



MATTHEW G. BEVIN
GOVERNOR

EXECUTIVE ORDER

2017-298
May 17, 2017

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ALISON LUNDEBERG GRIMES
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY R. Adler

Secretary of State
Frankfort
Kentucky

RELATING TO REORGANIZATION
OF THE 911 SERVICES BOARD

WHEREAS, it is the obligation and charge of public servants to provide the citizens of this Commonwealth with an efficient and economical government structure, including oversight and regulations that are administered in a consistent, ethical and organized manner; and

WHEREAS, 911 calls are a critical function of emergency services throughout the Commonwealth and the citizens of Kentucky depend on Public Safety Answering Points (PSAPs) for life-saving communications during emergency situations day and night; and

WHEREAS, the Kentucky 911 Services Board, which was formerly known as the Commercial Mobile Radio Services Board, oversees the collection and distribution of 911 surcharge fees on mobile phones pursuant to KRS 65.7631; and

WHEREAS, the surcharge fees are used to maintain Public Safety Answering Points, incentivize call centers to consolidate for improved efficiencies, and transition 911 operations from voice-only analog to digital Next Generation 911 (NG911) technology; and

WHEREAS, on August 1, 2009, the former Commercial Mobile Services Board released "The Commonwealth of Kentucky NG911 State Plan" outlining an initiative to adopt Next Generation 911 technology at PSAPs statewide; and

WHEREAS, the Fiscal Year 2016 Annual Report of the Kentucky 911 Services Board stated that only two (2) PSAPs were actively utilizing "text to 911" calls; and

WHEREAS, KRS 65.7631 states that two and one-half percent (2.5%) of the revenues deposited into the 911 Services Fund may be retained for administrative expenses, with over \$660,000 reserved for such purpose in the prior fiscal year alone; and



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WHEREAS, more than \$2 million is presently available for administrative expenses, which could be largely repurposed for PSAP call center grants via more efficient management of administrative functions; and

WHEREAS, KRS 65.7631(4) mandates that 10% of total monthly revenues deposited into the Kentucky 911 Services Board Fund be used for PSAP call center grants; and

WHEREAS, the Kentucky 911 Services Board 2016 Annual Report stated that the board received \$4.78 million in grant requests for the last grant cycle but authorized only \$2.42 million, despite having nearly \$800,000 available for additional grants; and

WHEREAS, fifty-four (54) PSAPs representing more than half of local government 911 call centers entered the fiscal year with balances of \$75,000 or less, including twenty-seven (27) PSAPs with a reported beginning balance of zero dollars; and

WHEREAS, the 911 Services Board is presently administratively attached to the Kentucky Office of Homeland Security, but utilizes separate and independent staff; and

WHEREAS, it has been determined that absorbing the 911 Services Board's day-to-day functions into the staff and office space of the Kentucky Office of Homeland Security would be more efficient, would create economies of scale, and would result in the saving of taxpayer money; and

WHEREAS, the Kentucky Office of Homeland Security has a robust grants apparatus that administers millions of dollars in grants each year while following complex and stringent state and federal guidelines, and is uniquely qualified to manage the affairs of the board; and

WHEREAS, it has been determined that the citizens of Kentucky would be afforded greater efficiency and improved administration by transferring administrative services of the 911 Services Board to the Kentucky Office of Homeland Security; and



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WHEREAS, it has been determined that the citizens of Kentucky would be better served by reducing the size of the 911 Services Board from fifteen (15) to five (5) voting members in order to help expedite grant reviews and response times; and

WHEREAS, it has been determined that the 911 Services Board would benefit from the expertise and input of an advisory council comprised of a broad spectrum of PSAP users and stakeholders from across the Commonwealth:

NOW, THEREFORE, I, Matthew G. Bevin, Governor of the Commonwealth of Kentucky, by virtue of the authority vested in me by the Kentucky Constitution, Sections 69 and 81, and KRS 12.028, do hereby Order and Direct the following:

- I. The Kentucky 911 Services Board established by KRS 65.7623 is hereby abolished. Upon the filing date of this Order, the terms of members previously serving on the board shall terminate.
- II. The Kentucky 911 Services Board ("Board") is hereby created and charged with the responsibility of administering the powers and duties formerly delegated to the former board under KRS 65.7621 to 65.7643, as well as other applicable law.
- III. The Board shall be comprised of five (5) voting members who shall serve terms concurrent with the Governor as follows:
 - 1) The Secretary of the Public Protection Cabinet;
 - 2) The Executive Director of the Office of Homeland Security;
 - 3) The Director of the Division of Emergency Management;
 - 4) The Commissioner of the Department of Local Government;
 - 5) One (1) citizen appointed by the Governor who is a licensed and practicing attorney or accountant, and who is not an employee of the state or a local government;
- IV. The Board shall be advised by a 911 Services Advisory Council ("Advisory Council"), which shall provide recommendations as requested by the Board and shall function solely in an advisory capacity. The Advisory Council shall consist of thirteen (13) members who shall be appointed by and serve at the pleasure of the Governor. These members of the Advisory Council shall include:



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- 1) one (1) law enforcement officer employed by the Kentucky State Police;
- 2) one (1) member or designee of the Kentucky Sheriff's Association;
- 3) one (1) member or designee of the State Association of Chiefs of Police;
- 4) one (1) member or designee of the Kentucky Firefighters Association;
- 5) one (1) member or designee of the Kentucky Ambulance Providers Association;
- 6) one (1) member or designee of the Kentucky League of Cities;
- 7) one (1) member or designee of the Kentucky Association of Counties;
- 8) one (1) member or designee of the Kentucky Association of Public Communications Officials;
- 9) one (1) member or designee of the Kentucky Emergency Numbers Association; and
- 10) four (4) members at-large who are each familiar with public safety answering points, public finances, shared governmental services, emergency management, community crisis response preparation, or the interests of 911 services stakeholders.

In addition, the Executive Director of Homeland Security shall serve as ex-officio chairperson of the Advisory Council. In his or her absence, the Advisory Council may be chaired by any other member of the Board so designated by the Executive Director of Homeland Security.

- V. The Board shall be attached to the Kentucky Office of Homeland Security for administrative purposes, and the Kentucky Office of Homeland Security shall provide it with appropriate staff, office space, and other resources to conduct its affairs. Further, the Board shall reimburse the Office of Homeland Security for the costs of any administrative and operational services performed on its behalf.
- VI. The Executive Director of the Kentucky Office of Homeland Security shall appoint a state administrator of commercial mobile radio service emergency telecommunications. The administrator shall conduct all day-to-day operations of the Board, with administrative support from the Kentucky Office of Homeland Security, and shall exercise all duties and powers set forth in KRS 65.7625(2)-(3). The administrator's salary shall be set by the Executive Director of the Kentucky Office of Homeland Security, and the cost of the administrator's salary may be shared by the Kentucky Office of Homeland Security and the Board. The Board shall be responsible for any portion of the administrator's salary not paid by the Kentucky Office of Homeland Security, and the Board shall pay such amount from that portion of the Commercial Mobile Radio Service Emergency Telecommunications Fund that is authorized under KRS 65.7631(2) to be used by the Board for administrative purposes.



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- VII. Prior to April 1 of each year, the Office of Homeland Security shall submit a budget detailing all projected administrative and operational expenses for the subsequent fiscal year to be approved by the Board within ninety (90) days.
- VIII. The Executive Director of Homeland Security shall serve as chairperson of the Board, and the citizen member shall serve as vice chairperson. State and local government officials shall not be compensated or receive expenses in the performance of duties related to the Board or Advisory Council. However, citizen members of the Board or Advisory Council may be reimbursed for travel and expenses up to one hundred dollars (\$100) per meeting by resolution of the Board. In addition to reimbursement for travel and expenses, the vice chairperson of the Board shall be remunerated in the amount of fifty dollars (\$50) per meeting.
- IX. All duties, functions, records, equipment, staff, and supporting budgets of the Kentucky 911 Services Board as it existed prior to the filing date of this Order and all other rights, powers, responsibilities and obligations set forth in relevant provisions of law are hereby transferred to the newly created Board.
- X. I hereby appoint the following to serve as the citizen member of the Board:

William L. McElheney
246 Main Street
Florence, Kentucky 41042

Please issue a commission to him.


ALISON LUNDERGAN GRIMES
Secretary of State


MATTHEW G. BEVIN, Governor
Commonwealth of Kentucky



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REORGANIZATION PLAN

SUMMARY OF PLAN

The purpose of this reorganization is to promote greater economy, efficiency and improved administration of state government by reducing the size of the Kentucky 911 Services Board from fifteen (15) to five (5) members and by consolidating administrative services into the Kentucky Office of Homeland Security. Further, the Board will now be required to convene an Advisory Council consisting of a broad spectrum of Public Safety Answering Point (PSAP) stakeholders to assist in recognizing critical funding needs for local 911 call centers.

FISCAL/PERSONNEL IMPACT

This reorganization seeks to reaffirm certain recent personnel actions designed to eliminate and/or transition the previously independent and permanent staff of the Board by transferring administrative duties to the Kentucky Office of Homeland Security. Consequently, significant savings are anticipated by consolidating personnel costs associated with the Board to existing or realigned staff within the Office of Homeland Security.