars will affect us. She went on to say that many of us are potentially in the situation of having to explain why a hit to that account would hurt us locally. The Distribution of funds is not the only source we depend on to sustain us. There are bills that are paid on our behalf by the State Program that local PSAPs should be accounting for and including this expense and resource in their budget. If a particular funding goes away, you can point to it and say we have lost that resource but we still have that bill that needs to be paid. The majority of our PSAPs are not doing this and I think it is being irresponsible. We need to train new PSAP Managers how to account for their costs.

Shannon stated that she was glad that Sally brought up that subject, it gave her a segue into this other portion on the 9-1-1 Program Updates. The summary handed out earlier regarding the Program presentation addresses the topic of enhanced reporting. We had discussed at the last meeting, OEM would begin distributing reports out to the PSAPs on what the Program is paying on their behalf. Mark has compiled that information and given it to several people. Every quarter, each PSAP will receive that report. Along with that, each PSAP will get a statewide accounting. The only exception to that is the accounting for the statewide summary bills that are not broken down per PSAP. We have Mark T. working right now on a formula for some of the summary network bills. After the next quarter they will be going out to you automatically each quarter.

Mark B. would like to go on record as stating that his desire would be that the 8.1 million or whatever the amount is, to come completely from the sub-account. I think that time has come to put the pressure on to stop this situation from happening. It seems like the only way this situation is happening is because we constantly have a balance in the account. Take whatever they want, 8 mil, 15 mil, 20mil, drain the account and put the pressure on the situation and let's get it changed. Shannon agreed with Mark B. as far as understanding where he is coming from. Sally added if you do that, you are talking about shutting down whole PSAPs like Wallowa County to where the larger centers might be okay. Shannon interjected saying that is something we need to address and the account is pretty close to being drained as it is. All of you get the report every quarter and the financial letter that shows our account balances, these are also posted on our website. For the next three months we are paying everything out of that. So, at the end of a quarter we should have around 3 million in that account to carry into the next quarter. This is not taking into account any special project expenditures, just paying the everyday operational bills, if we take a million out of that amount every quarter that has the potential to impact our ability to pay those.

Shannon told Mark B. she gets his point but he disagrees that she does. Sally also said that she gets his point. He explained that his point is not the fact that a smaller PSAP would have to close at all. He went on to explain by draining the sub-account, it would keep the smaller PSAPs from doing what they need to be doing, which means the sub-account is subsidizing a smaller PSAP vs. a larger center or anyone else. It will affect everybody because the amount of service, phone switch, amount of circuits has to be a substantially larger amount of money than would say go to Wallowa County. It is going to impact me just as much as it is going to impact Wallowa Co. It will impact the State just as much. If the money comes off the top or out of the sub-account, I am faced with a 6.5 – 7.0 % shortage of money immediately coming to my members who have already set a budget and balanced everything. By the time they figure out what is happening, they are going to have to go back and pick up another 700, 000.00 bucks which I am wondering where in the world they are going to get that? I don't want that to be the first issue that they have to deal with. When you talk about what is irresponsible, it is allowing us to make decisions about money that we don't even have, we can't decide or have a real idea of how much money we have or where it is going, I think that it needs to stop.

Sally said that the only reason she used Wallowa Co as an example is because they solely depend on the 9-1-1 Excise Tax and not local funding. Any reduction in that means they cut service or close the doors. For them it is not a matter of turning to anyone and asking for more money. Shannon said that obviously we all have our own ideas on what we think should be done and granted that is what this group is for and that is why we are here, so why don't each of the representatives send your plan in and say what you are thinking. We could look them over and review them.

Q. Sally asked if there is a way we could rename the Fund. She said the word 'Enhanced' sounds to Legislators like we are trying to upgrade or have extra funds. Shannon responded that we can call it whatever we want to call it. So Sally suggested 9-1-1 Network Account. Shannon did add that in OAR it is referenced to as 'enhanced sub-account'. Shannon suggested maybe we could call it simply the 9-1-1 Sub-Account. Jeanie Stark thought that 9-1-1 Operations Account sounded good.

Ken K. said he appreciated what everyone had to say but the understanding is that as Administrators of the account we have a fiduciary responsibility to make this stuff happen. Our goal has always been to get the job done. You folks right now have Boards and City Councils to answer to who are going to be affected by this. Be it the taking of the 8.1 million, the inability to be able to enhance, or the loss of tax on wireless 9-1-1. These groups and user boards need to get out there and let your Legislators know that they can't take our money. If they take what they are planning to take for the next biennium then we are already in the negative to start off with anyway. I don't mean to come off sounding negative about our future but they really don't care. They are just trying to fill holes and it

is sickening to see them fill holes to take care of what they think is more important. In the scheme of things, all they are doing is looking at money. They are not looking at the after affects of taking money from an area and they should be. Look at what someone from the Governors Office said at our last meeting, if 9-1-1 service is cut then people are going to die, and unfortunately that is probably what is going to happen.

Shannon added that the point again is if we get the opportunity again as an entity, OMD/OEM, to make a recommendation on how this would take place it would be good to have a general consensus from this group of your thoughts. You are being impacted and we are the stewards for this process. That is what this group is here for. If anyone has a better suggestion please let me know.

Laura asked Shannon to give her some clarification on a few things. If we look at the sub-account, that is what pays for the network, telephone bills, upgrades, maintenance agreements, lines, trunks. Shannon stated, "Yes, that is correct." She went on to say to the group if you recall from our last meeting in Eugene we talked about our Budget which was the 15.8 Limitation which was obviously granted, was to sustain operations all the way through June 30th. That money that went into our account was for nothing extra, like we talked about, just to sustain operations. If they did do a sweep on the enhanced account for the end of the biennium what are we going to pay the bills out of? We are good through June but if they sweep it out, where do the July funding dollars come from? Again, this brings up the point of the contingency plan. What does this group want to do? Should we have a special meeting? We don't have to keep these meetings to quarterly. We don't have a lot of time today but do you want to think on this individually and get back to me? We could have a conference call meeting.

Laura queries that we can make recommendations but where do they go and how much teeth are behind them? If they ask for one from OEM through OMD Shannon responded with, regardless of whether they have teeth or not, we need to have a consensus of what this group wants ready at hand. Laura said that she would like for all to have a really good understanding of what the ramifications are if they take out of one account, what does that mean to us? It means something to us regardless of whether or not it affects the Distribution. It also has the impact of who the heck is going to pay for my maintenance agreement and take care of my 100,000.00 a month phone lines? Shannon's response was to the group as a whole and she asked how we should do this? Should we put together some scenarios?

John Sneed added to the subject by saying the work that the Advisory Committee is doing lends itself to similar work that the Consolidated Task Force is looking at doing. We are looking at budget impacts on the local folks which are facts that have to be considered as part of the equation whether or not you even get to Consolidation or not. The sustainment of the existing structure that you

already have brings a question to my mind, why do we have some jurisdictions that are 100% sustained where as the statewide average is only 23%? Someone may ask that question down the road, why are there discrepancies between jurisdictions and not a standard so that everyone gets the same percentage across the board? Another question he had was, have you started analyzing your budgets? Like the gaps from the other revenue sources going in that sustain your centers and your salaries. Are there other ways that you are already looking at cut backs regardless of the 20% of your budget that is coming from us? He is sure that some of you have been looking at that along with your policy makers. He thinks that is part of what the Legislature needs to hear. The communities are already strapped and the .75 per line pittance is only covering at best 20% and it is only going to get worse unless there is some change at the State policy level. He thinks that is part of educating them before they ever get to deciding whether there should be a Consolidation of PSAPs. It is a good plan of action to have A, B & C and lay it out for them by showing them what would happen if you do this. Say if you show them that we can pay our salaries but do not have any money to cover these other vital costs then we are still shot in the foot.

Shannon asked the group if we should go back to providing budget reports again. The group was in agreement. She asked if they would like to have a conference call next week to discuss this recommendation project again. Laura asked if we could go back and revisit the option of the 8.1 million and spreading it out. Could we look at the impact of that if we drill it down a little bit more? Let's take a look at what our different options are. I would like to know that if we take the 8.1 million, as an example (best case scenario), bottom line, what are the impacts? What does that mean for the Distribution?

Shannon suggested that we, as the Program, prepare something for this group that shows you based on our trend of Revenue now. Keep in mind that it is always subject to change due to subscriber count. We will put together the numbers and email it to the members of this committee. We can decide then if we want to do a call. Laura said that will give us something more tangible to take back with us. Shannon added that if you are going to share these numbers with any of your council members, they need to be educated on these numbers and the fact that it is based on trending revenues, the GRB now, and based on scenarios. John asked if we could define in this document how some of these caveats may change, for example revenue strains and data sources that show people getting rid of land lines and going wireless. Shannon stated that we have had some peaks and valleys in the revenue but we have actually stayed quite steady for some time even though a lot of people have let go of their landlines they add VoiP so that is good. But, with this economic climate that could change.

Q. Mark B. would like to know out the number of PSAPs how many are 80% or more funded. 100% funded?

A. Shannon suggested that we just do a blanket percentage across the board that show on our budget report and this report would be only for the members of this group. This is not to be distributed publicly because we don't want anyone to take misinterpret these numbers. Just for your own edification.

Shannon asked for any last thoughts before we move on. Margie Puckett voiced that her subject was maybe not a group discussion, I feel like we are short on time now. Here it is June and the session is supposed to be ending. I feel like we have sort of given up and stopped.

Q. Margie is wondering if it is time to start looking at getting our councils to contact their Legislators again.

A. Ken M. responded that it is perfect timing. Sally added that we have not given up. We have a lobbyist who is in there continuously fighting for us. Shannon stated that we will cover this subject more later with the Legislative Committee. Ken M. added that it is never too late to talk to your Legislator; there are committees across the state that are still knocking on doors and writing letters.

VI. Transition Planning - 9-1-1 Director's Position

Shannon said that there was a request to have this added to our Agenda to talk about Mr. Keims departure. Ken M. explained to the group that the military dept said that we will hold the position open at least until the end of the Legislative session, to see what they do with the money. At that point in time they will decide whether to advertise, leave vacant, or direct appoint. Sally asked Ken M if he had seen the letter from the group regarding criteria for selection that went out to Paul Evans & General Caldwell. Ken M said that he had not seen or heard of it. Sally stated that they had asked APCO/NENA to draft a letter to them after their talk with us at the last meeting in Eugene. Laura interjected that we wanted to bring a lot of the info forward to this group to make sure we were on base, so the letter has not yet been sent. Sally was under the impression that it had gone out. Laura added that she wanted to make sure that the criteria listed in the letter had the support of everyone before it was sent. Ken M stated that John Sneed is going to fill that role on the interim. Laura is curious as to how much of our input is relative in regards to the selection process? Ken M said that once he has seen it he will accept it as long as there is nothing illegal and it will have to be flexible.

Shannon asked if there were anymore questions.

Q. Margie wanted to touch base with Ken M. again on the subject of the letter criteria. Some of the questions that we wanted to ask the General and Paul Evans were perceived as potentially defensive and we don't want to do that same thing here so to make it the most effective what is the best way to route that letter? Would it be directed to you and cc'd to them? We know that they wanted that input.

A. Ken M said to cc him; he would simply like to see it.

Sally added that we were given specific direction but that we certainly do not want to step on any toes. Margie asked that we further discuss this letter issue with a side conversation. Shannon and Sally agreed.

Mark B. – It is my understanding that the % OMD & OEM receives is up to 4%. Therefore if the position is vacant and the dollars are there it does not make sense not to fill that position. Shannon responded that you do make sense but any money in that account that is not used goes straight to the Distribution.

VII. Open Discussion – New Business

Shannon asked the group if they had any new business to discuss. There were no responses so she moved forward to the last Agenda item.

She went on to say we have a few things to do next week when we get back to the office and that you will all be hearing from her. Mark T. is going to be sending out some figures so the committee will know what percentages are being paid for out of the tax. The second part is the scenario or the 'What if' with the current GRB. We can pass that back & forth and decide whether or not we need to call. Shannon asked for any last input on what we just discussed. Ken M. added that when you do your 'what if's' on the budget, keep in mind what if the economy does not recover as quick as everyone would expect. Shannon suggested that maybe we do a graduated percentage how 1 million affects us today compared to a drop of 50% and how much that would affect us? We will start playing with the numbers, then send them out to the committee and hopefully come up with a good product. John wanted to add that we should manipulate some variables on the statistics and play with the variables with your other sources of revenue and what may cause changes and what they would be. We could then meet with our Legislators and Policy makers and show them what not only will happen on a state level but problems that are local. Project out for a couple of years and then we can talk about what it all means to the function of the PSAP and map out the downward decline.

Meeting Adjourned at 11:20