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DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED RULES

TITLE 83: PUBLIC UTILITIES
CHAPTER IV: DEPARTMENT OF STATE POLICE

PART 1327
9-1-1 EMERGENCY SYSTEMS CONSOLIDATION GRANTS

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AUTHORITY: Implementing and authorized by Section 15.4b of the Emergency Telephone System Act [50 ILCS 750/15.4b].

SOURCE: Adopted by emergency rulemaking at 40 Ill. Reg. 1169, effective January 1, 2016, for a maximum of 150 days; adopted at 40 Ill. Reg. 8112, effective May 27, 2016.

SUBPART A: GENERAL PROVISIONS

Section 1327.100 Purpose and Authorization

The Department establishes this Part to exercise its responsibility to adopt rules defining the grant process and criteria for issuing grants to defray or offset nonrecurring costs associated with 9-1-1 system consolidation of systems outside of a municipality with a population in excess of 500,000 [50 ILCS 750/15.4b].

Section 1327.110 Definitions

"9-1-1 Authority" means the ETSB, Joint ETSB, or qualified governmental entity that provides for the management and operation of a 9-1-1 system within the scope of those

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duties and powers prescribed by the Emergency Telephone System Act (ETSA) [50 ILCS 750].

"9-1-1 Network" means the network used for the delivery of 9-1-1 emergency calls over dedicated and redundant facilities, as required by 83 Ill. Adm. Code 725, to a PSAP or backup PSAP that meets the applicable grade of service.

"9-1-1 System" means the geographic area that has been granted an order of authority by the Administrator to use "9-1-1" as the primary emergency telephone number.

"9-1-1 System Provider" means any person, corporation, limited liability company, partnership, sole proprietorship, or entity of any description that acts as a 9-1-1 system provider within the meaning of ETSA Section 2 by contracting to provide 9-1-1 network and database services and that has been certified by the Commission pursuant to Section 13-900 of the Public Utilities Act [220 ILCS 5/13-900].

"Act" or "ETSA" means the Emergency Telephone System Act [50 ILCS 750].

"Administrator" means the Department's Statewide 9-1-1 Administrator.

"Adverse Action" means any action taken to deny, reject, reduce, suspend or terminate a grant application, request to materially amend a grant, or grant payment.

"Advisory Board" means the Statewide 9-1-1 Advisory Board.

"Backup PSAP" means a public safety answering point that serves as an alternate to the PSAP for enhanced systems and is at a different location and operates independently from the PSAP. A backup PSAP may accept overflow calls from the PSAP or be activated in the event that the PSAP is disabled.

"Busy day" means a consecutive 24-hour period during which the greatest volume of traffic is handled in the central office.

"Busy hour" means the two consecutive half-hours each day during which the greatest volume of traffic is handled in the central office.

"Commission" means the Illinois Commerce Commission.

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"Consolidation" means a reduction of Emergency Telephone System Boards, Joint Emergency Telephone System Boards, qualified governmental entities, and PSAPs pursuant to ETSA Section 15.4a.

"Department" means the Department of State Police.

"Emergency Call" means any type of request for emergency assistance through the 9-1-1 network, not limited to voice. This may include a session established by signaling with two-way, real-time media and involves a human making a request for help.

"Emergency Telephone System Board" or "ETSB" means a board appointed by the corporate authorities of any county or municipality that provides for the management and operation of a 9-1-1 system within the scope of the duties and powers prescribed by ETSA. The corporate authorities shall provide for the manner of appointment, provided that members of the board meet the requirements of the statute.

"Grade of Service" means P.01 for Basic 9-1-1 or Enhanced 9-1-1 services or NENA i3 Solution standard for NG9-1-1 services.

"Grant" means a distribution from the fund to a 9-1-1 Authority pursuant to ETSA Section 30.

"Grant Program" means the 9-1-1 System Consolidation Grant Program.

"Joint ETSB" means a Joint Emergency Telephone System Board established by intergovernmental agreement of two or more municipalities or counties, or a combination thereof, to provide for the management and operation of a 9-1-1 system.

"NENA i3 Solution standard" means the NENA 08-003 Detailed Functional and Interface Standard for NG9-1-1 (i3), published by the National Emergency Number Association, 1700 Diagonal Rd., Suite 500, Alexandria VA 22314 (www.NENA.org) (June 14, 2011). These standards are hereby incorporated by reference and do not include any later amendments or additions.

"NG9-1-1" or "Next Generation 9-1-1 Service" means a system comprised of managed IP-based networks, gateways, functional elements and databases that augment or replicate present day E9-1-1 features and functions and provide new capabilities. NG9-1-1 is designed to provide access to emergency services from all sources, and to provide multimedia data capabilities for PSAPs and other emergency service organizations.

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"P.01" means the probability (P) expressed as a decimal fraction of an emergency call being blocked. P.01 is the grade of service reflecting the probability that one call out of 100 during the average busy hour of the average busy day will be blocked, or the number of 9-1-1 circuits or facilities from the 9-1-1 system provider's routing equipment to the primary PSAP or PSAPs that is sufficient to complete 99% of all requests for emergency service during the average busy hour of the average busy day.

"Public Safety Answering Point" or "PSAP" means the initial answering location of an emergency call.

"Waiver" means approval for exemption from consolidation, which shall be subject to review and renewal as determined by the Administrator, with recommendation from the Advisory Board.

Section 1327.120 Duties

For purposes of this Part:

- a) The Department has the responsibility under the Act to adopt rules defining the process and criteria for issuing consolidation grants under ETSA Section 15.4b.
- b) The Advisory Board has the following responsibilities under the Act to:
 - 1) provide advice and recommendations regarding the rules defining the grant process and criteria for issuing grants, as well as the administration of the Grant Program; and
 - 2) determine the amount allotted for grants awarded during the fiscal year and for NG9-1-1 expenses during the year pursuant to ETSA Section 30(D).
- c) The Administrator has the responsibility under the Act to administer the Grant Program pursuant to ETSA Section 15.4b.

SUBPART B: ELIGIBILITY

Section 1327.200 Application and Receipt of Grant Program Funds

- a) The law requires the consolidation of 9-1-1 Authorities and PSAPs outside of municipalities with a population in excess of 500,000. Subject to an appropriation

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of necessary funds, the Administrator, with the advice and recommendation of the Advisory Board, shall administer the Grant Program to defray or offset nonrecurring costs associated with 9-1-1 system consolidation.

- b) The Administrator shall review the funding purposes of the Grant Program set forth in ETSA Section 15.4b and invite eligible 9-1-1 Authorities to submit proposals for grants to consolidate systems through a request for grant proposal (RFGP) process. Based on ETSA Section 15.4b and the proposals received in response to the RFGP, the Administrator shall select proposals for Grant Program funding.
- c) The Administrator, with the advice and recommendation of the Advisory Board, shall develop an RFGP based on the following criteria:
 - 1) the purposes, goals and objectives of ETSA Section 15.4b(a);
 - 2) requirements imposed on the Administrator and potential recipient 9-1-1 Authorities by applicable law and regulations;
 - 3) the nature and complexity of the consolidation plans;
 - 4) the analysis of the needs of eligible 9-1-1 Authorities and available resources that already address those needs; and
 - 5) current research findings and demographic, criminal justice and statistical data that is relevant to 9-1-1 consolidation.
- d) RFGPs developed under subsection (c) shall include:
 - 1) the purposes, goals and objectives of the Grant Program;
 - 2) requirements that applicant 9-1-1 Authorities must meet, and adhere to, such as eligibility, reporting and fiscal requirements;
 - 3) certifications required by State and federal law, including, but not limited to, the State of Illinois Drug-Free Workplace certification, State and federal debarment certifications, and State bribery and bid-rigging certifications;

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- 4) weighted criteria by which the Administrator will select proposals for funding; these such criteria shall include, but are not be limited to:
 - A) reducing the number of transfers of a 9-1-1 call;
 - B) reducing the infrastructure required to adequately provide 9-1-1 network services;
 - C) promoting cost savings from resource sharing among 9-1-1 Authorities;
 - D) facilitating interoperability and resiliency for the receipt of 9-1-1 calls;
 - E) reducing the number of 9-1-1 Authorities or reducing the number of PSAPs within a 9-1-1 system;
 - F) cost saving resulting from 9-1-1 Authorities' consolidation;
 - G) expanding E9-1-1 service coverage as a result of 9-1-1 Authorities' consolidation affecting areas without E9-1-1 service; and
 - H) whether the 9-1-1 Authority is required to consolidate under ETSA Section 15.4a;
- 5) the deadline by which, and location where, proposals must be received by the Administrator;
- 6) the total amount of funding available for distribution through the RFGP process, and the maximum amount of funding that eligible 9-1-1 systems may apply for through the submission of a proposal;
- 7) the anticipated time period of the consolidation projects that may be funded; and
- 8) funding priorities as described in ETSA Section 15.4b.

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- e) The Department will post a link on its website for the electronic submission of proposals for Grant Program funds in response to an RFGP. Proposals shall include a copy of the consolidation plan, as required by ETSA Section 15.4b(b).
- f) On January 2 each year, the Administrator shall post an RFGP for Grant Program funds available during the current granting period.
- g) The Advisory Board shall recommend the award of grant funds, based on the criteria set forth in the RFGP, as described in subsection (d). Advisory Board recommendations shall be made and reported at public meetings conducted in conformance with the Open Meetings Act [5 ILCS 120].
- h) By June 30 each year, the Administrator shall award funds under the Grant Program. The Department will enter into a Grant Agreement with each grant recipient specifying the terms and conditions under which the 9-1-1 consolidation projects are to be conducted and the funds are to be received. The terms and conditions shall include, but are not limited to, reporting requirements that reflect fiscal expenditures and progress toward program objectives, compliance with applicable laws and regulations, maintenance of financial and program records beyond the expiration of the Grant Agreement, and audit procedures as described in ETSA Section 40 and the Grant Accountability and Transparency Act (GATA) [30 ILCS 708].

Section 1327.210 Administration of Grant Program Funds

- a) All Grant Program recipients shall operate in conformance with the following State statutes, when applicable: the Illinois Grant Funds Recovery Act [30 ILCS 705]; Grant Accountability and Transparency Act [30 ILCS 708]; the Illinois Procurement Code [30 ILCS 500]; and the State Comptroller Act [15 ILCS 405].
- b) Grant funds shall:
 - 1) not be awarded to cover or reimburse costs for exceeding the applicable grade of service;
 - 2) not be released until a consolidation plan has been approved for the requestor;
 - 3) only be spent or reimbursed in accordance with the approved request; and

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- 4) if not spent, be repaid to the State in accordance with the Grant Funds Recovery Act [30 ILCS 705] and 89 Ill. Adm. Code 511.
- c) Notwithstanding subsection (d), the Department will suspend performance of any Grant Agreement for a period not to exceed 28 days when there has been a determination of nonconformance with any federal or State law or rule, or the terms or conditions of the Grant Agreement. The Department will reinstate performance of a Grant Agreement that has been suspended if the nonconformance is corrected within 28 days after the date of suspension. However, notwithstanding subsection (d), a Grant Agreement for which performance has been suspended will be terminated by the Department if performance of the Grant Agreement is not reinstated within 28 days after its suspension. Written notice of all such actions by the Department will be submitted to the Grant Program recipient and the Administrator as soon as possible, but within 5 working days.
- d) Upon the request of a Grant Program recipient, the Department will extend the length of time performance of a Grant Agreement may be suspended beyond 28 days for an additional period not to exceed 14 days, if the nonconformance for which the performance of the Grant Agreement was suspended can be corrected within the extended period and the correction would result in fulfillment of the terms of the Grant Agreement. An extension will be granted by the Department only with the consent of the Administrator. Since an extension granted by the Department pursuant to this subsection is initiated by the Grant Program recipient, it shall not be deemed an adverse action under this Part. However, a Grant Agreement for which the period of suspended performance has been extended pursuant to this subsection shall be terminated by the Department if performance of the Grant Agreement has not been reinstated by the Department before the extension period has expired. Written notice of all such action by the Department will be submitted to the Grant Program recipient and the Administrator as soon as possible, but within 5 working days.
- e) The Department will immediately terminate any Grant Agreement for any reason of nonconformance specified in subsection (c), if performance of the Grant Agreement has been suspended on at least one prior occasion or if such nonconformance cannot be corrected by the Grant Program recipient in less than 28 days from the date of termination. Written notice of termination by the Department will be submitted to the Grant Program recipient and Administrator as soon as possible, but within 5 working days.

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- f) The Department will approve any revision to a Grant Agreement if action is necessary to fulfill the terms of the Grant Agreement. Material revisions shall be reported to the Advisory Board members at or before the next Advisory Board meeting. However, if a request by a Grant Program recipient for a material revision to a Grant Agreement is denied by the Department, written notice of denial shall be submitted to the Grant Program recipient and Administrator as soon as possible, but within 5 working days.

Section 1327.220 Appeals

- a) The appeal procedures for this Part are subject to Article 10 of the Illinois Administrative Procedure Act [5 ILCS 100/Art. 10].
- b) A Grant Program recipient may appeal any adverse action of the Department by writing to the Administrator within 14 days from the day the notice of adverse action is mailed to the recipient. The written appeal shall state specific reasons for which the adverse action taken by the Department should be modified and the action requested of the Administrator, and shall be signed by the recipient's authorized official.
- c) If no timely appeal is taken from an adverse action, the action of the Department will be deemed the final action of the Department.
- d) When an appeal is timely filed, the Department will arrange for the Administrator to hear and decide the appeal within 49 days after the receipt of the written appeal. The Grant Program recipient will be notified of the hearing date at least 7 days prior to the hearing and shall have the right to appear before the Administrator and to be represented by counsel at the hearing.
- e) At the hearing, the Administrator shall consider the written appeal submitted pursuant to subsection (b), any written response to that appeal by Department staff, and any testimony by the Grant Program recipient or Department staff to questions posed by the Administrator.
- f) The Administrator shall render a decision on the appeal before adjourning the hearing and issue a written order consistent with the decision.