Travis County Commissioners Court Agenda Request

Meeting Date: November 4, 2014
Prepared By/Phone Number: Pete Baldwin/512-974-0472
Elected/Appointed Official/Dept. Head: Danny Hobby, Executive Manager Emergency Services
Commissioners Court Sponsor: Judge Samuel T. Biscoe

AGENDA LANGUAGE: Consider and Take Appropriate Action on the Letter Agreement Between the Capital Area Planning Council of Governments (CAPCOG) and Travis County Regarding the Use of the Regional Notification System (RNS) and Name Pete Baldwin as the Administrator of the Travis County RNS Account.

BACKGROUND/SUMMARY OF REQUEST AND ATTACHMENTS: The CAPCOG, in conjunction with numerous city and county representatives went through a competitive process to select a new vendor to provide the ten county area with the ability to send out emergency notifications. The vendor was selected and a contract was signed. The system is referred to as the Regional Notification System (RNS). Under the old system, each participating entity was billed an annual amount to use the service. The newly created Capital Area Emergency Communications District has agreed to fund the RNS so there is no annual cost to the entities. However, each entity must sign the Letter Agreement which basically states that use of the system will be according to the RNS Policies and Procedures. The Office of Emergency Management has read and agreed to the terms stated in the Policies and Procedures. The Letter Agreement also states that one or more persons must be named as the Administrator of the account

STAFF RECOMMENDATIONS: The Department of Emergency Services recommends approval of the Letter Agreement between CAPCOG and Travis County and name Pete Baldwin as the Administrator of the Travis County RNS Account.

ISSUES AND OPPORTUNITIES: The use of RNS provides another valuable tool in trying to protect residents and their property. We continue

to urge residents to be aware of their situation and be prepared to take action in order to protect themselves and their families.

FISCAL IMPACT AND SOURCE OF FUNDING: There is no cost to Travis County for use of the RNS.

REQUIRED AUTHORIZATIONS:
Barbara Wilson, County Attorney
Danny Hobby, Executive Manager Emergency Services

CAPCOG

Capital Area Council of Governments
6800 Burleson Road, Building 310, Suite 165 Austin, Texas 78744-2306
(p) 512.916.6000 (f) 512.916.6001
www.capcog.org

Betty Voights, Executive Director

BASTROP BLANCO BURNET CALDWELL FAYETTE HAYS LEE LLANO TRAVIS WILLIAMSON

October 24, 2014

The Honorable Samuel T. Biscoe
Travis County
P.O. Box 1748
Austin, Texas 78767

Re: Regional Notification System

Dear Judge Biscoe:

This letter agreement authorizes Travis County to use the Regional Notification System (RNS) provided by the Capital Area Council of Governments (CAPCOG) under the terms and conditions set out below, for the period beginning on the date the signed agreement is returned to CAPCOG and continuing until this agreement is cancelled in writing by either party.

Travis County agrees to use the Regional Notification System solely in accordance with the latest revision of the CAPCOG *Regional Notification System (RNS) Policies and Procedures* as approved by the CAPCOG Executive Committee. CAPCOG agrees to perform the duties assigned to it in the latest revision of the CAPCOG *Regional Notification System (RNS) Policies and Procedures* as approved by the CAPCOG Executive Committee.

Upon execution of this letter agreement: (1) Travis County will provide CAPCOG with the name(s) and contact information of one or more persons authorized to administer its RNS account; and (2) CAPCOG will activate the user account for Travis County and provide training in the use of the system to Travis County's designated administrator(s).

If Travis County receives a request under the Texas Public Information Act for disclosure of any of the RNS 9-1-1 database information, Travis County agrees not to disclose the information prior to notification of CAPCOG's Emergency Communications Department in writing within two business days of the receipt of the request so that CAPCOG may advise Travis County regarding the request.

CAPCOG may terminate this agreement at any time. However, if Travis County violates the CAPCOG *Regional Notification System (RNS) Policies and Procedures* and does not correct the violation within five business days after CAPCOG gives Travis County notice of the violation, this constitutes grounds for termination of this agreement. CAPCOG may terminate this agreement by notifying Travis County in writing of its intent to terminate, and the agreement terminates 15 calendar days after the date on the notice.

At its sole discretion, CAPCOG may immediately disable Travis County's user account while an investigation into the violation is being conducted or while the agreement is being terminated.

Each individual signing this agreement on behalf of a party warrants that he or she is legally authorized to do so and that the party is legally authorized to perform the obligations undertaken. Please return a signed original copy of this agreement to:

Division of Homeland Security
Capital Area Council of Governments
6800 Burleson Road
Building 310, Suite 165
Austin, Texas 78744

Capital Area Council of Governments

By _____

Betty Voights
Executive Director

Jurisdiction

By _____

Samuel T. Biscoe

Name _____

Title Travis County Judge

Cc: CAPCOG RNS Policies and Procedures Version 3.2 - Adopted by Executive Committee 100814

Capital Area Council of Governments

Regional Notification System (RNS)

Policies & Procedures

Version 3.2—Effective: October 8, 2014

1. PROGRAM BACKGROUND

1.1. The Capital Area Council of Governments (CAPCOG) administers and maintains a Regional Notification System (RNS) for jurisdictions in the ten counties (Bastrop, Blanco, Burnet, Caldwell, Fayette, Hays, Lee, Llano, Travis and Williamson) that comprise the CAPCOG region.

1.2. The CAPCOG Regional Notification System (RNS), originally known as the CAPCOG Emergency Notification System (ENS), was implemented in 2006 using a combination of federal Homeland Security Grant Program funds and local assessments.

1.3. The RNS has been implemented using the FirstCall® system, a web-based application provided under contract with FirstCall Network, Inc., Baton Rouge, LA. FirstCall® uses a combination of databases, including the 9-1-1 database, to send messages.

2. PURPOSE

2.1. To outline tasks necessary for efficient and effective operations, including tasks associated with the transition from the current system to the FirstCall® system, and to assign responsibility for completion of such tasks.

2.2. To establish operational guidelines for the effective administration and use of the CAPCOG RNS.

2.3. To provide rules for uniform use of the CAPCOG RNS.

2.4. To provide information for continued quality assurance within the CAPCOG region.

2.5. To ensure adequate accounting of RNS activity.

3. DEFINITIONS

3.1. **Regional Program Administrator (RPA)**—A CAPCOG employee responsible for day-to-day operations of the overall CAPCOG RNS to include system access privileges, contract maintenance, quality assurance and quality improvement (QA/QI), system usage and accounting, and program training.

3.1.1. The RPA may designate assistants to aid in the program administration.

3.2. **Local Program Administrator (LPA)**—An employee of a participating jurisdiction/organization responsible for day to day operations of the RNS program on the local level to include system access privileges, QA/QI, system usage and accounting, and program training.

3.2.1. The LPA may designate assistants to aid in the program administration to include persons assigned to administer subaccounts of the jurisdiction/organization.

3.2.2. Each participating jurisdiction/organization will provide CAPCOG with the name and contact information of their LPA and all assistants.

3.2.3. The LPA and assistants will be the points-of-contact for the RPA in the administration of the CAPCOG RNS.

3.2.4. LPAs and assistants must complete a non-disclosure agreement regarding the 9-1-1 database.

3.3. **Certified User**—an individual who has been designated by the LPA to activate that part of the system that relies on the 9-1-1 database. Certified Users must have received training on the system and must complete a non-disclosure agreement regarding the 9-1-1 database. This agreement must be submitted to CAPCOG before the Certified User is granted access to that portion of the RNS that utilizes the 9-1-1 database.

3.4. **Restricted User**—an individual who has been designated by the RPA or LPA to activate any portion of the CAPCOG RNS that does not rely on the 9-1-1 database.

3.5. **9-1-1 Database**—the list of telephone numbers and associated names and addresses that are collected by telephone service providers for use in the 9-1-1 emergency telephone system. State law (*Texas Administrative Code, Title 1, Part 12, Rule §252.13*) restricts use of the information in this database to the "purpose of warning or alerting citizens regarding information in an emergency situation where property or human life is in jeopardy".

3.6. **Open Source Data**—the list of names (persons/businesses), addresses, and phone numbers that are purchased by FirstCall Network, Inc. through open sources. This data is not subject to the regulations that govern the 9-1-1 data, and may be used for both emergency and non-emergency notifications. (It may also include email, SMS, social media, etc.)

3.7. **Registrant Data**—the list of names (persons/businesses), addresses and phone numbers of persons that elect to self-register personal information into the notification database. At the discretion of a participating jurisdiction and with the approval of the RPA, it may include persons who register for the State of Texas Emergency Assistance Registry (STEAR) or similar programs. Although this data is not subject to the regulations that govern the 9-1-1 data, its use is limited to emergency notifications. (It may also include email, SMS, social media, etc.)

3.8. **User Data**—The list of names, addresses, phone numbers and other contact information for persons who have been identified as having a legitimate role related to the planning, response, recovery, and mitigation of emergencies or disasters. This may include information that is considered confidential under provisions of state law.

4. POLICY

4.1. Acceptable uses of the CAPCOG RNS

4.1.1. The CAPCOG RNS is funded by the Capital Area Emergency Communications District (CAECD) and its use is restricted to legitimate governmental activities. Any personal use or use for partisan political activities is strictly prohibited.

4.1.2. Because the FirstCall® system relies on a variety of databases, its use has been divided into four tiers:

4.1.2.1. **Tier I** utilizes the 9-1-1, Open Source, and Registrant databases for the purpose of "warning or alerting citizens regarding information in an emergency situation where property or human life is in jeopardy." Each person that accesses or initiates this level of notification must be a Certified User.

4.1.2.2. **Tier II** utilizes the Registrant and User databases to make notifications to members of the general public and personnel from participating jurisdictions/organizations related to Homeland Security activities. Federal and state laws extend this to all types of emergencies, both man-made and natural.

4.1.2.3. **Tier III** utilizes the Open Source database to make notifications for any governmental purpose. ***NOTE: Tier III notifications must not be made between the hours of 8:00 PM and 8:00 AM.***

4.1.2.4. **Tier IV** utilizes the User databases to make notifications to members of the general public and personnel from participating jurisdictions/organizations for any governmental purpose.

4.2. CAPCOG shall:

4.2.1. Maintain a contractual relationship with FirstCall Networks, Inc., for operation of the CAPCOG RNS.

4.2.2. Designate the Regional Program Administrator (RPA).

4.2.3. The RPA is responsible for:

4.2.3.1. Providing credentials to the LPAs and validating the list of LPAs quarterly.

4.2.3.2. Providing or authorizing training for Certified Users.

4.2.3.3. Providing technical and procedural guidance for notification use and administration.

4.2.3.4. Provide training, including course materials, for all LPAs. This may be accomplished by conducting a Train-the-Trainer course for all or some of the jurisdictions/organizations.

4.2.3.5. Provide technical and procedural guidance for RNS use and administration.

4.2.3.6. Maintain administrator privileges on each subaccount created under the CAPCOG RNS.

4.3. Participating jurisdictions/organizations:

4.3.1. The FirstCall® application is available to any county or city in the CAPCOG region that has executed an agreement to participate in the CAPCOG RNS.

4.3.2. Other organizations that actively participate in the emergency management and emergency response activities of CAPCOG-member jurisdictions/organizations, including, but not limited to, emergency services districts, school districts and hospitals are eligible to apply to participate in the CAPCOG RNS. These organizations must execute an agreement to participate in the CAPCOG RNS and abide by the provisions of these policies and procedures.

4.3.3. Each jurisdiction/organization participating in the CAPCOG RNS shall:

4.3.3.1. Designate a Local Program Administrator and assistants, as needed, to serve as points of contact (POC) for CAPCOG for the purpose of administering the RNS, and notify CAPCOG immediately when the designated POC is no longer valid.

4.3.3.2. Assign unique User IDs and passwords for every person granted access to the CAPCOG RNS.

4.3.3.2.1. User IDs and passwords shall be issued only to employees and/or officials of the participating jurisdiction/organization.

4.3.3.2.2. User IDs and passwords shall not be shared by other persons and shall not be written or stored in locations that would be easily accessible by others.

4.3.3.2.3. In the event a user is no longer authorized to access and activate the RNS, the RNS credentials shall be terminated by the participating jurisdiction/organization in accordance with local policy.

4.3.3.3. Protect the confidentiality of addressing databases and of information furnished by 9-1-1 database providers, and notify CAPCOG's Director of Emergency Communications in writing within two business days of the receipt of a request for addressing databases or information, to include those made under the *Texas Public Information Act*.

Participating jurisdictions/organizations shall not release any information in response to such requests.

4.3.3.4. Notify the RPA within two business days of any request for information regarding the data housed in the FirstCall® notification system.

4.3.3.5. Execute an agreement to participate in the system stating that it will abide by these policies and procedures. This agreement will be for one year, effective on the date signed by CAPCOG and the organization, and will be automatically renewed unless cancelled in writing by either party.

4.4. Each Certified User shall :

4.4.1. Protect the confidentiality of 9-1-1 addressing databases and of information furnished by 9-1-1 database providers.

4.4.2. Sign and date the Nondisclosure Agreement and submit it to the RPA at the address indicated on the agreement. This form is available on-line at http://www.capcog.org/divisions/homeland-security/ens-docs/.

5. FUNDING

5.1. The CAECD will fund the following costs of the RNS:

5.1.1. CAPCOG personnel costs associated with operation and maintenance of the system;

5.1.2. Maintenance costs for system hardware and software; and

5.1.3. Costs of system enhancements.

EXHIBIT 1

RNS NONDISCLOSURE AGREEMENT FOR CERTIFIED USERS

- I, the undersigned, understand the sensitivity and confidentiality of the 9-1-1 database information that supports the CAPCOG Regional Notification System (RNS). I further realize that the potential for abuse of the RNS mandates that all Certified Users exercise extreme caution in granting access to the system, all of its components, and any derivative information or reports generated by it.

- Access to the RNS and related information is provided solely for the purposes of public safety by authorized personnel. Any other use is prohibited. Therefore, I agree to take reasonable precautions to prevent accidental or unauthorized access to the RNS, it's supporting documentation, related screen names and passwords, and any documents or reports (hardcopy or electronic) produced by the system.

- Account numbers, User IDs and Personal Identification Numbers (PIN) may not be disclosed to any third party. I understand and agree that any person requesting access to the System must contact the Regional Program Administrator or the Local Program Administrator, be trained on the system and be given their own User IDs and PINs.

- I will not copy, or permit anyone else to copy, any documentation (physical or electronic versions) of the RNS software or the output images unless the copying is required to support use of the system or official use archives.

- If I receive a request under the Texas Public Information Act for disclosure of any of the RNS 9-1-1 database information, I agree not to disclose the information, but instead to notify the Local Program Administrator (LPA) for my jurisdiction/organization who will follow procedures noted in Section 4.3.3.3 of the CAPCOG RNS Policies and Procedures.

I certify that I have read and understand this Nondisclosure Agreement.

Name (printed)_____

_____ ____/____/____

(Signature) (Date)

Please return a signed Nondisclosure Agreement for each Certified User to:

CAPCOG Homeland Security Division
6800 Burleson Road
Building 310, Suite 165
Austin, TX 78744

This form is available on-line at

"http://www.capcog.org/Programs/Homeland_Security/ens/default.asp"