

**COLORADO GENERAL ASSEMBLY  
JOINT BUDGET COMMITTEE**



**INTERIM SUPPLEMENTAL REQUESTS FOR  
FY 2013-14**

**DEPARTMENT OF PUBLIC SAFETY**

**(Excluding Division of Criminal Justice)**

**JBC Working Document - Subject to Change  
Staff Recommendation Does Not Represent Committee Decision**

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	FY 2012-13	FY 2013-14	Fiscal Year 2013-14 Interim Supplemental		
	Actual	Appropriation	Requested Change	Recommended Change	New Total with Recommendation

**DEPARTMENT OF PUBLIC SAFETY**  
**Executive Director - James Davis**

**Interim Supplemental #1 - Digital Trunk Radio Tower Replacement**

*(1) Colorado State Patrol*

Operating Expenses	<u>12,778,964</u>	<u>9,827,325</u>	<u>703,621</u>	<u>0</u>	<u>9,827,325</u>
General Fund	462,528	462,528	0	0	462,528
Cash Funds	12,136,480	9,110,896	321,621	0	9,110,896
Reappropriated Funds	179,956	253,901	382,000	0	253,901

**Interim Supplemental #2 - Averting the Loss of Statewide Interoperability**

*(1) Executive Director's Office,*

*(A) Administration*

Health, Life, and Dental	<u>9,926,753</u>	<u>11,993,091</u>	<u>4,421</u>	<u>0</u>	<u>11,993,091</u>
General Fund	1,626,136	1,907,060	4,421	0	1,907,060
Cash Funds	7,627,004	8,657,684	0	0	8,657,684
Reappropriated Funds	673,613	693,982	0	0	693,982
Federal Funds	0	734,365	0		734,365
Short-term Disability	<u>151,507</u>	<u>206,287</u>	<u>65</u>	<u>0</u>	<u>206,287</u>
General Fund	28,123	41,046	65	0	41,046
Cash Funds	123,384	141,306	0	0	141,306
Reappropriated Funds	0	9,677	0	0	9,677
Federal Funds	0	14,258	0		14,258

	FY 2012-13	FY 2013-14	Fiscal Year 2013-14 Interim Supplemental		
	Actual	Appropriation	Requested Change	Recommended Change	New Total with Recommendation
S.B. 04-257 Amortization Equalization					
Disbursement	<u>2,665,501</u>	<u>3,693,614</u>	<u>1,313</u>	<u>0</u>	<u>3,693,614</u>
General Fund	457,455	699,803	1,313	0	699,803
Cash Funds	1,989,196	2,573,886	0	0	2,573,886
Reappropriated Funds	218,850	172,237	0	0	172,237
Federal Funds	0	247,688	0		247,688
S.B. 06-235 Supplemental Amortization					
Equalization Disbursement	<u>2,243,459</u>	<u>3,332,226</u>	<u>1,185</u>	<u>0</u>	<u>3,332,226</u>
General Fund	430,377	630,123	1,185	0	630,123
Cash Funds	1,626,673	2,323,377	0	0	2,323,377
Reappropriated Funds	186,409	155,119	0	0	155,119
Federal Funds	0	223,607	0		223,607
<i>(6) Division of Homeland Security and Emergency Management</i>					
<i>(A) Office of Emergency Management</i>					
Program Administration	3,995,397	2,801,812	60,729	0	2,801,812
FTE	<u>28.2</u>	<u>31.7</u>	<u>0.5</u>	<u>0.0</u>	<u>31.7</u>
General Fund	996,059	780,079	60,729	0	780,079
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	65,841	0	0	65,841
Federal Funds	2,999,338	1,955,892	0		1,955,892

	FY 2012-13	FY 2013-14	Fiscal Year 2013-14 Interim Supplemental		
	Actual	Appropriation	Requested Change	Recommended Change	New Total with Recommendation
<b>Total for Supplemental #2</b>	18,982,617	22,027,030	67,713	0	22,027,030
FTE	<u>28.2</u>	<u>31.7</u>	<u>0.5</u>	<u>0.0</u>	<u>31.7</u>
General Fund	3,538,150	4,058,111	67,713	0	4,058,111
Cash Funds	11,366,257	13,696,253	0	0	13,696,253
Reappropriated Funds	1,078,872	1,096,856	0	0	1,096,856
Federal Funds	2,999,338	3,175,810	0	0	3,175,810
<b>Totals</b>					
DEPARTMENT OF PUBLIC SAFETY					
TOTALS for ALL Departmental line items	334,979,283	343,086,267	771,334	0	343,086,267
FTE	<u>1,512.1</u>	<u>1,616.1</u>	<u>0.5</u>	<u>0.0</u>	<u>1,616.1</u>
General Fund	94,865,303	97,396,503	67,713	0	97,396,503
Cash Funds	152,101,966	164,734,328	321,621	0	164,734,328
Reappropriated Funds	22,315,699	25,776,057	382,000	0	25,776,057
Federal Funds	65,696,315	55,179,379	0	0	55,179,379

## Prioritized Interim Supplemental Requests

### INTERIM SUPPLEMENTAL REQUEST, DEPARTMENT PRIORITY #1 DIGITAL TRUNK RADIO TOWER REPLACEMENT

	Request	Recommendation
<b>Total</b>	<b><u>\$703,621</u></b>	<b><u>\$0</u></b>
Cash Funds	321,621	0
Federal Funds	382,000	0

<p><b>Does JBC staff believe the request satisfies the interim supplemental criteria of Section 24-75-111, C.R.S.?</b> [The Controller may authorize an over expenditure of the existing appropriation if it: (1) Is approved in whole or in part by the JBC; (2) Is necessary due to unforeseen circumstances arising while the General Assembly is not in session; (3) Is approved by the Office of State Planning and Budgeting (except for State, Law, Treasury, Judicial, and Legislative Departments); (4) Is approved by the Capital Development Committee, if a capital request; (5) <b>Is consistent with all statutory provisions applicable to the program, function or purpose for which the over expenditure is made;</b> and (6) Does not exceed the unencumbered balance of the fund from which the over expenditure is to be made.]</p>	<b>NO</b>
<p><b>Does JBC staff believe the request meets the Joint Budget Committee's supplemental criteria?</b> [An emergency or act of God; a technical error in calculating the original appropriation; data that was not available when the original appropriation was made; or an unforeseen contingency.]</p>	<b>YES</b>
<p>JBC staff and the Department agree that this request meets some of the interim supplemental criteria of Section 24-75-111, C.R.S., but not other, in particular number (5).</p>	
<p>JBC staff and the Department agree that the JBC's supplemental criteria have been met.</p>	

**Department Request:** The Department of Public Safety (DPS) requests \$703,621 total funds, including \$321,621 HUTF "off-the-top" and 382,000 reappropriated funds from the Governor's Office of Information Technology (OIT) Public Safety Communications Trust Fund (PSCTF). The requested funds are for the installation of a Digital Trunk Radio System (DTRS) tower site in the Raymer area of Weld County (New Raymer site).

**Staff Recommendation:** Staff recommends that the Committee deny this request based on the following:

1. The Department of Public Safety will not be able to access the \$382,000 from the PSCTF;
2. The agency responsible for the DTRS is the Governor's OIT, as such funding for this request belongs with the Governor's Office;
3. Staff cannot justify the funding sources and methodology used in the request. In particular, staff does not believe that HUTF "off-the-top" should be used to subsidize other state agencies capital replacement costs.

*The rules governing interim supplementals in Section 24-75-111 (5), C.R.S., require the Committee to introduce all interim supplementals that it approves.*

## **Staff Analysis:**

### **State Telecommunications Network**

Section 24-33.5-223, C.R.S., created the State telecommunications network and placed it under the management of the State telecommunications director within the Governor's OIT:

"(1) In order to more efficiently support the efforts of state departments, state institutions, state agencies, and law enforcement and public safety political subdivisions, and to better serve the public, there is authorized to be established a state telecommunications network, **the construction, maintenance, and management of which shall be under the supervision of the state telecommunications director.**

(2) (a) **The state telecommunications director is authorized, subject to appropriation by the general assembly, to purchase or lease any real estate, buildings, and property necessary to the operation or development of the telecommunications network,** and to use any available facilities and telecommunications equipment of any state agency or institution, and, if necessary, to provide for the construction of the network." **[emphasis added]**

When asked why this request is submitted through DPS and not the Governor's OIT, the OIT responded that this is a public safety concern that affects Colorado State Patrol (CSP) troopers and other affiliated users of the DTRS. Staff disagrees with this OIT statement and believes that statutes clearly place construction, maintenance, management, or development of the network within the purview of the Governor's OIT.

Staff does not believe that this request should be submitted through the DPS. Staff believes that the Governor's OIT should have submitted this request as the agency responsible for the management, operations, maintenance and development of the State telecommunications network, which includes the DTRS.

### **Funding Structure for Request**

The DPS is requesting a total of \$703,621, including \$321,621 cash funds HUTF "off-the-top" and \$382,000 reappropriated funds from the Governor's OIT, Communications Services program, from the Public Safety Communications Trust Fund. For a detailed breakdown of the components of the request, please refer to the "Assumptions and Calculations" section at the end of this document.

Staff has several concerns regarding the funding sources and the appropriation location for a DTRS tower replacement.

### Appropriation for DTRS Tower Replacement

Staff believes that the most relevant appropriation structure location for this request is the Governor's OIT, Communication Services program. This is the program that manages the DTRS. The regular appropriations to the program include funding for personal services costs and operating expenses, including expenses for the regular maintenance and upkeep of the DTRS.

Staff does not understand why the request was submitted through DPS, other than the fact that the HUTF "off-the-top" has a significant amount of appropriation authority under the 6.0 percent appropriation limit for FY 2013-14 that can be accessed.

Currently, the HUTF "off-the-top" appropriation to the Department is \$3,954,267 under the FY 2013-14 appropriation limit. Staff is aware of one supplemental request that will be coming from the Department for FY 2013-14 HUTF "off-the-top" and that is associated with the FY 2014-15 R10 to replace trooper portable radios. The estimated FY 2013-14 request associated with R10 is \$1,343,900. The Department did not provide any additional information to staff indicating if there will be other HUTF "off-the-top" supplemental requests for FY 2013-14.

### Funding Sources

- Use of Public Safety Communications Trust Fund

The Department states that it has a balance totaling \$382,824 in the Public Safety Communications Trust Fund that it can use toward the purchase of the tower. Based on the statutory framework guiding the PSCTF, staff believes that the fund is an appropriate fund to use for the replacement costs of a DTRS tower.

The Public Safety Communications Trust Fund was created in Section 24-37.5-506, C.R.S.

"(1) There is hereby created in the state treasury the public safety communications trust fund, referred to in this section as the "fund". The moneys in the fund are **subject to annual appropriation by the general assembly to the office** for distribution as determined by rules adopted pursuant to section 24-37.5-502 (1) (j). The primary purpose of such distributions shall be the acquisition and maintenance of public safety communication systems for use by departments including but not limited to the departments of public safety, transportation, natural resources, and corrections as provided in section 24-37.5-502 (4) (b). Such systems shall satisfy the requirements of the public safety national plan established by the federal communications commission, also referred to in this article as the "FCC", in FCC report and order in general docket no. 87-112, and subsequent FCC proceedings and rules. This section shall not preclude the payment of maintenance expenses including the cost of leased or rented equipment, payments to local governmental entities for radio communication systems, or payments related to public safety radio systems." **[emphasis added]**

However, staff notes that the Department request is not complete, and that as such, the Department will not be able to access all the moneys in the request from the PSCTF. The reason



for this is because the Department did not request an associated cash funds spending authority increase to the appropriation in the Governor's OIT, Communications Services group from the Public Safety Communications Trust Fund.

Communications Services currently has a \$300,000 cash funds appropriation from the PSCTF for a Microwave Assessment in S.B. 13-230 (Long Bill). As section 24-37.5-506 (1), C.R.S., states, moneys in the PSCTF are subject to annual appropriation by the General Assembly to the Governor's OIT. As such, as the request currently stands, the Department of Public Safety will only be able to spend up to \$300,000 of the existing appropriation. To the extent that the Governor's OIT has begun payment for the Microwave Assessment, there will be less than \$300,000 available.

The proper way to make the request would have been for the Governor's OIT to request an increase to its Communications Services program by \$382,000 cash funds from the PSCTF.

Because the statutes governing emergency supplemental requests are very narrow, staff cannot make a recommendation that changes the Department's original request, staff can only recommend for or against the request. Section 24-75-111, C.R.S., lays out the allowable over-expenditures and the process for requesting and approving an emergency supplemental. Based on statutes, the request may only be approved in whole or in part.

"(1) (c) (I) If the overexpenditure is in regard to an operating budget item and is requested by a department, institution, or agency of the state other than the department of law, the department of the treasury, the department of state, the judicial department, or the legislative department:

(A) The request for the overexpenditure has been submitted to the office of state planning and budgeting for approval and the office of state planning and budgeting has approved the over expenditure, in whole or in part; and

(B) Upon approval by the office of state planning and budgeting, the request for the overexpenditure has been submitted to the joint budget committee of the general assembly for approval; and

(C) **The request for the overexpenditure has been approved, in whole or in part,** by a majority vote of the members of the joint budget committee and the controller has received written confirmation of such approval from the joint budget committee;" **[emphasis added]**

- Use of HUTF "off-the-top"

Article X of Section 18 of the Colorado Constitution limits the use of HUTF dollars to be used exclusively for construction, maintenance, and supervision of the public highways of the state.

Section 43-4-201, (3) (a) (I) (C), C.R.S., restricts appropriations from the HUTF 'off-the-top' to the Colorado State Patrol. Staff believes that HUTF "off-the-top" should be used to fund the portion of costs associated with installing the New Raymer tower that can be linked directly to CSP use, any other costs should be funded by the other users.

- Information Technology Revolving Fund

The Governor's OIT, Communication Services program charges users of the DTRS for maintenance of the system through the IT common policy process and deposits the moneys in the Information Technology Revolving Fund pursuant to Section 24-37.5-112, C.R.S. This fund also collects allocations for other services that the Governor's OIT provides to state agencies.

Staff believes that this fund is a more appropriate fund to use when it comes to replacing a DTRS tower. According to the Governor's OIT cash fund report for the IT Revolving Fund, the fund is estimated to have a \$762,142 ending (unencumbered) fund balance at the end of FY 2013-14. According to a report ran by the Office of the State Controller's Field Accounting Services Team (FAST) on December 17, 2013, the IT Revolving Fund had \$47,291,855 in available net assets, \$45,389,525 in encumbrances, leaving an unencumbered fund balance (net assets) totaling \$1,902,330.

During a discussion with the Governor's OIT staff on Friday, December 13, 2013, OIT staff told the JBC staff that the Communications Services component of the IT Revolving Fund had a \$50,000 unencumbered balance that day. OIT staff told the JBC that even if there are unencumbered funds in the IT Revolving Fund, they will not all be accrued to the Communications Program, thus, they would have concerns about using unencumbered funds for other purposes to pay for the tower. One of the concerns raised was that the Federal Government may have a concern with using federal moneys that may be part of the funding balance to fund a tower replacement. However, neither OIT staff nor DPS staff could sufficiently respond to JBC staff concerns that HUTF "off-the-top" funds are also protected by the Colorado Constitution and Colorado Statutes and should only be used as designated, in this case for State Patrol costs only. Staff does not believe that the HUTF "off-the-top" should pay for Department of Natural Resources DTRS costs, Department of Corrections DTRS costs, Department of Transportation Costs, or any other agency's costs.

Section 24-37.5-112 (2), C.R.S., states:

"(2) Notwithstanding any law to the contrary, any moneys appropriated from the general fund to the office or a state agency for the 2008-09 fiscal year and for each fiscal year thereafter, for the procurement of information technology resources or major automation system projects that are unexpended or unencumbered as of the close of the fiscal year as a result of savings achieved by the office or state agency in connection with such procurements, shall not revert to the general fund and shall be transferred by the state treasurer and the controller to the information technology revolving fund created in subsection (1) of this section."

In responding to JBC staff questions asking about the IT Revolving Fund estimated FY 2013-14 balance totaling \$762,142 the OIT provided the following two responses:

*"The IT Revolving Fund balance projected at the end of FY 2013-14 is partly due to the anticipated annual IT reversion of unspent General Fund appropriations to state agencies for IT purposes (24-37.5-112 (2) CRS).*

*Any potential fund balances as a result of OIT's other services are considered restricted funds. As an internal service organization, OIT must report actual revenues and expenditures to federal oversight by service and any revenues from a service must be spent on that service. Therefore, OIT would be unable to spend balances on Communications Services unless the balance originated from that service."*

The Governor's OIT staff also provided the following response to the same question above:

*"These are controlled maintenance funds designated by the State Architect's Office. These funds have been fully encumbered for the replacement "Critical Tower Loading". These are towers that are excessively loaded with antennas, transmission equipment and transmission lines, etc."*

From the responses above, it is not clear to staff that the Governor's OIT can clearly explain what accounts for the funding balance in the IT Revolving Fund, thus, one cannot clearly understand how much unencumbered balance there may be in the fund for use for this request.

#### Billing Allocation Methodology

Staff attempted to find out the anticipated usage of the new tower by various state agencies in order to figure out an appropriate cost allocation for funding the requested New Raymer tower. Neither the Governor's OIT nor the DPS could provide such estimate. The response that staff received was:

*"Because the CSP is the primary DTRS user impacted by the removal of the towers located in Weld and Adams Counties, it seems appropriate that the new tower be funded with HUTF."*

Staff believes that the above response is inadequate in order to figure out a billing methodology. What does "primary" mean in this case? Does it mean 51.0 percent usage, or does it mean some other percentage that may be interpreted to mean that CSP is a primary user?

Staff is aware of a Governor's OIT FY 2014-15 change request R7 "Digital Trunked Radio System (DTRS) Operations Increase". With this request, the OIT seeking an on-going increase to its operating budget totaling \$1.1 million for phased replacement of critical electronic components, renew software licenses, and the annual replacement of microwave transceivers located on microwave tower sites annually.

In Request 7, the Governor's OIT stated that the costs of the request are going to be included in the DTRS rate structure and billed out to agencies. The existing DTRS rate structure is allocated to state agencies based on their number of radios.

<b>Governor's OIT FY 2014-15 R7, "Digital Trunked Radio System (DTRS) Operations Increase</b>				
<b>OIT Billing Methodology Calculations for R7</b>				
<b>Department</b>	<b>Radio Count</b>	<b>Percent of Total Radios</b>	<b>FY 15 Allocation Rate</b>	<b>Allocation by Agency</b>
Agriculture	\$600	0.3%	\$5.38	\$3,228
Corrections	75,948	36.6%	\$5.38	408,600
Higher Education	1,776	0.9%	\$5.38	9,555
Human Services	7,416	3.6%	\$5.38	39,898
Judicial	684	0.3%	\$5.38	3,680
Law	336	0.2%	\$5.38	1,808
Military and Veterans Affairs	792	0.4%	\$5.38	4,261
Natural Resources	44,940	21.6%	\$5.38	241,777
Personnel	48	0.0%	\$5.38	258
Public Health and Environment	876	0.4%	\$5.38	4,713
Public Safety	31,488	15.2%	\$5.38	169,405
Revenue	2,520	1.2%	\$5.38	13,558
Transportation	<u>40,248</u>	<u>19.4%</u>	\$5.38	<u>216,534</u>
<b>Total</b>	<b>\$207,672</b>	<b>100.0%</b>		<b>\$1,117,275</b>

Based on the table above, the Governor's OIT has calculated that the Department of Public Safety uses 15.2 percent of the DTRS infrastructure. Please note that this includes the State Patrol, the Colorado Bureau of Investigation, the Division of Fire Prevention and Control, and the Office of Homeland Security and Emergency Management. As such, the CSP share of costs is going to be lower.

The Department and OIT could not answer JBC staff's main question: why the above methodology is not being used to fund the cost of the tower that exceeds the moneys available in the PSCTF?

### **Summary of Department Request:**

#### **Background**

The Front Range Communications Consortium (FRCC), currently made up of Adams County and Weld County, announced in July 2013 that the FRCC will be disaffiliating from the statewide Digital Trunked Radio System (DTRS) network and establishing a separate radio system network, effective December 2013. As a result, eight FRCC-owned Weld and Adams county towers will be removed from the statewide DTRS network.

In discussions with the JBC staff analyst for the Governor's OIT, staff understands that other counties may be considering pulling out of the DTRS. Below is a summary of the current status of counties that staff is aware of.

<b>Statewide Digital Trunked Radio System (DTRS)</b>				
<b>Anecdotal Survey of Counties' Intent to Remain within DTRS or Disaffiliate</b>				
<b>County</b>	<b>Leave</b>	<b>Intent to Leave</b>	<b>Stay</b>	<b>Undecided</b>
Adams County (FRCC)	X			
Weld County (FRCC)	X			
Douglas County (has submitted letter of intent)		X		
Jefferson County				X
Pikes Peak Regional Communications Network PPRCN (Colorado Springs and El Paso County)			X	
Arapahoe County			X	

The Department states that the loss of public safety communication access to the areas these towers cover creates a significant gap in the statewide public safety network. This will result in safety concerns for Colorado State Patrol troopers, other state agencies, the motoring public and other affiliated users of the DTRS.

**Description of Request**

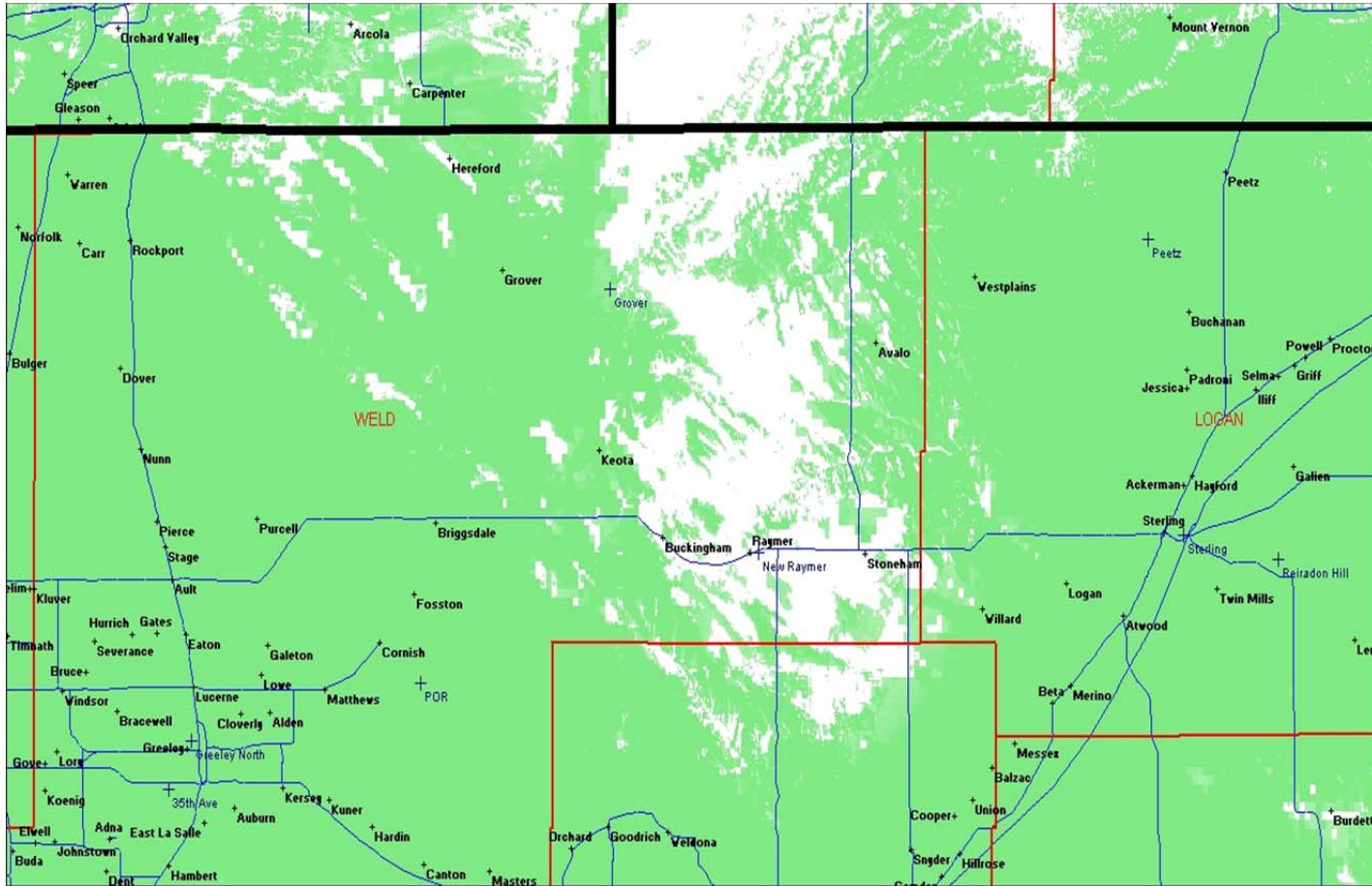
This request will provide funding for the installation of a radio tower in Weld County. This tower will help fill the gap in radio coverage created from the DTRS separation.

The DTRS is a shared statewide system that includes towers purchased and constructed by both state and local affiliated agencies. The infrastructure currently consists of 221 active radio sites operating on four Zone Controllers that provide mobile radio coverage to approximately 95 percent of the state highways. There are over 1,000 state, local, county, federal and tribal agencies and over 70,000 subscriber radios using DTRS. The system averages more than 9,000 hours of talk time each month and handles over 99 million calls annually.

Impact of the FRCC separation from the DTRS

The FRCC disaffiliation from the DTRS includes reappropriation of assets previously assigned to the DTRS. This includes the transistion of six towers in Weld county and two towers in Adams County from DTRS and consolidating them into the FRCC member network. The FRCC network will become a separate radio system using the same technology as the statewide network.

Map of Radio Coverage Gap Created by FRCC Disaffiliation from DTRS (white areas represent the radio coverage gap):



The Department states that without radio coverage, troopers in these areas will be unable to communicate with the CSP dispatch center, and with other troopers. Troopers patrolling this area, or responding to calls for service, will be unable to call for backup or for first responder support such as ambulances or fire fighter support. Further, communication with emergency responders on the FRCC system or nearby counties (Morgan and Sterling counties) will not exist. **In addition, other Colorado state agencies that rely on radio communications, such as the Department of Natural Resources (DNR), Department of Transportation (CDOT) and the Department of Corrections (DOC) will be unable to call for backup or first responder support, much like the CSP troopers. [emphasis added]**

The proposed New Raymer tower would be constructed on state-owned (CDOT) land, in eastern Weld County near the town of New Raymer (New Raymer site), and will reduce coverage limitations in that region. In addition to the coverage issue, there is an immediate concern for first responders' ability to communicate across the two separate radio systems (FRCC and DTRS) in emergency situations requiring mutual aid. A means of 'bridging' these two radio systems is a critical safety concern. A proposed solution is to install Inter Subsystem Interface (ISSI) equipment and software on the DTRS to give both systems the ability to communicate on specific mutual aid talk groups as long as each radio has coverage in their respective areas/systems.

The Department states that future maintenance costs related to the DTRS will be assumed by the Governor's Office of Information Technology (OIT).

#### Bridging to/from the FRCC

The acquisition and installation of the necessary Inter Subsystem Interface (ISSI) equipment will allow the separated DTRS and FRCC systems to be bridged or patched. This equipment will allow first responders using the DTRS to communicate directly with first responders using the FRCC system and vice versa. The ISSI will be installed at the State of Colorado-Denver Transmitter Building for management by OIT's DTRS Engineer. This key equipment is projected to cost \$81,478.

This solution will only be successful if the appropriate radio tower connectivity is accomplished. In addition, for the ISSI solution to work properly the DTRS requires completion of the OIT funded and planned Motorola software upgrade to, at the least, version 7.11 from the current 7.5 version.

#### Alternative Solutions Considered

The Colorado State Patrol (CSP) considered the costs of not replacing the tower. In this solution, troopers will be made aware of the areas with limited or no radio coverage. In these particular areas, for the safety of the trooper and motoring public, the trooper will not engage in proactive law enforcement activities such as making contact with suspicious vehicles until the vehicle is in an area that has radio coverage. However, there may be emergency situations where troopers will be forced to make contacts in areas without radio coverage. The Department states that this alternative was rejected because making contacts without radio coverage is not an acceptable safety practice for CSP troopers or the motoring public.

The CSP also contemplated co-locating equipment with FRCC and leasing space on the existing "FRCC New Raymer" tower. Leasing was determined not to be an option because the existing tower does not have the capacity to support both the FRCC equipment and the state-owned DTRS equipment. Analysis performed by OIT Manager of Public Safety Communications Network Peter Bangas, citing potential tower failure, recommended against this solution. Mr. Bangas' memorandum to CSP states: "...the existing tower will not be able to withstand the load of the equipment necessary.... Therefore, we feel the amount of equipment required at this stage would create serious potential for tower failure."

#### Anticipated Outcomes

The Department states that installing one radio tower in New Raymer will ensure radio coverage is not interrupted. In addition, other State agencies that will benefit from the construction of the new towers and the continued radio coverage include the CDOT, DOC, and DNR's Division of Parks and Wildlife. Volunteer fire and ambulance departments will also benefit from the construction of the New Raymer tower. First responder departments such as Logan County Sheriff's Offices, Sterling Fire Departments, and Logan County ambulances are located on the fringe of the FRCC system and will need to communicate with their associated dispatchers.

Assumptions and Calculations

The Department states that cost projections were researched, compiled and provided to the Department by Governor's OIT engineers on September 30, 2013.

The table below summarizes the cost components of the request.

<b>Assumptions and Calculations for Supplemental Request One DTRS Tower, Equipment and Installation</b>	
<b>Component</b>	<b>Cost</b>
5-Channel Digital P25 Trunked Site with spare model GTR8000 Radio	\$225,626
Microwave New Raymer to Akron	101,698
12'x20' Shelter with 25 kw Generator and R-56 Grounding	137,569
190' Self Supported Tower (foundation and erection included)	151,250
Soil Testing for Tower Foundation	<u>6,000</u>
<b>Sub-total Cost</b>	<b>\$622,143</b>
Inter Subsystem Interface (ISSI)	<u>81,478</u>
<b>Total Cost</b>	<b>\$703,621</b>

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**INTERIM SUPPLEMENTAL REQUEST, DEPARTMENT PRIORITY #2  
AVERTING THE LOSS OF STATEWIDE INTEROPERABILITY**

	Request	Recommendation
<b>Total</b>	<b><u>\$67,713</u></b>	<b><u>\$0</u></b>
FTE	0.5	0
General Fund	67,713	0

<p><b>Does JBC staff believe the request satisfies the interim supplemental criteria of Section 24-75-111, C.R.S.?</b> [The Controller may authorize an over expenditure of the existing appropriation if it: (1) Is approved in whole or in part by the JBC; (2) Is necessary due to unforeseen circumstances arising while the General Assembly is not in session; (3) Is approved by the Office of State Planning and Budgeting (except for State, Law, Treasury, Judicial, and Legislative Departments); (4) Is approved by the Capital Development Committee, if a capital request; (5) <b>Is consistent with all statutory provisions applicable to the program, function or purpose for which the over expenditure is made</b>; and (6) Does not exceed the unencumbered balance of the fund from which the over expenditure is to be made.]</p>	<b>NO</b>
<p><b>Does JBC staff believe the request meets the Joint Budget Committee's supplemental criteria?</b> [An emergency or act of God; a technical error in calculating the original appropriation; data that was not available when the original appropriation was made; or an unforeseen contingency.]</p>	<b>NO</b>
<p>JBC staff does not believe that this interim supplemental request meets either set of criteria.</p>	

**Department Request:** The Department requests an increase of \$67,713 General Fund and 0.5 FTE in FY 2013-14 and \$120,357 General Fund and 1.0 FTE in FY 2014-15 and beyond to provide funding for personal services and operating expenses for a permanent Statewide Interoperability Coordinator (SWIC) and an annual operating budget for the Colorado Statewide Interoperability Executive Council (SIEC).

**Staff Recommendation:** Staff recommends that the Committee deny this request as it does not meet the interim supplemental criteria.

*The rules governing interim supplementals in Section 24-75-111 (5), C.R.S., require the Committee to introduce all interim supplementals that it approves.*

**Staff Analysis:** The Department informed staff that the Statewide Interoperability Coordinator (SWIC) position has been vacant since February 2012. Staff does not believe that the request for a coordinator to a council fits the interim supplemental criteria. It is not clear to staff that providing funding for a staffer of a council is going to address structural problems that exist with the funding of DTRS up-keep and infrastructure replacement nor will it address high-level policy and funding disagreements between the State and Counties. In addition, the Department could not respond why the requested position could not be billed as part of the OIT DTRS billing methodology.

This request would fit better under a regular supplemental request format.

## **Summary of Department Request:**

### Overview of the SWIC Position

The Statewide Interoperability Coordinator (SWIC) position was initially funded with U.S. Homeland Security grant funds and was appropriated in the former Governor's Office of Homeland Security (GOHS) federal grants line item. In September 2010, the position was absorbed into the Governor's Office of Information Technology (OIT) in conjunction with the creation of the Statewide Interoperability Executive Council (SIEC); at OIT, the position was administered as a part-time responsibility. The Department states that as State agencies reevaluate the purpose and duties of the SWIC, the Department of Public Safety and OIT have determined that the position's responsibilities more accurately reflect Public Safety's long-standing relationship with local government and its oversight of the homeland security, emergency management, and law enforcement nexus.

The Department states that the SWIC position was vacated in February 2012 after the incumbent left the position because federal funding was ending.

The Department also stated that based on recent discussions between DPS and OIT, there was mutual agreement that the SWIC's roles and responsibilities more closely align with DPS rather than OIT. OIT will remain the lead with respect to maintenance and upgrade of the DTRS, in accordance with its statutory obligations, but will partner more closely with DPS who can best serve the interests of end users. In short, OIT has been beset with many challenges related to the DTRS, a lack of ongoing funding for upgrades being foremost among them.

### Assumptions and Calculations

#### SWIC Position Assumptions

The operating allotment of \$3,625 in FY 2013-14 and a full \$7,250 in FY2014-15 for travel and training reflect the SWIC's attendance at three key domestic conferences each year, namely the International Wireless Communications Expo (IWCE), International Association of Chiefs of Police (IACP) Annual Conference, and the International Association of Emergency Management (IAEM) Annual Conference. Attendance at these conferences is necessary to stay abreast of emerging technology and best practices in interoperable communications.

#### SIEC Operating Assumptions

The enabling Executive Order B 005 09 for the SIEC authorizes up to 17-members on the SIEC. The \$15,000 would cover travel, per diem and lodging for SIEC members for quarterly meetings and to facilitate additional outreach, training and hosting of official functions as deemed necessary by the Chair. At least 9-members of the SIEC are appointed from the all-hazards regions in Colorado, requiring overnight travel by some of the members. Travel expenses for SIEC members for each quarterly meeting have averaged \$1,200 per meeting, for a total cost of \$4,800 annually, based upon a review of actual expense data. This figure is expected to increase given recent developments involving the FRCC.

*JBC Staff Interim Supplemental Recommendations: FY 2013-14  
Staff Working Document – Does Not Represent Committee Decision*

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<b>Statewide Interoperability Coordinator (SWIC)</b>				
<b>Funding Request Calculation</b>				
<b>Component</b>	<b>FY 2013-14</b>		<b>FY 2014-15</b>	
	<b>Cost</b>	<b>FTE</b>	<b>Cost</b>	<b>FTE</b>
GP V Salary	\$36,475	0.5	\$71,520	1.0
Central Benefits	11,215		18,387	
Operating Expenses	5,273		950	
Travel	3,625		7,250	
Training	<u>3,625</u>		<u>7,250</u>	-
<b>Sub-total Cost</b>	<b>\$60,213</b>		<b>\$105,357</b>	
SIEC Travel Expenses	<u>7,500</u>		<u>15,000</u>	-
<b>Total Cost</b>	<b>\$67,713</b>		<b>\$120,357</b>	

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