MINUTES of the Meeting of the CARSON CITY 9-1-1 SURCHARGE ADVISORY COMMITTEE

January 27, 2009

1. Call to Order

Chair Anne Keast called the meeting to order at 8:30 a.m.

2. Roll Call and Determination of a Quorum

Members present were Daniel Berger, Anne Keast, Karin Mracek, Tina Petersen, and Bernard Sease (on speaker phone), which constituted a quorum.

Also present were Stacey Giomi, Carson City Fire Chief; Jack Freer, Chief Deputy Carson City Sheriff's Office; and Pat Irwin, AT&T.

3. Approval of October 29 and December 4, 2008, Meeting Minutes

It was moved by Daniel Berger, seconded by Bernard Sease, with motion carried, that the October 29 and December 4 meeting minutes be approved.

4. Public Comments on Non-Agendized Items

There were no public comments.

5. Discussion and Possible Action Regarding Current Status of Equipment, Including Life Span and Issues that Need to be Addressed

A list of the current equipment relative to the phone component of the process was distributed. Jack Freer said that this list had been supplied by Pat Irwin of AT&T in response to Dan Berger's question regarding the individual hardware components Carson City had, along with their life span. The current contract the City has covers MARS, Concentric, Vesta, and Pixus, and the current maintenance contract on that equipment runs from April 1, 2009, to March 31, 2012. Jack said that their goal was to utilize the current equipment in place and then migrate to the hosted 911 system coming in the future.

Pat mentioned that there was a technology upgrade cost in the contract, which meant that if the equipment were to be upgraded, there would be a credit for any monies paid on the maintenance agreement covering the old equipment.

6. Review and Possible Action Regarding Changes to Carson City Municipal Code Chapter 4.05 Relating to the Penalty Language Contained in Section 4.05.100

Stacey Giomi said that he had been working with Carson City Treasurer Al Kramer, who had requested that the ordinance be modified so that the penalty for non-payment by the phone companies would be the same as the penalty the Treasurer could currently levy on phone companies which did not pay their business license and franchise fees. However, when Stacey was working with the District Attorney's office to change this language (which the committee had previously approved), research was done by that office, and it was discovered that the current penalty language was referenced in NRS (Nevada Revised Statutes) and could not be modified. Therefore, the current ordinance correctly reflected the language contained in NRS and needed to remain the same.

It was moved by Daniel Berger, seconded by Karin Mracek, with motion carried, that the language be approved as written in the Master Plan and the Carson City Municipal Code.

7. Discussion and Approval of the 9-1-1 Surcharge Advisory Committee Master Plan Relating to the Expenditure of Funds for 9-1-1 Services

Stacey Giomi informed the committee that he and Jack Freer worked together to write the Master Plan, taking components of master plans approved and in use in other counties and crafting language to meet the needs of Carson City. He stated that it was somewhat broadbased because extreme specificity would restrict what they could purchase relative to their future needs based on changing technology. So although they anticipate revising this Plan on an annual basis, they did not want to update it every time new technology became available.

Bernie Sease had a question as to whether they could use the funds collected in regard to Voice over Internet Protocol (VoIP). Stacey replied that the counties which have implemented this surcharge have broadly interpreted what they can and cannot use the funds for. He felt that when the ordinance was written, VoIP was neither specifically mentioned nor excluded. Pat Irwin said that money can be used for a VoIP system but that there can be no surcharge on VoIP carriers at the present time. Stacey then clarified that although they cannot charge VoIP providers, they can expend funds to deliver VoIP phone numbers through their system. Bernie therefore thought that if this was to be a goal, VoIP should be added in the Introduction of the Master Plan (second paragraph, first sentence) after "...cellular telephone networks." Stacey said that if the committee agreed on this, he would add that language into that component. Pat mentioned that it would be natural to add VoIP in regard to wireless users but also thought language such as whatever technology was coming next could also be added. The committee agreed that "emerging technologies" should also be added to the language.

Upon a question by Dan Berger as to the funding breakdown on page 2, Stacey replied that the first three figures for each year were the costs currently incurred by the City and that the fourth figure was money they estimated for future upgrades not currently being funded. Stacey said that the figures used for the future upgrades were based on covering the majority of the costs they expected to pay in 2012 when they hoped to replace this system (with the remainder of

the costs coming from City funds). Stacey would like the City, if and when the 911 surcharge was implemented, to not reallocate the funds it currently expended on the 911 system and to leave them in the 911 Center as unrestricted funding. This would allow these funds to be spent for making needed improvements that could not be made using the restricted funds. In addition, these funds could be used to help make the capital purchase in 2012 in order to switch the system over to a hosted one.

After discussing how to approach the City in regard to not reallocating these funds which are currently line items contained in the Sheriff's Office budget, it was moved by Bernard Sease, seconded by Daniel Berger, with motion carried, that Stacey be directed to work with the Sheriff in terms of the most expedient and appropriate way to address maintaining these funds (or a portion of them) in the current budget.

Anne Keast had a question in regard to 4.05.010 as to whether "any" telecommunications provider included every type of telecommunications. Stacey replied that it covered wireless and land line but not cable companies. Stacey said that this language came from NRS and could not be changed. He said that the City was authorized to collect the surcharge by NRS, so state law would have to be changed before being able to charge on VoIP. He mentioned that a bill has been introduced by Washoe County to make some changes to the enabling law but that VoIP had not been mentioned. Stacey said that they may ask their lobbyist to make a suggestion to add VoIP or to add a definition as to what a telecommunications provider was.

Anne then asked for clarification in regard to NRS 244A.7643 under 4 (b) on page 9 relating to the charges for trunk lines. Stacey replied that a trunk line will be charged ten times the charge of a single line (which in the ordinance meant \$2.50 vs. \$0.25). Pat said that because multiple lines were brought in through a trunk line, they used the figure of ten as an average (as some trunk lines contained less and some more).

In regard to NRS 244A.76455, Anne noted that this section had been repealed. Stacey said that this was one of the major changes made in the NRS last time because prior to the change, any county under 100,000 that collected a business license fee from a phone company and also imposed a surcharge on it would have to place that business license money into that same revenue account. This would mean that the local government would have taken a hit in its general fund.

It was moved by Bernard Sease, seconded by Daniel Berger, with motion carried, that the committee adopt the Master Plan with the addition in its Introduction of the Voice over IP language and that they recommend to the Board of Supervisors to adopt it. It was then moved by Bernard Sease, seconded by Karin Mracek, with motion carried, that the original motion be amended to include a request that the surcharge be implemented as soon as possible with the adoption of the Master Plan.

Stacey said that this would probably go before the Board in March. After he makes the suggested changes to the Master Plan, he will send the Plan to the committee and then let them know the date of the Board meeting the item will be agendized. He said the Board meets the first and third Thursdays of every month and that the agenda is posted on the City website by the preceding Monday.

Tina Peterson asked about communication to the citizens regarding this issue, and Stacey replied that there were no requirements for the City to notify—but that there had been a public hearing prior to the Board adopting the ordinance initially, there was an opportunity for people to comment again at the time of the second adoption of the ordinance at the Board meeting, and a newspaper story ran at the time of the ordinance's first introduction.

8. Next Meeting Date

It was moved by Bernard Sease, seconded by Tina Peterson, with motion carried, that the next committee meeting be held Friday, June 5, at 8:30 a.m. (Meeting will be held in the meeting room of Fire Station #1.)

9. Adjournment

It was moved by Daniel Berger, seconded by Tina Peterson, with motion carried, that the meeting be adjourned at 9:20 a.m.

Recorder: Judy Dietrich