Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 90—Missouri 911 Service Board
Chapter 2—911 Financial Assistance Program

EMERGENCY RULE

11 CSR 90-2.040 Project Administration

PURPOSE: This rule establishes the process the board will use to administer approved 911 communications service projects.

11 CSR 90-2.040 Project Administration

EMERGENCY RULE: This emergency rule informs the public of the board’s process for administering approved 911 communications service projects. The rule is necessary to comply with sections 650.325 to 650.335, RSMo and sections 190.400 to 190.460, RSMo which charge the board with taking immediate steps toward improving access to 911 emergency services to protect Missouri residents in emergency situations, particularly in underserved areas of the state. The board is required to set percentage rates of the prepaid wireless emergency telephone service charges deposited in the Missouri 911 service trust fund to reimburse 911 services authority for costs incurred to implement and operate Missouri 911 systems and for answering and dispatching emergency calls. The board also is required to establish and administer a grant and loan program to provide financing from the Missouri 911 service trust fund for implementing 911 communications service projects. It is necessary to promulgate rules establishing the board’s definition for terms used in this chapter. Without such rules, the board will be unable to effectively discharge its duties and protect Missouri residents by immediately taking steps that will improve access to 911 emergency services, particularly those in underserved areas of the state. As a result, the board finds a compelling governmental interest in promoting the health and safety of Missouri residents in emergency situations, requiring this emergency action. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The board believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed May 6, 2020, becomes effective May 21, 2020, and expires February 25, 2021.

(1) Project Agreements. Approved applicants and their 911 services authorities must enter into project agreements with the board. The project agreements will contain the terms and conditions of the board’s award of financial assistance. For projects involving a loan, the project agreements will contain the interest rate, repayment amount, number of payments, and a repayment schedule determined by the board based on the total project costs, amount of the loan, amount of match in local funds, award priority areas addressed by the project, and purposes listed in section 650.330.1(16), RSMo to be accomplished. The project agreements will require each eligible applicant’s 911 services authority to agree to repay the loan on behalf of the eligible applicant.

(2) Fund Disbursement. The board will not disburse any financial assistance for any project until a project agreement has been fully executed and it has received a written certification of approval, such as a resolution, of the project agreement from the applicants’ respective governing bodies or the applicants have demonstrated to the board’s satisfaction that no such approval is required.

(3) Project Agreement Change Requests. 911 services authorities must obtain written approval of the board or its designee before making any material changes to an approved project.

(A) 911 services authorities may request approval of the board or its designee for a material change to an approved project by submitting a written request by electronic mail to the electronic mail address in the project agreement or by certified or registered mail addressed to “Missouri 911 Service Board” at P.O. Box 2126, Jefferson City 65102.

(B) Requests must include a detailed explanation of the circumstances warranting the requested change.

(C) The board or its designee, in its sole discretion, will determine all change requests on a case by case basis and advise the requestor in writing of the board’s decision. If a change request is denied, the writing will advise of the protest procedure in 1 CSR 90-1.040(9).

(4) Extensions of Time. 911 services authorities may request extensions of the project completion deadline in their project agreement by submitting a written request by electronic mail to the electronic mail address in the project agreement or by certified or registered mail addressed to “Missouri 911 Service Board” at P.O. Box 2126, Jefferson City 65102.

(A) Requests must include a detailed explanation of the circumstances warranting extension of the project completion deadline.

(B) Requests for extension must be received by the board at least forty-five (45) calendar days before the expiration of the current project completion deadline.

(C) The board will not consider any request for extension of a project completion deadline that exceeds six months.

(D) The board or its designee, in its sole discretion, will determine all requests for extensions on a case-by-case basis and will grant a timely submitted first request for extension when the requestor demonstrates an inability to meet its project completion deadline despite a good faith effort to do so. Second and subsequent requests for extension will be viewed unfavorably and will only be granted when the board determines that substantial justification or extreme circumstances exist.

(E) The board or its designee will notify the requestor of its decision in writing. If a request for extension is denied, the writing will advise of the protest procedure in 1 CSR 90-1.040(9).

(5) Audits. The board will conduct audits as it deems appropriate. Applicants and 911 services authorities shall provide any information requested by the board and access to the project site.

(6) Funding Change or Termination. The board reserves the right to reduce, suspend or terminate the provision of financial assistance before or after execution of the project agreement due to a lack of funds, misrepresentations on the application, a failure to comply with the project agreement or applicable laws, or other conduct deemed inappropriate by the board.


PUBLIC COST: This emergency rule will not cost state agencies or political subdivisions and other public entities more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This emergency rule will cost private entities less than five hundred dollars ($500) in the aggregate.