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IDAHO MILITARY DIVISION

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**IDAPA 15 – OFFICE OF THE GOVERNOR
IDAHO MILITARY DIVISION**

15.06.01 – RULES GOVERNING THE IDAHO PUBLIC SAFETY COMMUNICATIONS COMMISSION

000. LEGAL AUTHORITY.

These rules are promulgated in accordance with Section 31-4816(18), Idaho Code, by the Commission. (3-29-17)

001. TITLE AND SCOPE.

01. Title. These rules are titled IDAPA 15.06.01, “Rules Governing the Idaho Public Safety Communications Commission.” (3-29-17)

02. Scope. These rules govern the Commission’s mediation and grant processes. (3-20-20)

002. -- 009. (RESERVED)

010. DEFINITIONS.

01. Applicant. A Consolidated Emergency Communication Center submitting a grant application. (3-20-20)

02. Commission. The Idaho Public Safety Communications Commission as established within the Military Division by Section 31-4815(1), Idaho Code. (3-29-17)

03. Local Government Agency. Those entities subject to Sections 31-4801 through 31-4818, Idaho Code. (3-20-20)

04. Consolidated Emergency Communication Center. A governmental or multi-governmental organization authorized to collect emergency communication fees in accordance with Title 31, Chapter 48, Idaho Code. (3-20-20)

05. Emergency Communications Grant Fund (ECGF). The portion of the Fund made available annually for grant disbursement. (3-20-20)

06. Fund. The Idaho Emergency Communications Fund established by Section 31-4818, Idaho Code. (3-20-20)

07. Grant Cycle. The period between July 1 through the following June 30 for grant application distribution, submission, award notice and disbursement in accordance with dates established in Section 021 of these rules. (3-20-20)

08. Local Government Agency. Those entities subject to Sections 31-4801 through 31-4818, Idaho Code. (3-20-20)

09. Mediation. The process required by Section 31-4817, Idaho Code, as a condition precedent to local government agencies initiating any legal action. (4-11-16)

10. Submission. Submission of the issues for mediation has occurred when the documents referred to in Sections 012, 020, and 035, if applicable, have been received by the Commission. (3-20-20)

11. Taxing District. A fire protection district created pursuant to Section 31-1402, Idaho Code, an ambulance service created pursuant to Section 31-3901, Idaho Code, or an ambulance service district created pursuant to Section 31-3908, Idaho Code. (3-20-20)

011. (RESERVED)

SUBCHAPTER A – RULES GOVERNING MEDIATION

012. REQUEST FOR MEDIATION.

The parties must submit a written request for mediation to the Commission demonstrating to the reasonable satisfaction of the Commission that all parties are requesting the mediation. (3-20-20)

013. SCHEDULED GROUP MEDIATION.

Within fifteen (15) days from the date of receipt of a request for mediation, the Commission shall schedule a date for a mediation at which all parties and a quorum of the Commission can be present. The Commission shall notify the parties in writing of the date of the group mediation. (4-11-06)

014. REQUIREMENT OF SUBMISSION OF DOCUMENTS AND EXHIBITS.

The Commission may require the parties to produce documents at or before the date set for the group mediation. Such documents may include, but are not limited to, individual statements of position from each party. The Commission will notify the parties in writing of any documents that may be required to be produced and the date of submission. No later than the date set by the Commission, the parties shall exchange and simultaneously submit to the Commission the required documents and exhibits. (4-11-06)

015. INDIVIDUAL POSITION STATEMENTS.

If the Commission requires individual statements of position from each party, the statements of position should begin with a one (1) page statement of the dispute. (4-11-06)

01. Stipulation of Facts. The parties are encouraged to stipulate to as many facts as possible and clearly identify what facts are being stipulated. (4-11-06)

02. Supporting Documents. The parties should present their entitlement position with specific references to appropriate supporting documents, to be included with the statement of position. (4-11-06)

016. JUDICIAL RULES.

The Commission will not be bound by any judicial rules of evidence or burden of proof applicable to civil proceedings. (4-11-06)

017. GROUP MEDIATION.

The Commission chairman, or in his absence the vice-chairman or other commissioner designated by the chairman, will preside over the mediation. (4-11-06)

01. Initial Presentation. Each party shall make an initial presentation of its position with respect to the dispute. (4-11-06)

02. Rebuttals. The Commission may allow rebuttals to such presentations when it considers them relevant or necessary to make its recommendations. (4-11-06)

03. Time Limits. The Commission may set and limit the time of any presentation as it deems necessary for a sufficient understanding of the facts or issues to make its recommendation. (4-11-06)

04. Questions by Commission. The Commission may question the parties during the group mediation. (4-11-06)

018. SUPPLEMENTAL DOCUMENTATION.

The Commission may require the parties to provide supplemental documentation and may establish a date by which such documentation is due. (4-11-06)

019. COMMISSION RECOMMENDATION.

Oral or Written: The Commission may make such recommendation orally or in writing. (3-20-20)

020. TERMINATION OF MEDIATION.

The mediation shall be terminated: (4-11-06)

01. Settlement. By the signing of a settlement agreement between the parties covering any or all of the issues between them; and/or (4-11-06)

02. Failure to Agree. By the written declaration of all parties and the chairman, on behalf of the Commission, that the parties could not come to an agreement in the mediation covering any or all of the issues between them. (4-11-06)

021. -- 099. (RESERVED)

SUBCHAPTER B – COMMISSION GRANTS

100. GRANT ADMINISTRATION.

01. Emergency Communications Grant Fund Source. The moneys that may be available through the ECGF are from the emergency communications fees placed in the Fund pursuant to Section 31-4819, Idaho Code. (3-20-20)

02. Alternate Emergency Communications Grant Fund Sources. Grants, donations, gifts, and revenues from other sources may augment the ECGF amount available when any limitations or requirements related to the use of such revenues are consistent with these rules. (3-20-20)

03. Other Emergency Communications Grants. The Commission may secure grants from federal, foundation, or other sources. When these sources place requirements or restrictions that are contrary to these rules, the Commission may establish a separate application, disbursement, or documentation program as appropriate. (3-20-20)

04. Emergency Communications Fund Grant. The amount of funds available through ECGF will be determined annually by the Commission in accordance with Section 31-4819, Idaho Code. (3-20-20)

101. GRANT CYCLE.

01. Application Availability. The Commission will make an application and guidance available no later than July 1 of each year. (3-20-20)

02. Application Period. The Applicant has until July 31 to complete and submit the application to the Commission. (3-20-20)

03. Application Evaluation Period. Prior to September 15, the Commission and, if applicable, a grant subcommittee, shall evaluate the applications received. (3-20-20)

04. Award Notification. Prior to October 31, the Commission shall issue notification to every Applicant regarding the disposition of its grant request. (3-20-20)

05. Grant Disbursement. Grant disbursement shall occur prior to April 30. (3-20-20)

06. Deadline for Return of Funds. All unused grant funds not expended for costs associated with Applicant's award must be returned by the Applicant no later than May 31. (3-20-20)

102. APPLICATION.

A completed application must be submitted by the Applicant on or before the conclusion of the application period specified in Section 101 of these rules to be considered during the Grant Cycle. (3-20-20)

01. Application Frequency. Only one (1) application per Consolidated Emergency Communication Center may be filed in any Grant Cycle. (3-20-20)

02. Required Information. The Applicant must provide the Commission with information, including: (3-20-20)

a. Description of proposed equipment purchases; (3-20-20)

- b. Type, quantity, and purpose of similar equipment presently in use by the Applicant; (3-20-20)
 - c. Age and condition of equipment being replaced, if applicable; (3-20-20)
 - d. Documentation of one (1) or more vendor price quotes for all proposed equipment purchases; (3-20-20)
 - e. Prioritization by the Applicant of equipment requested when the application requests funding for two (2) or more items; (3-20-20)
 - f. Operating budget; (3-20-20)
 - g. All funding sources and revenue generated by source; (3-20-20)
 - h. Amount of emergency communications fee charged in accordance with Title 31, Chapter 48, Idaho Code; (3-20-20)
 - i. Resident population within the Applicant response area in Idaho; (3-20-20)
 - j. Migrant and tourist population within the Applicant response area in Idaho; (3-20-20)
 - k. Number and name(s) of law enforcement, fire, and emergency medical service organizations for which the Consolidated Emergency Communications Center serves as the primary 911 agency; (3-20-20)
 - l. County, city, or Taxing District endorsement(s); (3-20-20)
 - m. Federal Tax Identification Number and DUNS Number (Dun & Bradstreet Data Universal Numbering System); (3-20-20)
 - n. Contact person for verification of information; and (3-20-20)
 - o. Narrative description of need. (3-20-20)
- 03. Incomplete Application.** An application missing required information may be excluded from consideration for an award. (3-20-20)
- 04. Application Purpose.** The grant application and any attachments submitted by the Applicant shall be the primary source of information for awarding a grant. (3-20-20)
- 05. Applicant's Request for Amendment.** An Applicant may amend its application after the application period has ended by sending both a written request and the proposed application amendment to the IPSCC grant subcommittee. The Applicant shall provide detailed reasons for the Applicant's request for amendment. The IPSCC grant subcommittee shall review the Applicant's request for amendment and make a recommendation to the IPSCC concerning the request. The IPSCC shall either approve or deny the Applicant's request for amendment by vote. The IPSCC's decision is final. If the IPSCC does not use a grant subcommittee, an Applicant's request for amendment shall be submitted directly to the IPSCC. (3-20-20)
- a. An amended application can be submitted by any Applicant before award notifications have been issued. After award notifications have been issued, an amended application can only be submitted by an Applicant who has been awarded a grant for the applicable grant cycle. (3-20-20)
 - b. If an Applicant's request for amendment is approved before grant award notifications have been issued, the Applicant's amended application and not the Applicant's original application shall be considered for award eligibility. If an application amendment is approved after grant award notifications have been issued, the Applicant's award amount will not increase and may decrease depending on the needs specified in the amended application. (3-20-20)

103. AWARD ELIGIBILITY REQUIREMENTS.

01. Equipment. Only equipment identified as allowable in the application guidance may be purchased with grant funds. (3-20-20)

02. Award Consideration Criteria. To be considered for an award, an Applicant must meet all of the following requirements: (3-20-20)

a. Be a Consolidated Emergency Communication Center collecting emergency communications fees in accordance with Title 31, Chapter 48, Idaho Code, delivering or seeking to deliver Consolidated Emergency Communication services; (3-20-20)

b. Comply and warrant to comply with applicable law, including but not limited to Section 31-4804(5), Idaho Code; (3-20-20)

c. Agree to follow all applicable bid laws in the acquisition of any equipment paid for with grant funds; and (3-20-20)

d. Agree to use any grant funds in strict compliance with the grant terms and agree to provide written documentation or proof of expenses to the Commission as required by the grant terms. (3-20-20)

104. AWARD RECOMMENDATION.

If the Commission uses a grant subcommittee, the Commission shall request a recommendation from the grant subcommittee regarding the distribution of grant funds. (3-20-20)

01. Assessment and Validation of Need. The grant subcommittee, if used, shall review grant applications prior to making a recommendation about awards. (3-20-20)

02. Contingency Awards. The grant subcommittee, if used, may make contingency award recommendations in the event that other awards are withdrawn as described in Section 047 of these rules. (3-20-20)

03. Commission Approval. Whether or not a grant subcommittee is used, all awards must be approved by the Commission. If no grant subcommittee is used, the Commission shall review the applications and may make provision for contingency awards, as set forth above. (3-20-20)

105. CRITERIA FOR EQUIPMENT.

The following weighted criteria shall be used to evaluate applications for equipment, with maximum weight available for each criterion as indicated. Greater value will be assigned to conditions indicating greater need for each criterion: (3-20-20)

01. Applicant Equipment Age. The age of similar equipment currently in use by the Applicant; value = fifteen (15). The application demonstrating older equipment will be assigned greater value. The application demonstrating replacement of older equipment with NG911/I3 compliant equipment will be assigned a greater value. (3-20-20)

02. Applicant Equipment Availability. Similar equipment currently in use by the Applicant; value = fifteen (15). The application demonstrating lack of similar equipment will be assigned greater value; the application demonstrating no access to similar equipment will be assigned the maximum value. (3-20-20)

03. Anticipated Use. An estimate of the frequency of use for the equipment; value = fifteen (15). The application demonstrating a higher ratio of dispatch per capita will be assigned greater value. (3-20-20)

04. Duration of Use. An estimate of the length of time the equipment would be used, expressed as a mean time; value = fifteen (15). The application demonstrating a greater duration of use will be assigned greater value. (3-20-20)

05. Fiscal Resource Base. The proportion of operating budget supported by tax revenue; value = ten (10). The application demonstrating less revenue from taxes expressed as a percent of total revenue for the most recent year will be assigned greater value. (3-20-20)

06. City, County and Taxing District Endorsement. The proportion of Idaho cities, counties and Taxing Districts within which the Applicant’s primary service area occurs that endorse the application; value = five (5). The application demonstrating a larger percent of endorsements will be assigned greater value. (3-20-20)

07. Population. The number of people residing in the Consolidated Emergency Communications Center’s service area; value = five (5). The application demonstrating a greater number of people will be assigned greater value. (3-20-20)

08. Square Mileage. The area served by the Consolidated Emergency Communications Center; value = fifteen (15). The application demonstrating a greater square mileage will be assigned greater value. (3-20-20)

09. Number of Law Enforcement, Fire and Emergency Medical Service Agencies Dispatched. Value = ten (10). The application demonstrating a higher number of law enforcement, fire and emergency medical service agencies will be assigned greater value. (3-20-20)

10. Narrative. The need for and lack of availability of funds from other sources as documented by the Applicant; value = twenty (20). The application demonstrating a greater need for and lack of available funds will be assigned greater value. The application seeking to share resources and equipment with other 911 service areas (e.g., host remote) will be assigned a greater value. (3-20-20)

106. WITHDRAWAL, DISCONTINUANCE, ASSIGNMENT.

01. Withdrawal. Any Applicant may withdraw or forfeit an application at any time. (3-20-20)

02. Ability to Compete. The withdrawal of an application does not affect the Applicant’s ability to reapply in a subsequent Grant Cycle. (3-20-20)

03. Discontinuance. The Commission may discontinue the grant award or approval process if any of the following occurs: (3-20-20)

a. The chief administrative official of the Applicant or his designee submits a notice of withdrawal in written form to the Commission. (3-20-20)

b. The Applicant does not provide required documentation during the award or approval process. (3-20-20)

c. The Commission determines the Applicant is out of compliance with any award eligibility requirements. (3-20-20)

04. No Right of Assignment. The Applicant may not assign any award to another Applicant or another Consolidated Emergency Communications Center. (3-20-20)

107. FRAUDULENT INFORMATION ON GRANT APPLICATION.

Providing false information on any application or document submitted under these rules is grounds for declaring the Applicant ineligible. Any and all funds determined to have been acquired on the basis of fraudulent information must be returned to the Commission. (3-20-20)

108. -- 999. (RESERVED)

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