

Expenditure Guidelines Emergency Services Communication System Fee Revenue Effective

Approved 4/9/2018 by the Emergency Services Communications Coordinating Committee

Pursuant to NDCC 57-40.6-12, the Emergency Services Communications Coordinating Committee (ESCCC) is directed to “[d]evelop guidelines regarding the allowable uses of the fee revenue collected under this chapter.” The revenue governed by these guidelines is that which is collected for the support of an emergency services communications system, from fees permitted by State law (57-40.6-02) and imposed on telecommunications services by local voter approval.

From data gathered through the 2005 performance audit of these fees, surveys of local government, and research into other states’ policies, the following expenditure guidelines were established. The various types of expenditures are grouped into categories for the purpose of future monitoring and reporting to the Legislature. Subsequent advancements in technology and operations have identified costs not directly addressed in the original guidelines, and interpretations were made formally by the ESCCC. Minor updates were made to the guidelines in 2009, and a more extensive review in 2016 has resulted in this current document

The 2005 performance audit of these fees identified as an issue, the variations in the portion of Public Safety Answering Point (PSAP) operating costs that were supported by these fees. The audit pointed out that “911 calls” represented a minority of the communication traffic through the PSAPs audited, with administrative phone calls, faxes, emails, and radio communications making up a larger share.

The ESCC Committee, in establishing these guidelines, considered the audit findings but also looked to the Legislative language mandating the use of these revenues “*solely for implementing, maintaining, or operating the emergency services communication system and may enter into agreements to effectuate the same.*” “Emergency Services Communications System” (ESCS) is defined by NDCC 57-40.6-01 as “*a comprehensive statewide or countywide system, which provides rapid public access for coordinated dispatching of public safety services. The system includes a 911 system or radio system.*” Additionally, the Attorney General (April 26, 2004) indicated that “*governing bodies may authorize the expenditure of E911 funds in a manner that enhances and improves the E911 system, including time for response.*” It is therefore this Committee’s belief that “emergency services communications” is decidedly broader than simply the receipt of, and response to, a “911 telephone call”.

It was noted in testimony to the ESCCC that some “emergency communications” handled by a PSAP do not involve a 911 call. They may be brought to the attention of the PSAP by law enforcement officers radioing their response to illegal or suspicious activity. They could be fire departments requesting the dispatch of a neighboring department for support. It may be the PSAP call-taker providing life-saving “pre-arrival” instructions allowing a citizen to administer live-saving support until a professional arrives. It may simply be the notification of the PSAP of the location of a traffic stop that becomes a critical piece of information when the traffic stop evolves into a much more serious incident.

Additionally, while a simple car accident without injuries can go from a 911 call to dispatch and call completion in a matter of minutes, a rural fire or injury can keep a call-taker simultaneously on the phone and radio (sometimes several frequencies) for hours. And as noted, sometimes these complex emergency communication situations don't even begin with a 911 call. Every PSAP has call-takers available for emergencies 24 hours per day; 365 days per year, regardless of how many calls are received or what portion of their duties involve communications initiated by a 911 call. For these reasons, the guidelines encompass a fairly broad understanding of emergency communications.

These guidelines however, do recognize that in some PSAPs the duties of the call-takers include activities not related to emergency communications. In several locations, call-takers must also support jail activities, monitor security camera's, and conduct other strictly administrative functions. These guidelines suggest that the portion of PSAP staffing and operational costs associated with such duties should not be considered eligible emergency services communication system costs.

Similarly, the 2005 performance audit raised an issue regarding the allocation of the purchase and maintenance costs of equipment. The example cited was of a radio tower that is necessary for dispatching emergency services, but also contains non-emergency radio equipment. The question was raised as to whether the entire cost of the tower was an appropriate expenditure of these funds (since it was essential for emergency services communications) or if the cost should be prorated (since it serves multiple purposes). The Attorney General's Opinion noted above also states; "*[j]ust because the improved technologies may also incidentally aid non-emergency dispatching does not necessarily mean the purchase of such technologies with E911 funds is not permissible.*" The ESCC Committee therefore developed these guidelines with the understanding that if a piece of equipment is essential to an emergency services communications system, its full purchase and maintenance costs are allowable – even if that equipment provides some benefit to other non-emergency functions of government.

While it can be considered inappropriate for government agencies to retain significant unexpended revenues, the high cost and critical nature of the equipment necessary to ensure emergency communications suggests that each 911 jurisdiction conduct long-range planning and retain appropriate funds for future investment and emergency repairs or replacement. This planning should be documented to clearly identify the purposes for which funds are being retained.

A. ALLOWABLE EXPENDITURES:

1. **Equipment - Infrastructure.** The entire cost associated with the purchase, lease, rental, upgrade, lease-purchase, service and maintenance of equipment necessary for, and essential to, the 911 jurisdiction's operation of the emergency services communications system. Equipment that may be adjunct to the core functions of receiving emergency requests and dispatching emergency responders (e.g. sirens) should not be fully funded with these funds, however it may be appropriate to establish a reasonable cost-sharing formula as some of the

equipment items below are not essential to call-answering and dispatching, they may improve the efficiency of the dispatch center.

- a. 9-1-1 call answering equipment,
- b. landline, wireless, voice over Internet Protocol (VoIP) telecommunications equipment,
- c. telecommunications device for the deaf (TDD) equipment,
- d. radio base stations, base paging equipment, and repeaters,
- e. radios for PSAP testing and backup purposes,
- f. sirens and equipment necessary to communicate with public emergency notification systems,
- g. communication equipment consoles, monitors, desks & chairs
- h. automatic vehicle location (AVL) base station equipment, (i.e. servers, transceivers)
- i. mobile data terminal (MDT) base station equipment (i.e. base station, repeaters)
- j. recording and data storage equipment,
- k. computer hardware and software,
- l. routers, hubs, and switches,
- m. radio towers, tower structures, tower sites & easements, antennas, and associated costs,
- n. trunk and data communication lines, including redundant and diverse trunking,
- o. uninterrupted power supplies (UPS) & emergency power generators for PSAPs and towers,
- p. commercial and custom software, software licenses, multi-factor authentication, hardware, maintenance, and programming for database provisioning, addressing, geographical information systems (GIS), computer-aided dispatch (CAD), records management, time synchronization, or automatic location identification within the PSAP and the apportioned share of costs, based on emergency services communications use within response vehicles, provided that PSAP standards and communication protocols are followed,
- q. master street address guide,
- r. street address signage, and
- s. fax machines and copiers for the PSAP.

2. **Staffing.** The appropriate percentage of the salaries, benefits, and overhead for the staff performing the 911 coordination function, the PSAP management function, and the emergency services communication function (including call answering, dispatching, call monitoring, pre-arrival instructions, and administrative call management with any public safety agencies). As noted above, the percentage of staff costs (if any) associated with other administrative functions not related to the implementation, management, and operation of the system of emergency services communications with public safety agencies (i.e. jail management, courthouse security, etc.) should not be supported with these funds. If such shared staff is partially funded with these revenues, it is recommended that a reasonable formula based upon the relative amount of time spent on emergency services communications and other duties be determined by the governing body for the allocation of staff costs. This formula should be documented and consistently applied. Emergency

services communication staff may include:

- a. 911 Coordinators
- b. PSAP managers, supervisors, & support staff
- c. Call-takers & dispatchers

3. Operation. The appropriate percentage of operational costs associated with the 911 coordination function, the PSAP management function, and the emergency services communication function (including call answering, dispatching, call monitoring, pre-arrival instructions, and administrative call management with any public safety agencies). As discussed with staffing above, operational costs (if any) associated with other administrative functions not related to the implementation, management, and operation of the system of emergency services communications with public safety agencies (i.e. jail management, courthouse security, etc.) should not be supported with these funds. If such shared operational costs are partially funded with these revenues, it is recommended that a reasonable formula based upon the relative amount of staffing, space or other factors be established by the governing body. This formula should be documented and consistently applied. Emergency services communication operational costs may include:

- a. actual administrative costs of telecommunications providers for collecting the fee, (withheld by the provider prior to remittance) within the restrictions of State law,
- b. 9-1-1 database fees and maintenance charges including provider fees for database changes,
- c. telecommunication service fees including transport charges, “meet-point” charges, selective routing, and long-distance charges incurred due to transferring 9-1-1 calls to other jurisdictions,
- d. Public Safety Answering Point (PSAP) facility operation, including land and building purchase, construction, lease or rent, utilities, insurance, maintenance, repair, and remodeling essential for the support of the communication and 911 coordination functions,
- e. contracts with another state or local government entity or private provider for dispatch, coordination, and other allowable ESCS costs,
- f. contracts for the implementation of 911 service for wireless, VoIP, text-to-911, and other emerging telecommunication technologies,
- g. consulting services for data acquisition, mapping, planning and ESCS implementation and maintenance,
- h. training fees and associated travel costs for staff identified in subsection 2,
- i. office supplies, furniture, postage, dues, subscriptions, maps, copier, paper, telecommunication service fees, training materials and responder guides for PSAP operation and 911 Coordinator support, and
- j. public educational materials regarding 9-1-1 services and access with the specific purpose of informing the public, including children, how to access emergency services, the limitations of certain communication technologies, and the use of public emergency notification systems.
- k. Vehicle costs (either mileage or appropriate portion of vehicle purchase and

maintenance) for ESCS support activities such as establishing and verifying addresses, installing/inspecting street signage, remote communication device testing and repair.

- l. Staff travel costs for attending meetings, training, responder information, and public education.
- m. Costs associated with fiscal auditors and similar management consultants necessary for the professional operation of the agency

B. EXPENDITURES NOT ALLOWED:

1. The following items are not considered eligible expenditures for these funds:
 - a. base responder equipment integral to, or normally a part of, a response vehicle – including radios, radio antennas, and similarly associated radio equipment,
 - b. responder vehicles including fire engines, ambulances, law enforcement vehicles, or other emergency vehicles, and
 - c. support of private communication providers to enhance their coverage area.

C. EXPENDITURES NOT IDENTIFIED:

Should specific costs associated with emergency services communications arise that are not addressed by these guidelines, a description of the cost may be submitted to the ESCC Committee for a determination. The description should be submitted in writing (either paper or electronic) to the secretary of the ESCC Committee for inclusion on the agenda of the Committee's next meeting.

D. NON-COMPLIANCE:

Should the Committee receive credible evidence that would suggest a particular jurisdiction has made expenditures of funds governed by these guidelines that were inconsistent with the guidelines; upon majority vote of the Committee, a letter shall be sent to the jurisdictions governing body informing them of that evidence and urging them to take appropriate corrective action. Corrective action may include the restoration of the funds from an appropriate source and the implementation of procedures to ensure that future fund expenditures remain within the guidelines. The letter shall request a written response within 90 days, detailing the corrective action taken or the reasons that corrective action was unnecessary. If the Committee, by majority vote, determines that the jurisdictions response is insufficient; copies of the correspondence will be filed with the State's Attorney representing the jurisdiction and the Office of the State Auditor.