MINNESOTA-FIRSTNET CONSULTATION PROJECT GOVERNANCE RECOMMENDATION

REPORT

March 30, 2015

Prepared by The Interoperability Group and Televate for the Minnesota Department of Public Safety pursuant to acquisition event No. P0701-2000001490, Ref. No. 2-1255 (Minnesota-FirstNet Consultation Project) under the federal State and Local Implementation Grant Program.

The Interoperability Group

Law, policy and governance for technology interoperability

TELEVATE

TABLE OF CONTENTS

Executive Summary iv
Background iv
Methodology iv
Current Governance Structure in Minnesota v
Findings: Minnesota's Governance Structure Is Fully Capable of Supporting FirstNet Consultation vi
Recommendations: Two Areas for Action to Support FirstNet Consultation viii
Perception Issues to Consider viii
Next Steps ix
Report 1
I. Document Purpose 1
II. Background 1
A. The Act 1
B. State and Local Implementation Grant Program 2
C. Methodology for Governance Assessment 3
III. Current Governance Structure in Minnesota 5
A. Statewide Emergency Communications Board 5
1. Membership and Committees 6
2. Legal Authority 8
3. Implementing Agencies 9
B. Regional Emergency Communication Boards 10
1. Membership and Committees 11
2. Legal Authority 11
3. Implementing Agencies 12
IV. Findings and Recommendations 13
A. Findings: Minnesota's Governance Structure Is Fully Capable of Supporting the FirstNet Consultation 13
1. The SECB and RECBs Provide Numerous Paths for FirstNet to Collect and Share Information 13
2. The SECB and RECBs Are Adept at Making Coverage Priority Decisions 15
3. The SECB and RECBs Can Support Asset-sharing with FirstNet 15
4. The SECB and RECBs Can Generate and Maintain Buy-in for the FirstNet State Plan 15

5. The SECB Will Be a Capable Advisor to the Governor on Opt-in/out 16

6. The SECB Is Authorized and Capable to Make Decisions on Broadband Applications Standards to Promote Interoperability 16

B. Recommendations: Two Areas for Action to Support FirstNet Consultation 17

1. Amend the Statute to Clarify SECB Authority over Broadband Implementation and to Explicitly Include Broadband within RECB Authority 17

2. Work to Support Tribal Government Involvement in the Governance Structure 18

C. Perception Issues to Consider 18

V. Next Steps 20

EXECUTIVE SUMMARY

Background

In meeting its statutory mandate to design and deploy a nationwide public safety wireless broadband network, the First Responder Network Authority ("FirstNet") must consult with the State of Minnesota. Through this consultation process, Minnesota will communicate to FirstNet the capabilities, performance, and coverage public safety personnel in the state require of the future network. As required by law, the federal government has provided funding to the State through the State and Local Implementation Grant Program ("SLIGP") to "identify, plan, and implement the most efficient and effective way … to utilize and integrate the … nationwide public safety broadband network to satisfy the wireless communications and data services needs of that jurisdiction." The Governor has named the Commissioner of Public Safety to serve as the State Point of Contact ("SPoC") for FirstNet consultation and to implement the State's SLIGP grant.

Under SLIGP grant guidance, the State must demonstrate the existence of a governance structure to perform the consultation with FirstNet. The Minnesota Department of Public Safety ("DPS") engaged a consulting firm to support the broader SLIGP project, including among other tasks the assessment of the current governance structure for public safety communications to determine whether it is sufficient to carry out the FirstNet consultation process. This report provides that assessment.

Methodology

The report reflects findings based upon documents (such as statutes, charters, and bylaws) and in-depth interviews with leaders and experienced participants in the governance of public safety communications in Minnesota, listed below.

Name	Affiliation
Brandon Abley	Statewide Interoperability Program Manager, ECN[1]
Steve Borchardt	Southern Regional Interoperability Coordinator, ECN[2]
Marcus Bruning	Northern Regional Interoperability Coordinator, ECN
Scott Camps	Emergency Services Manager, St. Louis County Sheriff's Office
Monte Fronk	Tribal Emergency Management; Mille Lacs Band of Ojibwe, Department of Public Safety
Joe Glaccum	Minnesota Ambulance Association representative to SECB
Lt. Bryan Green	Emergency Management Director, Clay County Sheriff's Office
Tom Hannon	Governance Consultant, ECN

[1] Affiliation at time of interview.

[2] Affiliation at time of interview.

Greg Hayes	Director of Public Safety, Shakopee Mdewakanton Sioux Community
Annamarie Hill	Executive Director, Minnesota Indian Affairs Council
Jim McMahon	Commissioner, Benton County
Jackie Mines	Director, ECN
Martin Moody	Executive Director, Metropolitan Emergency Services Board
Micah Myers	IT Director, City of St Cloud
Cassandra O'Hern	DPS Director of Internal Affairs and Designated Tribal Liaison
Jill Rohret	Director of Radio Communication Services, Metropolitan Emergency Services Board
Ulysses Seal	Fire Chief, City of Bloomington
John Tonding	Central and Metro Regional Interoperability Coordinator, ECN[3]
Ron Whitehead	Director, ECN (retired)
Kent Wilkening	Sheriff, Nobles County
Scott Yeiter	Chief of Police, Lewiston
Brian Zastoupil	Radio Systems Coordinator, Red River Regional Dispatch Center

Current Governance Structure in Minnesota

The structure for governance of public safety communications in Minnesota is established in statute and consists of the Statewide Emergency Communications Board ("SECB") and seven Regional Emergency Communication Boards ("RECBs"). Its evolution has been deliberate, coordinated, and mostly centered on the planning, deployment, and operation of the statewide radio system, called the ARMER system.

The SECB's membership structure provides valuable balance by dividing the 20-person membership roughly into thirds, with six members representing state government agencies, seven members from the nine-county metropolitan area, and seven from Greater Minnesota; the two latter groups are largely comprised of representatives from public safety professional organizations. The SECB meets monthly, its committees meet monthly or bimonthly, and most subcommittees and workgroups—of which it makes strong use—meet on an as-needed basis. The SECB's authority is statutory, most recently amended in 2013 to include the planning of a statewide public safety broadband network. A major focus of its work is the setting of standards for the deployment and operation of the ARMER system.

The seven RECBs are formed, under statute, via joint powers agreements among local and tribal jurisdictions. RECBs are largely comprised of elected officials of the counties and cities that sign the agreements. Typically, an RECB will maintain a few committees including a regional advisory committee ("RAC") comprised of public safety practitioners. The Metropolitan Emergency Services Board ("MESB") is an exception among the RECBs in that it has a fairly extensive staff and holds its own seat on the SECB;

[3] Affiliation at time of interview.

the other RECBs share a rotating seat on the SECB. The RECBs also have statutory authority to adopt technical and operational standards within their regions. Though the statute governing interoperable public safety communications was most recently amended in 2013, it does not specifically call out authority over implementing a public safety wireless broadband network; the SECB by-laws were also amended in 2013 to create the Interoperable Data Committee with the intent to research wireless broadband options for public safety.

Findings: Minnesota's Governance Structure Is Fully Capable of Supporting FirstNet Consultation

To support its statutory role in the development of the public safety broadband network, the State will rely upon its public safety communications governance structure to support:

- the robust flow of educational information from FirstNet to the target user communities and requirements data from the user community to FirstNet;
- thoughtful and broadly supported decisions regarding network coverage priorities;
- the identification and sharing of State and local government-owned assets for use by FirstNet;
- the development with FirstNet of a "state plan" and the generation of critical support for that plan;
- the Governor's consideration of the statutory decision whether to accept the FirstNet "state plan;" and
- public safety decisions regarding applications for use on the network to facilitate statewide data interoperability.

The interviews and documentary research performed for this assessment revealed a highly mature and robust governance structure for public safety communications evolved over more than a decade with deliberation and leadership from both the executive and legislative branches of government. It provides a solid foundation for the advent of public safety broadband in Minnesota and a strong model for other states. Together, the Statewide Emergency Communications Board ("SECB") and the Regional Emergency Communication Boards ("RECBs") are more than capable of performing the tasks necessary to conduct a successful consultation with FirstNet and support deployment and operation of the nationwide public safety broadband network ("NPSBN") in the State.

The SECB and RECBs provide numerous paths for sharing and collecting information.

The breadth of user community representation on the SECB and the seven RECBs ensures that there are many established paths for information sharing to and from virtually every potential user and FirstNet. At the regional level, a user can feed information into the structure through the RECB committees or directly through the elected official serving as the RECB member from the user's jurisdiction; the RECBs, through representatives on the SECB, can pass that information to the SPoC and on to FirstNet. At the statewide level, a user can submit information to the SECB either through the relevant committee or workgroup or through the SECB member representing the user's discipline. The same various paths can be used in reverse for FirstNet, through the SPoC, to disseminate information to the broader user base. In addition to the robust SECB/RECB structure, the State's three Regional Interoperability Coordinators ("RICs") serve a critical role in sharing information among local/regional and statewide participants.

The SECB and RECBs are adept at making coverage priority decisions.

The SECB's long experience in overseeing the design, deployment, and operation of the ARMER system proves its particular capability to make difficult, sometimes potentially divisive decisions without losing stakeholder buy-in. By statute, the SECB already determines the apportionment of costs among users, allocates excess network capacity, allocates funds among RECBs and local entities to encourage participation, and determines the extent to which public and private entities may build system enhancements at their own expense. FirstNet coverage decisions would fit within very familiar territory for the SECB.

The SECB and RECBs can support asset-sharing with FirstNet.

The SECB could be of tremendous assistance to FirstNet in identifying assets and reaching out to asset owners; the SECB's membership includes many of them. The RECBs and their committees may be of even greater utility than the SECB in supporting asset-sharing; they have closer connections to local government agencies that may own assets in desirable locations. The RICs, too, can be particularly useful in making critical connections with local agency owners of assets.

The SECB and RECBs can generate and maintain buy-in for the FirstNet state plan.

Individuals interviewed for this report generally agreed that the SECB, with its broad and active membership, regular meeting schedule, extensive committee structure, and relationships with the RECBs, is established, mature, trusted, and well-positioned to work through the consultation process to develop a FirstNet state plan that Minnesota public safety stakeholders can broadly support—and also generate and maintain support for that plan among those stakeholders.

The SECB will be a capable advisor to the Governor on opt-in/out.

The SECB is highly capable to generate buy-in for a FirstNet state plan that it supports; the same would also be true for an SECB-supported opt-out plan if endorsed by the Governor. That the SECB is so well-established and for a decade has governed the design, construction, and operation of a statewide radio system provides particular experience and perspective to advise the Governor on the opt-in/out decision.

The SECB is authorized and capable to make decisions on broadband applications standards to promote interoperability.

FirstNet may provide or even require certain applications for specific purposes on the NPSBN; the SECB is in a strong position to identify and standardize applications for use on the public safety wireless broadband network in Minnesota. Recent legislation requires the SECB to define "technical and operational standards for [the public safety wireless broadband] network."[4] The SECB is well prepared to set applications standards for broadband.

[4] MINN. STAT. 403.382 (2014).

Recommendations: Two Areas for Action to Support FirstNet Consultation

Amend the statute to clarify SECB authority over broadband implementation and explicitly include broadband within RECB authority.

The 2013 SECB statute added responsibility for "developing and maintaining a plan for a statewide public safety broadband network, including definition of technical and operational standards for that network," but the legislation does not clearly establish the SECB's authority to oversee the implementation of that plan. The RECBs' statutory authority omits the public safety wireless broadband network entirely.

After the state plan (whether as proposed by FirstNet or some other approach) is defined and has been adopted by the State, the SECB and RECBs should advocate amendments to clarify that the SECB and RECBs have similar roles and authorities in the governance of the public safety wireless broadband network as they do with regard to the ARMER system, including implementation of the public safety wireless broadband plan, to the extent consistent with federal law and FirstNet policy.

Work to support tribal government involvement in the governance structure.

The Minnesota public safety communications governance structure should have strong tribal participation, but some interviewees report that tribal participation at the RECBs and RACs varies widely by region, and they generally agree that there is little tribal involvement at the SECB. The SECB should consider whether there is value for public safety communications in advocating legislation to include tribal nations within the statutory statewide mutual aid liability arrangement, thus perhaps mitigating an obstacle to discussions with tribal agencies about interoperable emergency communications. In addition, RECBs where tribal participation is weak should consider adopting formal resolutions encouraging tribal participation in the RECBs and RACs, urging them to join the regional JPAs.

Perception Issues to Consider

Interviewees identified a number of issues based on their own experiences in the Minnesota governance structure; not surprisingly, views varied substantially on these issues. For example, some feel they receive SECB information in a timely and effective fashion; others do not. The SECB and the RECBs, as appropriate, should consider whether a perception is accurate; if it is accurate, whether the perceived issue merits action to address it, and what that action might be; and if the perception is not accurate, whether it is so widely held that an action is called for to correct the misperception. The "perception issues" raised in the interviews include:

- the quality and frequency of communications to users from SECB members about SECB developments
- the degree of deference of operational participants to technical participants
- the level of participant engagement, particularly at the regional level and among regional representatives to the SECB
- whether SECB will accord appropriate weight to local concerns
- whether SECB will accord appropriate weight to rural concerns
- the degree of SECB and RECB coordination with Canada and neighboring states

Next Steps

Upon receiving and reviewing this report, DPS should submit it to the SECB and RECBs, which in turn should place on the agenda of the next available scheduled meeting a discussion of this report, its findings and recommendations.

REPORT

I. DOCUMENT PURPOSE

On July 30, 2013, the Department of Public Safety ("DPS") of the State of Minnesota issued an RFP for the Minnesota-FirstNet Consultation Project ("MnFCP") to meet FirstNet planning objectives including deliverables under the federal State and Local Implementation Grant Program ("SLIGP").[5] Task 2 of the RFP required the contractor to "advise whether or not the current structure is or is not fully sufficient for the [FirstNet] consultation process, and if not, what steps [DPS's Emergency Communications Network Division] and its stakeholders should take to prepare its governance structure for the consultation process"[6] This report provides that advice, finding that the current structure is mature, robust, and fully sufficient to carry out the consultation process.

II. BACKGROUND

A. The Act

In February 2012, Congress passed and the President signed the Middle Class Tax Relief and Job Creation Act of 2012 ("Act") which created the First Responder Network Authority ("FirstNet") as an independent authority within the National Telecommunications and Information Administration ("NTIA") of the Department of Commerce.[7] The Act charged FirstNet to design, deploy and operate the National Public Safety Broadband Network ("NPSBN"), a nationwide wireless broadband network for use by public safety personnel.[8]

In designing the network, FirstNet must "consult with regional, State, tribal, and local jurisdictions."[9] The Act specifies that the required consultation shall be accomplished between FirstNet and a "single officer or governmental body" identified by each state.[10] The consultation process informs FirstNet's development of requests for proposals ("RFPs") for the construction and operation of the network;[11] following the completion of FirstNet's RFP process, FirstNet must present to the governor of each state a plan for the FirstNet deployment in the state, and the governor may elect to accept the FirstNet plan or

---

[5] Minnesota Department of Public Safety, "First Responder Network Authority (FirstNet)," Request for Proposals, Event ID No. P0701-2000001490, Ref. No. 2-1255 (July 30, 2013) ("DPS RFP"). More information on MnFCP is available at *http://dps.mn.gov/divisions/ecn/Pages/broadband.aspx*.

[6] DPS RFP at 3.

[7] Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, 126 Stat. 156, Sec. 6204(a) (2012).

[8] Act, Sec. 6206(b).

[9] Act, Sec. 6206(c)(2)(A).

[10] Act, Secs. 6206(c)(2)(B), 6302(d).

[11] Act, Sec. 6206(c)(2)(A).

else opt for the state to build the broadband radio access network on its own for interconnection with the FirstNet core network.[12]

B. State and Local Implementation Grant Program

The Act also requires the Secretary of NTIA, in consultation with FirstNet, to establish a grant program to make grants to states to help state, regional, local, and tribal jurisdictions

> identify, plan, and implement the most efficient and effective way for such jurisdictions to utilize and integrate the infrastructure, equipment, and other architecture associated with the nationwide public safety broadband network to satisfy the wireless communications and data services needs of that jurisdiction, including with regards to coverage, siting, and other needs.[13]

The Act further requires each state in its application for funds under this grant program to certify that it has named a "single officer or governmental body to serve as the [state's] coordinator of implementation of the grant funds."[14] This is the same "single officer or governmental body" through which FirstNet must consult the state.[15]

On February 6, 2013, NTIA announced a Federal Funding Opportunity ("FFO") providing requirements and guidance for the State and Local Implementation Grant Program ("SLIGP") to implement the grant program described in the Act.[16] The FFO specified that SLIGP grant recipients must show that

> they are on track to accomplish the following activities by the end of [the grant] period: (1) established a governance structure, or expanded existing structures, to consult with FirstNet…[17]

The FFO further explained that governance activities are eligible for SLIGP funding at any time during the grant period.[18] The State of Minnesota has a total of $2,987,075 available for the SLIGP program: $2,389,660 in Federal SLIGP funds and $597,415 in non-Federal matching funds contributed by the Minnesota Statewide Emergency Communications Board ("SECB").

---

[12] Act, Sec. 6302(e), (f).

[13] Act, Sec. 6302(a).

[14] Act, Sec. 6302(d).

[15] Act, Sec. 6206(c)(2)(B).

[16] National Telecommunications and Information Administration, U.S. Department of Commerce, *Announcement of Federal Funding Opportunity,* Initial Announcement, State and Local Implementation Grant Program, CFDA No. 11.549, Funding Opportunity No. 2013-NTIA-SLIGP-01 (Feb. 6, 2013).

[17] FFO at 4, Sec. II.B.

[18] *Id.*

C. Methodology for Governance Assessment

The data for this assessment of the public safety communications governance structure in Minnesota came from two types of sources: (1) original source documents such as statutes, bylaws, and agreements, and (2) telephone interviews with individuals with knowledge of and experience with the governance structure. The documents reviewed for this assessment include the following:

Minnesota Statutes Sec. 12.03(9) Definition of Political Subdivision

Minnesota Statutes Sec. 12.331 Local Assistance Between Political Subdivisions

Minnesota Statutes Sec. 403.36 Statewide Radio Board

Minnesota Statutes Sec. 403.37 Powers of the Statewide Radio Board

Minnesota Statutes Sec. 403.38 Statewide ARMER Integration

Minnesota Statutes Sec. 403.382 Statewide Emergency Communication Board

Minnesota Statutes Sec. 403.39 Regional Radio Boards

Minnesota Statutes Sec. 403.392 Regional Emergency Communication Boards

Minnesota Statutes Sec. 471.59 Joint Exercise of Powers

Minnesota Statutes Sec. 473.907 Public Safety Radio System Planning Committee

Laws of Minnesota 1995, chapter 195 (establishing the metropolitan radio board)

Laws of Minnesota 2013, chapter 86, article 1, section 12, subdivision 7(e) (ARMER Improvements).

Executive Order 13-10 (Tribal Consultation) (Aug. 8, 2013)

Bylaws of the Statewide Emergency Communications Board (2013)

Metropolitan Emergency Services Board Bylaws

Metropolitan Emergency Services Board Joint Powers Agreement (2012)

Northwest Minnesota Regional Advisory Committee for Interoperable Public Safety Communications Bylaws, Amendments Proposed Aug. 22, 2007

Northwest Minnesota Regional Radio Board Bylaws (Feb. 6, 2008)

Northwest Minnesota Regional Radio Board Joint Powers Agreement

Southwest Minnesota Regional Radio Board Joint Powers Agreement (2013)

Red River Regional Dispatch Center Board of Authority Bylaws

Red River Regional Dispatch Center Joint Powers Agreement (Dec. 15, 2008)

Agreement for the Operation of Subscriber Radios on the ARMER System

ARMER Standard 8.1.0, Greater Minnesota Regional Radio Board Statewide Emergency Communications Board Board Member Selection (Jan. 24, 2011)

ARMER Standard 7.2.0, Response to Non-Compliance (Aug. 28, 2008)

ARMER Standard 1.5.2, Changes to Operational Standards (Apr. 28, 2011)

ARMER Standard 1.5.0, Standard of Standards: The Development and Management of Regional Standards (Oct. 23, 2008)

Middle Class Tax Relief and Job Creation Act of 2012

Announcement of Federal Funding Opportunity, Initial Announcement, State and Local Implementation Grant Program, (Feb. 6, 2013)

DPS's Emergency Communications Network Division ("ECN") identified a number of knowledgeable individuals to interview for this assessment; once interviews began, the list grew as interviewees suggested additional names. The people interviewed for this assessment include the following:

Name	Affiliation
Brandon Abley	Statewide Interoperability Program Manager, ECN[19]
Steve Borchardt	Southern Regional Interoperability Coordinator, ECN[20]
Marcus Bruning	Northern Regional Interoperability Coordinator, ECN
Scott Camps	Emergency Services Manager, St. Louis County Sheriff's Office
Monte Fronk	Tribal Emergency Management; Mille Lacs Band of Ojibwe, Department of Public Safety
Joe Glaccum	Vice Chair, SECB; Chair, SECB Operations and Technical Committee; Minnesota Ambulance Association representative to SECB
Lt. Bryan Green	Emergency Management Director, Clay County Sheriff's Office
Tom Hannon	Governance Consultant, ECN
Greg Hayes	Director of Public Safety, Shakopee Mdewakanton Sioux Community
Annamarie Hill	Executive Director, Minnesota Indian Affairs Council
Jim McMahon	Commissioner, Benton County
Jackie Mines	Director, ECN
Martin Moody	Executive Director, Metropolitan Emergency Services Board
Micah Myers	IT Director, City of St Cloud
Cassandra O'Hern	DPS Director of Internal Affairs and Designated Tribal Liaison

[19] Affiliation at time of interview.

[20] Affiliation at time of interview.

Jill Rohret	Director of Radio Communication Services, Metropolitan Emergency Services Board
Ulysses Seal	Fire Chief, City of Bloomington
John Tonding	Central and Metro Regional Interoperability Coordinator, ECN[21]
Ron Whitehead	Director, ECN (retired)
Kent Wilkening	Sheriff, Nobles County
Scott Yeiter	Chief of Police, Lewiston
Brian Zastoupil	Radio Systems Coordinator, Red River Regional Dispatch Center ("RRRDC")

The research, assessment, and creation of this report were performed by a consultancy engaged by DPS for this purpose as part of the broader SLIGP project.[22] The interviews for this assessment focused upon the governance structure's ability to meet the challenges of the future broadband network, including carrying out the FirstNet consultation process; the report includes findings and recommendations on this central question. Encouraged to openly express their informed views of the Minnesota public safety communications governance structure as a whole, interviewees described strengths and weaknesses of the structure broadly, including specific issues they perceived from their own experiences within the structure. Section IV of the report describes these findings, recommendations, and "perception issues."

III. Current Governance Structure in Minnesota

Public safety communications in Minnesota are governed by a mature, robust governance structure. Originally developed for the governance of a statewide radio network called the Allied Radio Matrix for Emergency Response ("ARMER"), the Minnesota governance structure today is comprised of legislated bodies at both the statewide as well as the regional/local levels.

A. Statewide Emergency Communications Board

The Minnesota Statewide Emergency Communications Board ("SECB") is a statutory body that exists for the purpose of governing the ARMER system, the Integrated Public Alert and Warning System ("IPAWS"), and Next Generation 911 ("NG911") services, as well as "developing and maintaining a plan for the implementation of a statewide public safety broadband network, including the definition of technical and operational standards for that network."[23]

[21] Affiliation at time of interview.

[22] Televate, LLC and The Interoperability Group teamed to respond to the DPS RFP. Televate is the prime contractor; The Interoperability Group, as subcontractor to Televate, performed the assessment, developed the findings and recommendations, and produced this report.

[23] MINN. STAT. 403.382(8) (2014).

The SECB is the latest in a step-by-step progression of legislated bodies focused upon the planning, implementation, and governance of statewide public safety communications in Minnesota.[24] In 2002, the legislature created the Public Safety Radio System Planning Committee to "develop a project plan for a statewide, shared, trunked public safety radio communication system" and then "implement the project plan and establish the statewide … system."[25] In 2004, the legislature converted the Planning Committee into the Statewide Radio Board ("SRB"), increased its membership, and directed DPS to implement the ARMER plan adopted by the SRB.[26] The SRB became the SECB in 2013 when the legislature added 911 and broadband to its jurisdiction.[27]

1. Membership and Committees

The SECB's membership structure balances state government, local/regional government, the metro area, and Greater Minnesota interests by dividing its 20-person membership roughly into thirds, with six members representing state government agencies, seven members from the nine-county metropolitan area, and seven from Greater Minnesota. As designated in statute, the membership of the SECB consists of the following members or their designees:[28]

From State agencies:

1. the commissioner of public safety;
2. the commissioner of transportation;
3. the state chief information officer;
4. the commissioner of natural resources;
5. the chief of the Minnesota State Patrol; and
6. the chair of the Metropolitan Council.

From the nine-county metropolitan area:

1. one elected city official, appointed by the governing body of the League of Minnesota Cities;
2. one elected county official, appointed by the governing body of the Association of Minnesota Counties;
3. one sheriff, appointed by the governing body of the Minnesota Sheriffs' Association;

---

[24] For consistency, this document uses the term "Statewide Emergency Communications Board" or "SECB" to refer to the statewide governance body both when it was known as the Statewide Radio Board as well as after it changed its name to become the SECB under the 2013 legislation.

[25] MINN. STAT. 473.907(1) (2002). The Planning Committee legislation marked an early stage of statewide public safety communications governance; governance in the metropolitan area preceded the statutory statewide governance structure. Laws of Minnesota 1995, chapter 195 (establishing the Metropolitan Radio Board).

[26] MINN. STAT. 403.36 (2004).

[27] MINN. STAT. 403.382(8) (2013).

[28] MINN. STAT. 403.36(1)(b) (2014) (describing Statewide Radio Board membership; the name was changed to SECB by MINN. STAT. 403.382(1) (2013)).

4. one chief of police appointed by the governor after considering recommendations made by the Minnesota Chiefs of Police Association;
5. one fire chief, appointed by the governor after considering recommendations made by the Minnesota Fire Chiefs' Association;
6. one representative of emergency medical service providers, appointed by the governor after considering recommendations made by the Minnesota Ambulance Association; and
7. the chair of the regional radio board for the metropolitan area.

From Greater Minnesota:

1. one elected city official, appointed by the governing body of the League of Minnesota Cities;
2. one elected county official, appointed by the governing body of the Association of Minnesota Counties;
3. one sheriff, appointed by the governing body of the Minnesota Sheriffs' Association;
4. one chief of police appointed by the governor after considering recommendations made by the Minnesota Chiefs of Police Association;
5. one fire chief, appointed by the governor after considering recommendations made by the Minnesota Fire Chiefs' Association;
6. one representative of emergency medical service providers, appointed by the governor after considering recommendations made by the Minnesota Ambulance Association; and
7. a representative of Greater Minnesota elected by local units of government. [29]

The SECB relies upon committees to facilitate its work.[30] Currently, the SECB includes the following eight committees and a fluid set of workgroups and subcommittees:

Committees

1. Legislative/Government Affairs
2. Steering
3. Finance
4. Operations & Technical
5. Interoperability
6. Interoperable Data (includes broadband and FirstNet-related work)
7. Integrated Public Alert & Warning System
8. NG911

[29] This seat is filled by Regional Emergency Communication Board representatives on a rotating basis. ARMER Standard 8.1.0, "Greater Minnesota Regional Radio Board Statewide Emergency Communications Board Board Member Selection" (Jan. 24, 2011) ("to define the process for selecting a regional radio representative to serve on the Statewide Emergency Communications Board (SECB) representing Regional Radio Boards (RRBs) in greater Minnesota").

[30] Bylaws of the Minnesota Statewide Emergency Communications Board, Art. VI (last revised June 2013).

Work Groups and Subcommittees[31]

1. NG911 Subcommittee
2. MnFCP Service Areas/Coverage Workgroup
3. MnFCP Devices Workgroup
4. MnFCP Applications Workgroup
5. MnFCP System and Security Workgroup
6. Grants Workgroup
7. Geographic Information System ("GIS") Workgroup

The SECB itself meets monthly. Committees of the SECB typically meet monthly or bimonthly, and most of the SECB Work Groups meet on an as-needed basis.

2. Legal Authority

As stated above, the SECB's legal authority is statutory, defined over a decade of legislative action as the ARMER network moved from concept to reality and statewide governance extended to NG911 and broadband services. The SECB's duties and authority with respect to ARMER are the most detailed and far-reaching, in effect empowering it to plan and oversee the deployment and operation of the network, including setting and enforcement of technical and operational standards.[32]

The SECB was still called the SRB in 2013 when the legislature provided the board with the option of becoming the SECB and with that new name taking on increased obligations and authorities. Under the 2013 legislation, when it elected to become the SECB, the body also became responsible for coordinating the planning of 911 services; ensuring implementation, operation and maintenance of NG911 services in compliance with the plan; and establishing and enforcing operational and system standards for the 911 services.[33]

Importantly for the purposes of this document, the 2013 legislation also stated that the SECB

> shall be responsible for planning and coordination of … developing and maintaining a plan for the implementation of a statewide public safety broadband network, including the definition of technical and operational standards for that network[34]

[31] This is a partial list of active workgroups and subcommittees as of this writing; since these groups are generally established to accomplish a specific purpose for a finite period of time, the SECB's workgroups and subcommittees change on a regular basis.

[32] MINN. STAT. 403.36 (2014).

[33] MINN. STAT. 403.382 (2014).

[34] MINN. STAT. 403.382(8) (2014).

Though the extent of the SECB's authority with regard to broadband is not nearly as well-defined in the law as is its authority over ARMER or even 911 services, it is nonetheless clear that the SECB's legal authority is adequate to carry out the current planning stage of the NPSBN.

3. Implementing Agencies

The Department of Public Safety ("DPS"), the Department of Transportation ("MNDOT"), and MNIT Services (the State's information technology agency) are partnering agencies that support public safety communications. Among DPS's other responsibilities (including support for Minnesota's 911 system), the 2004 statute that created the SECB (then called the Statewide Radio Board) obligated DPS to implement and fund the ARMER network—and MNDOT to own and maintain it—under SECB oversight.[35] In 2013, the legislature extended the SECB's oversight responsibilities to include the implementation of the NG911 plan.[36] As the agency fiscally responsible for the operation and maintenance of both 911 and ARMER, ECN/DPS not only provides administrative support as well as technical and operational expertise to the SECB, but it also is the primary implementer of the SECB's decisions, at least at the state level. (Under the 2004 statute, DPS contracts with the MNDOT to "construct, own, operate, maintain, and enhance the elements of the backbone system defined in the plan."[37])

With regard to FirstNet specifically, the SECB's decisions in carrying out its duty to "develop[] and maintain[] a plan for the implementation of a statewide public safety broadband network" fall squarely on DPS because the commissioner of DPS is the FirstNet state point of contact ("SPoC") for Minnesota. Because it sets standards that apply statewide, the SECB also issues decisions that must be followed by local users and the Regional Emergency Communication Boards ("RECBs"),[38] described below.

The SECB has no staff and relies almost entirely upon ECN and MNDOT personnel to support its work of carrying out the plan. ECN supports the SECB in administrative, technical, and policy tasks. In performing those tasks, ECN employs a full staff including a 911 program manager, interoperability program manager, wireless data program manager, training and standards coordinator, several analysts, administrative support including accounting and secretarial tasks, and three Regional Interoperability Coordinators ("RICs"). The RICs are ECN contractors, funded and managed by ECN to coordinate the implementation of ARMER with regional and local agencies and users. The RICs work in the field, constantly moving among the two or three regions to which each is assigned, and serve as an important link between the SECB and the regional governance bodies.

---

[35] MINN. STAT. 403.36(1e) (2014).

[36] MINN. STAT. 403.382 (2014).

[37] MINN. STAT. 403.36(1e) (2014).

[38] MINN. STAT. 403.38 (2014) ("the Statewide Radio Board has the final authority over technical and operational standards necessary to provide for the development and implementation of the ARMER system that maximizes the integration of the public safety radio communication system throughout the state, including the backbone previously established by the Metropolitan Radio Board. Technical and operational standards that do not interfere with the integration of the system may be established locally or regionally.")

Historically, the legislature has appropriated from 911 fees approximately $2 million for use by the SECB each biennium.[39] These funds are used to cover special projects such as studies related to public safety communications and interoperability, long-term strategic planning and interoperable communications grants in support of "those elements of the statewide public safety radio and communication system that support mutual aid communications and emergency medical services or [to] provide interim enhancement of public safety communication interoperability in those areas of the state where the statewide public safety radio and communication system is not yet implemented."[40]

B. Regional Emergency Communication Boards

When it created the SRB in 2004, the Minnesota State Legislature also authorized counties and cities to form regional bodies to "to implement, maintain, and operate regional and local improvements" to the ARMER system. Under the statute, these Regional Radio Boards are governed by joint powers agreements ("JPAs") signed by the participating local and tribal governments.[41] In 2013, the legislature provided the Regional Radio Boards the option of becoming Regional Emergency Communication Boards ("RECBs"); today, these regional bodies are RECBs or, in two cases, known as emergency services boards.[42]

Minnesota is divided into seven regions under this structure, each with a regional governance body created by a JPA.[43]

1. Central Minnesota Emergency Services Board ("CMESB")
2. Metropolitan Emergency Services Board ("MESB")
3. Northeast Minnesota Regional Emergency Communications Board ("NERECB")
4. Northwest Minnesota Regional Emergency Communications Board ("NWRECB")
5. South Central Minnesota Regional Emergency Communications Board ("SCRECB")
6. Southeast Minnesota Regional Emergency Communications Board ("SERECB")
7. Southwest Minnesota Regional Communications Board ("SWRECB")

---

[39] Laws of Minnesota 2013, chapter 86, article 1, section 12, subdivision 7(e) (ARMER Improvements).

[40] *Id.*

[41] MINN. STAT. 403.39(1) (2014).

[42] For consistency, this document uses the term "Regional Emergency Communication Board" or "RECB" to refer to a regional governance body, whether it is or was officially designated a Regional Radio Board, Regional Emergency Communication Board, or Regional Emergency Services Board, or is in the process of amending its bylaws to change its designation.

[43] In the wake of the 2013 legislation, the regional bodies have been revising their joint powers agreements.

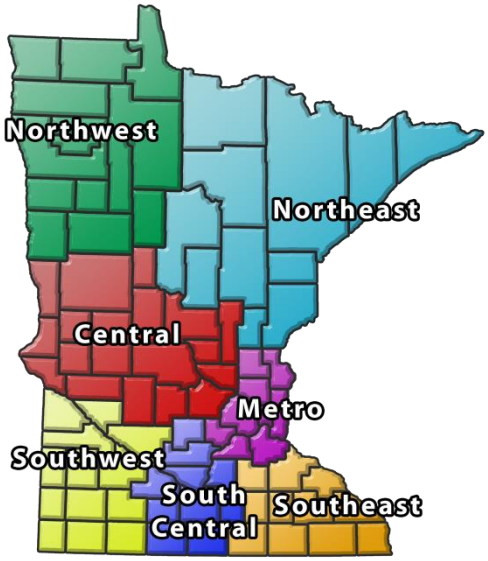


Figure 1: Minnesota Communications Regions

1. Membership and Committees

Under the statute, the RECBs are comprised of a county commissioner from each county and an elected official from each city that signs the JPA, as well any other members whose qualifications are specified in the JPA.[44] In all regions, the RECB has created working groups, typically including a users group and an owners/operators group. Most RECBs also have a Regional Advisory Committee ("RAC"), generally comprised of public safety communications leaders in the region, such as representatives from sheriffs' offices. Though the working groups in some cases technically report to the RECB itself, the RACs often carry such weight with the RECBs that working group members frequently seek RAC support before bringing a proposal to the RECB members, who are usually elected city and county officials, not public safety practitioners or communications experts.

2. Legal Authority

RECBs are creatures of both state law and local governmental agreement. The state legislature did not mandate that they exist, but it did detail responsibilities and authorities for any RECB that local jurisdictions elected to create. The 2004 legislation provided RECBs the powers "necessary and convenient to implement regional and local improvements" to the ARMER system, including the powers to

- hold spectrum licenses for use in such improvements;
- adopt technical and operational standards, subject to SECB review;
- enter into contracts as necessary, including with MNDOT;

[44] MINN. STAT. 403.39(1) (2014).

- receive and administer DPS grants on behalf of public safety entities within JPA counties; and
- acquire and sell property.[45]

In addition, the statute requires that public entities must coordinate with a member of the appropriate RECB their operation upon a statewide shared public safety network (it does not specify whether the network is "trunked" or "ARMER").[46]

In 2013, the legislature made a similar offer to the RECBs that it made to the SECB: if they chose, they could extend their governance to NG911 services.[47] An important difference from the 2013 SECB legislation, though, is that the 2013 RECB legislation makes no mention of broadband at all, whether in terms of a statewide broadband network or local "enhancements" to such a statewide network.

The remainder of an RECB's authority is provided by local and tribal governmental entities through the signing of the JPA. Though the RECB JPAs are not identical, they are very similar and generally restate the statutory purpose of RECBs, create the RECB with the listed statutory powers[48] as well as the authority to provide for user fees and allocate costs for regional and sub-regional enhancements, and provide for rules regarding membership, meetings, committees (such as a RAC and users and owners/operators groups), the joint purchase of services, hiring of employees, budget process and allocation of costs, contribution of funds, and general terms.[49]

3. Implementing Agencies

RECB decisions are directed primarily at implementers (such as sheriffs' radio departments) and users of the regional and sub-regional "improvements" to the ARMER system. RECBs also serve the critical purpose of weighing in on issues that will ultimately be determined by the SECB, such as major changes to ARMER system or operational requirements.[50] RECB input, however, is not binding on the SECB in same way that an SECB standard can force a change to an RECB standard.

Unlike the SECB, the RECBs may hire staff; their JPAs explicitly provide for the hiring of employees and the contribution by JPA signatories of funds to defray administrative costs. Typically, RECBs in Greater Minnesota will have one or two people to help with administrative and grant-related tasks, relying upon

---

[45] MINN. STAT. 403.39(2) (2014).

[46] MINN. STAT. 403.39(3) (2014).

[47] MINN. STAT. 403.392 (2014).

[48] State law also defines a general authority for local jurisdictions to enter into JPAs for the joint exercise of government powers. MINN. STAT. 471.59 (2014).

[49] DPS hired a single consultant to help the Greater Minnesota RECBs amend their JPAs in light of the 2013 legislation; he was interviewed for this report.

[50] For example, ARMER Standard 1.5.2 defines a process for changes to operational standards, including solicitation of input from RECBs.

members, contractors/consultants, and the ECN RICs for technical help;[51] the Metropolitan Emergency Services Board ("MESB") is different, with an Executive Director and eight staff positions covering radio, Geographical Information Systems ("GIS"), 911, Emergency Medical Services ("EMS"), financial, and administrative services.

IV. FINDINGS AND RECOMMENDATIONS

A. Findings: Minnesota's Governance Structure Is Fully Capable of Supporting the FirstNet Consultation

The interviews and documentary research performed for this assessment revealed a highly mature and robust governance structure for public safety communications in Minnesota. Evolved with deliberation and leadership from both the executive and legislative branches of government, the current SECB/RECB structure provides a solid foundation for the advent of public safety broadband in the state. Indeed, ECN began working with the SECB to plan for the future broadband network in 2009, well before Congress established FirstNet.[52] Together comprising what may well be a model for other states to follow, the SECB and the RECBs are more than capable of performing the tasks necessary to conduct a successful consultation with FirstNet and support deployment and operation of the NPSBN in the State.

1. The SECB and RECBs Provide Numerous Paths for FirstNet to Collect and Share Information

In the early planning stages particularly, FirstNet will rely upon the SECB to facilitate the collection of data from the expected public safety broadband user base. The data will flow through the SPoC (who is also the Commissioner of Public Safety), the Statewide Interoperability Coordinator ("SWIC"), and the Deputy SWIC to FirstNet to establish public safety's network requirements and help FirstNet design and implement a sustainable business model. Such data as critical applications, coverage needs, security requirements, user counts, and device preferences all must come from the user agencies to the SPoC, the SWIC, and the Deputy SWIC for presentation to FirstNet.

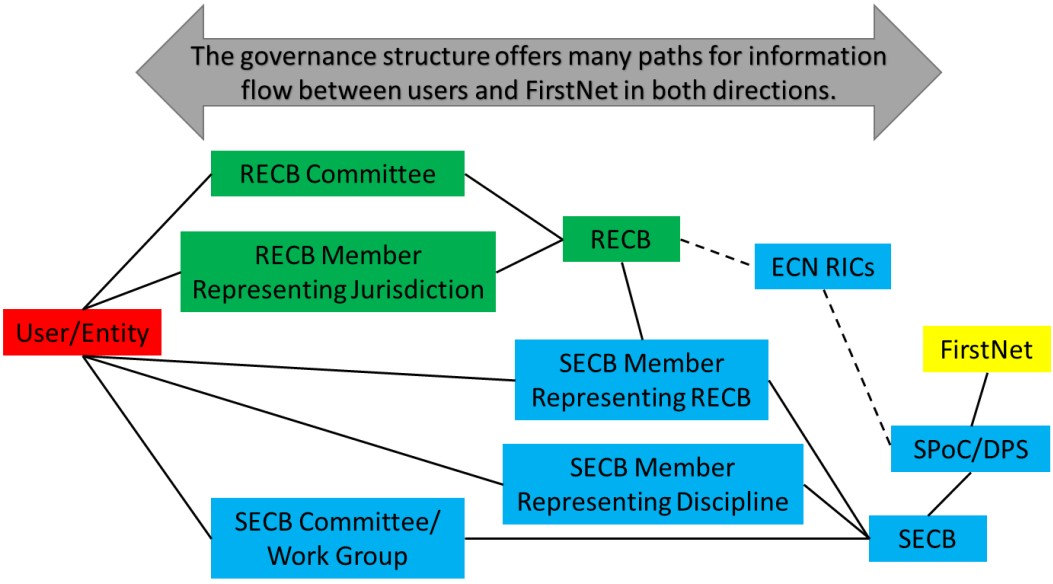
The breadth of user community representation on the SECB and the seven RECBs ensures that there are many established paths for information sharing to and from FirstNet and virtually every potential user. At the regional level, a user can feed information into the structure through the RECB user committee and RAC or directly through the elected official serving as the RECB member from the user's jurisdiction; the RECBs, through representatives on the SECB, can pass that information to the SPoC and on to

---

[51] The Northern Regions RIC serves the Northwest and Northeast Regions; the Metro/Central Regions RIC serves the Metro and Central Regions; and the Southern Regions RIC serves the Southeast, South Central and Southwest Regions.

[52] In June 2009, ECN published the "Minnesota Public Safety Interoperable Wireless Data Feasibility Study," which included a comprehensive assessment of the suitability of various options for statewide interoperable wireless data. The study is available at: *https://dps.mn.gov/divisions/ecn/programs/armer/Documents/2009%20Wireless%20Data%20Feasibility%20Report.pdf.*

FirstNet. At the statewide level, a user can submit information to the SECB either through the relevant committee or workgroup (such as the Interoperable Data Committee)[53] or through the SECB member representing the user's discipline (for example, the member representing EMS providers). The same various paths can be used in reverse for FirstNet, through the SPoC, to disseminate information to the broader user base, as depicted below.



In addition to the robust legislated SECB/RECB structure, the three ECN RICs serve a critical role in communicating to the RECBs and RACs the information presented to the SECB or generated by DPS, as well as collecting information from the RECBs and RACs and communicating it through ECN to the SECB.[54] Not only do they have a close familiarity with the issues of concern to local users, but they attend in person at RECB and RAC meetings throughout the State and form the face-to-face relationships necessary to best encourage the sharing of information.

Users can also find SECB information on the SECB website, established and updated as new information is available but at least monthly.[55] The SECB website replaced a quarterly ECN newsletter in an effort to reach a broader audience and includes committee agendas, meeting minutes, associated documents and reports, links to other sites such as FirstNet, the FCC, Minnesota Statutes, and Public Utilities Commission, and a "What's New" update. Users on the ARMER listserv (which includes committee members and is open for voluntary sign-up[56]) also receive agendas and minutes of SECB and committee

[53] ECN staff refers issues raised with them directly to the chair of the appropriate SECB committee and encourage RECBs to vote to forward issues to the appropriate SECB committee.

[54] The dotted line in the diagram signifies a role that, though not legislated, serves an important function in the workings of the governance structure.

[55] The SECB website is at *https://dps.mn.gov/entity/srb/Pages/default.aspx*.

[56] The ARMER listserv page is at *https://webmail.mnet.state.mn.us/mailman/listinfo/mn-armer*.

meetings. These postings are also distributed via regional mailing lists and/or listservs as well, sometimes resulting in people receiving the same material multiple times.[57] In addition, ECN publishes a quarterly newsletter on wireless broadband information and distributes it via the ARMER listserv and on the MnFCP website.

2. The SECB and RECBs Are Adept at Making Coverage Priority Decisions

The Minnesota governance structure also will likely need to make sometimes difficult coverage decisions. Because FirstNet's funds are limited and Minnesota is a large state with sizeable rural areas, the level of coverage public safety stakeholders desire may well exceed available resources. In its recommendations to FirstNet, the SECB may need to make hard choices and tell FirstNet which sites Minnesota is willing to forego (or at least delay) if funding is inadequate to support them all.

The SECB's long experience in overseeing the design, deployment, and operation of the ARMER system proves its particular capability to make difficult, sometimes potentially divisive decisions without losing stakeholder buy-in. By statute, the SECB already determines the apportionment of costs among users, allocates excess network capacity, allocates funds among RECBs and local entities to encourage participation, and determines the extent to which public and private entities may build system enhancements at their own expense.[58] The SECB also makes similarly impactful decisions with regard to NG911 and IPAWS. FirstNet coverage decisions would fit within very familiar territory for the SECB.

3. The SECB and RECBs Can Support Asset-sharing with FirstNet

Depending on the business model it adopts, FirstNet may wish to share communications infrastructure already deployed in Minnesota, including assets owned by State and local governments. With the help of SLIGP Phase 2 funds, the SECB could be of tremendous assistance to FirstNet (or its contractor) in identifying those assets and reaching out to their owners, many of whom are probably among the SECB's members. The RECBs and the RACs, however, may be of even greater utility than the SECB in supporting asset-sharing; they have closer connections to local government agencies that may own assets in desirable locations, particularly in Greater Minnesota. Finally, the RICs can be particularly useful in making critical connections with local agency owners of assets.

4. The SECB and RECBs Can Generate and Maintain Buy-in for the FirstNet State Plan

The first meeting of the Minnesota-FirstNet consultation process occurred in September 2014 with many SECB members in attendance. The SECB will continue to hold a central role in that consultation and will be the primary body responsible, through its chair the SPoC, for representing public safety's requirements to FirstNet and working with FirstNet to help ensure that the plan for FirstNet deployment and operation in the State meets Minnesota's coverage, performance, and financial requirements. Individuals interviewed for this report generally agreed that the SECB, with its broad and active

---

[57] The South-Central Region, for example, uses the same software as MN-ARMER; subscribers to both lists may receive duplicate notices on statewide announcements. The South Central Region's listserv page is at https://webmail.mnet.state.mn.us/mailman/listinfo/sr-rrb.

[58] MINN. STAT. 403.37 (2014).

membership, regular meeting schedule, extensive committee structure, and relationships with the RECBs, is established, mature, trusted, and well-positioned to work through the consultation process to develop a FirstNet state plan that Minnesota public safety stakeholders can broadly support—and also to generate and maintain support for that plan among those stakeholders.

5. The SECB Will Be a Capable Advisor to the Governor on Opt-in/out

At the conclusion of the consultation process, FirstNet will present the final state plan, and the Governor will decide whether to accept the FirstNet plan (opt-in) or reject it in favor of building Minnesota's own radio access network (opt-out). In light of the SECB's deep involvement and expertise in both the communications needs of the Minnesota public safety community and the consultation process that resulted in the state plan, the Governor will surely seek the SECB's advice on this opt-in/out decision. If the SECB supports the state plan, it is highly capable to generate buy-in for that plan as described above; the same would also be true for an SECB-supported opt-out plan endorsed by the Governor. That the SECB is so well-established and for a decade has governed the design, construction, and operation of a statewide radio system provides particular experience and perspective to advise the Governor on the opt-in/out decision.

6. The SECB Is Authorized and Capable to Make Decisions on Broadband Applications Standards to Promote Interoperability

FirstNet has identified among its areas of work the development of public safety applications for use on the NPSBN. As the public safety wireless broadband network in Minnesota gains adoption, its value for the interoperable sharing of data will become increasingly evident to users, and public safety agencies will likely begin to advocate the use of specific data applications on the network. For example, law enforcement agencies may wish to use the network to share certain computer-aided dispatch ("CAD") data, but unless they all use the same CAD application (or at least interoperable CAD applications), sharing that data may be more complex. FirstNet may provide or even require certain applications for specific purposes on the NPSBN; the SECB is in a strong position to identify and standardize applications for use on the public safety wireless broadband network in Minnesota.

The 2013 legislation extending the SECB's jurisdiction to wireless broadband for public safety also required the SECB to define "technical and operational standards for that network." This recent legal authority is adequate for addressing applications in the planning of the future broadband network. Once the SECB adopts a plan, its statutory authority further appears adequate to support any applications standards it may wish to establish for the network, perhaps building on Minnesota's substantial long-standing investment in criminal justice data systems and the work of the Criminal and Juvenile Justice Information Policy Group.[59]

[59] The Criminal and Juvenile Justice Information Policy Group is a governing body of CriMNet, under DPS's Bureau of Criminal Apprehension. Information is available at *https://dps.mn.gov/divisions/bca/boards-committees/crimnet/Pages/governing-bodies-policy-group.aspx*.

B. Recommendations: Two Areas for Action to Support FirstNet Consultation

1. Amend the Statute to Clarify SECB Authority over Broadband Implementation and to Explicitly Include Broadband within RECB Authority

Though the 2013 SECB statute added responsibility for "developing and maintaining a plan for a statewide public safety broadband network, including definition of technical and operational standards for that network," the legislation does not clearly establish the SEBC's authority to oversee the implementation of that plan.[60] By contrast, the 2013 law does state clearly that "[t]he board shall oversee the implementation of the plan under subdivision 3 for 911 service and ensure that the 911 services are implemented, operated, and maintained in accordance with the 911 service plan."[61] Though the SECB's current authority appears adequate for the planning of the public safety broadband network and for participating in FirstNet consultation prior to the Governor's opt-in/out decision, it may be insufficient to carry Minnesota into the next phase of implementation of the network.

The RECBs' statutory authority with regard to the public safety wireless broadband network is less vague: neither the 2004 RECB law nor its 2013 amendment mentions broadband at all. With regard to ARMER, the RECBs are authorized to

> set or adopt regional performance and technical standards, subject to review by the Statewide Radio Board, that do not interfere with the backbone or interoperability infrastructure administered by the Statewide Radio Board.[62]

Likewise, for NG911, the legislature charged the RECBs with

> the establishment of regional technical and operational standards for the implementation of NG911service within the region or within sub-regions of the region that are consistent with technical and operational standards for 911 service adopted [by the SECB] pursuant to section 403.382.[63]

Though the RECBs will be as important to the broadband network's adoption and success as they will to NG911 and have been to ARMER, state law does not define an RECB role in the planning, deployment, or operation of the public safety broadband network.

After the state plan (whether as proposed by FirstNet or some other approach) is defined and has been adopted by the State, the SECB and RECBs should advocate amendments to clarify that the SECB and RECBs have similar roles and authorities in the governance of the public safety wireless broadband network as they do with regard to the ARMER system, to the extent consistent with federal law, FirstNet

---

[60] MINN. STAT. 403.382(8) (2014).

[61] MINN. STAT. 403.382(5) (2014).

[62] MINN. STAT. 403.39(2) (2014).

[63] MINN. STAT. 403.392(2) (2014).

policy, and the plan the State has adopted. In comments responding to a FirstNet September 2014 Notice and Request for Comment, the SECB pointed out, for example, that "FirstNet's service will materially benefit from state and regional governance structures having a substantive role in managing and authorizing access to the network."[64] Though the recommended amendment should thus provide the SECB and RECBs access management authority, such authority would necessarily be subject, at least in an opt-in scenario, to FirstNet policy.

2. Work to Support Tribal Government Involvement in the Governance Structure

FirstNet is required by the Act to include tribal nations in its planning efforts, and it has taken steps to make tribal participation a priority. Though FirstNet has endeavored to engage tribes directly, the Minnesota public safety communications governance structure should also have strong tribal participation. Interviewees report that tribal participation at the RECBs and RACs varies widely by region, however, and they generally agree that there is little tribal involvement at the SECB. Some interviewees suggest that the reason may be at least partly statutory.

Minnesota law facilitates mutual aid by defining a statewide liability arrangement for mutual aid among "political subdivisions."[65] Some interviewees suggested that the current omission of tribal nations from the liability provisions applicable to "political subdivisions" has a chilling effect on mutual aid involving the tribes, thus significantly reducing the incentive for tribal public safety entities to pursue interoperability with state and local agencies. The SECB should consider whether there is value for public safety communications in advocating legislation to extend to tribal nations the liability arrangement currently applicable to "political subdivisions," thus providing a statewide liability arrangement for mutual aid that involves tribes either as the provider or receiver of the aid. Addressing this issue may mitigate an obstacle to discussions with tribal agencies about interoperable emergency communications.

This recommendation also could help improve tribal participation in some RECBs. In addition, RECBs where tribal participation is weak should consider adopting formal resolutions encouraging tribal participation in the RECBs and RACs, urging them to join the regional JPAs.

C. Perception Issues to Consider

Though public safety communications leaders interviewed for this assessment are overwhelmingly positive about the governance structure as a whole and virtually all agree that the SECB and the RECBs are very strongly positioned to support FirstNet consultation, there is not surprisingly a marked variance in interviewees' views on certain issues. These "perception issues" are those that focus on an interviewee's own experience in the Minnesota governance structure. For example, some interviewees feel they receive SECB information in a timely and effective fashion; others do not. Likewise, some interviewees feel that in the SECB and RECBs and their respective committees and workgroups, those participants in operational roles tend to defer too readily and often to participants in technical roles;

---

[64] Comments of the State of Minnesota, *Proposed Interpretations of Parts of the Middle Class Tax Relief and Job Creation Act of 2012,* Dkt. No. 140821696-4696-01 (Oct. 27, 2014) at 3.

[65] MINN. STAT. 12.03, 12.331 (2014).

again, other interviewees do not share this perception. The interviews performed for this assessment probed these conflicting perceptions in some depth.

This subsection of the report describes some of the most frequently raised—and most strongly disputed—perception issues. Rather than accepting a perceived problem at face value and proposing solutions to the perceived problem (thus discounting contrary views that there is no such problem), this report presents the issues as raised in the interviews and urges the SECB and the RECBs, as appropriate, to consider

1. whether a perception is accurate;
2. if it is accurate, whether the perceived issue merits action to address it and what that action might be; and
3. if the perception is not accurate, whether it is so widely held that action is called for to correct the misperception.

Because the methodology for the assessment included in-depth interviews with a relatively narrow sample rather than a broad survey of public safety communications practitioners, this report cannot describe the extent to which various views are predominant or are held by a minority of the community.

Information Flow: A number of interviewees indicated that the quality, freshness, and frequency of communications to users from SECB members about SECB developments varies greatly depending to some extent upon the individual SECB member charged with communicating those developments.

Deference to technical participants: Interviewees suggested that technical—as opposed to operational—participants in the governance structure increasingly lead the direction of decision-making in both the SECB and the regional bodies (though perhaps less so for the Metro region), to the point that some interviewees expressed a concern that the results are not always fully vetted or supported by those who will use the technology.

Participant engagement: Interviewees noted some concerns regarding engagement of participants in the governance process, particularly at the regional level and among regional representatives to the SECB, including a perception that throughout the governance structure, unengaged participants sometimes defer too easily to others, and that participants sometimes lack awareness or a full understanding of a particular concept or action even after the participant has voted to approve it.

State/local relations: A fairly frequent theme in the comments of interviewees from both state and local agencies was that local participants in some cases distrust state-level participants to accord appropriate weight to local concerns. Local-level interviewees expressed a general perception that state agencies exert disproportionate influence on the work of the SECB; for example, ECN staffing support of the SECB may suggest ECN has greater influence on the SECB, aggravating distrust. Though interviewees stress that the level of this distrust has decreased over the years, they generally agree that rightly or wrongly, it nonetheless persists.

Urban/rural relations: Similar in some ways to the tension between state and local interests, some interviewees also identified a tension among urban and rural interests. Specifically, interviewees from rural jurisdictions expressed a concern that the SECB is unduly responsive to urban jurisdictions at the expense of rural interests.

Interstate and international coordination: A number of interviewees suggested that coordination with border communities in neighboring states and Canada is case-by-case and not particularly well-coordinated with the statewide governance structure, though perhaps coordination is better with Wisconsin because it is within FEMA Region V.

Figure 2: FEMA Region V

V. Next Steps

Upon receiving and reviewing this report, DPS should submit it to the SECB and the RECBs for consideration of the findings, recommendations, and perception issues.

Minnesota held its initial consultation meeting with FirstNet in September 2014. That meeting was the formal beginning of the process by which the State and FirstNet will develop the "state plan" for the design, deployment, and operation of the network in the state. The recommendations contained in this report would, if implemented, improve the ability of the statewide governance structure to support development of the state plan. As a result, the SECB should consider these recommendations during its next few meetings, so that they might be taken into account in the consultation process.

Accordingly, the SECB (or an appropriately designated committee, such as the Steering Committee) and the RECBs should place on the agenda of the next available scheduled meeting a discussion of this report, its findings and recommendations. The SECB and RECBs also should consider the perception issues identified above and any action appropriate in light of their accuracy or inaccuracy.