

**North Carolina 911 Board  
MINUTES  
Banner Elk Room  
3514A Bush Street  
Raleigh, NC  
February 26, 2016**

<b><u>Members Present</u></b>	<b><u>Staff Present</u></b>	<b><u>Guest</u></b>
Jason Barbour (NCNENA) Johnston Co 911 (911 Board Vice Chair)	Tina Bone (DIT)	Ron Adams-Southern Software
Dave Bone (NCACC) Martin Co	Richard Bradford (DOJ)	Fred Baggett-NCACP
Darryl Bottoms (NCACP) Pilot Mountain PD	Dave Corn (DIT)	Teresa Bank-DIT
Rick Edwards (CMRS) Sprint	David Dodd (DIT)	Randy Beeman-CCES
Chris Estes (911 Board Chair)	Karen Mason (DIT)	Rachel Bello-Wake Co
Andrew Grant (NCLM) Town of Cornelius (WebEx and phone)	Marsha Tapler (DIT)	Brian A. Drum-Catawba Co 911
Len Hagaman (Sheriff) Watauga Co	Richard Taylor (DIT)	Greg Foster-Alexander Co 911
Greg Hauser (NCSFA) Charlotte Fire Department		Candy Strezinski-Iredell Co 911
Dinah Jeffries (NCAPCO) Orange Co Emergency Services (WebEx and phone)		Victor Williams-Beaufort Co S.O.911
Robert Smith (LEC) AT&T		Paul Winstead-Centurylink
Jeff Shipp (LEC) Star Telephone		Doug Workman-Cary 911
Jimmy Stewart (NCAREMS) Hoke Co 911		
Slayton Stewart (CMRS) Carolina West Wireless		
Laura Sykora (LEC) CenturyLink		
Buck Yarborough (VoIP) TWC		
<b><u>Members Absent</u></b>	<b><u>Staff Absent</u></b>	<b><u>WebEx Guest Attendees</u></b>
Eric Cramer (LEC) Wilkes Communications		Bill Boger-CMPD
Rick Isherwood (CMRS) Verizon		Cliff Brown-Federal Engineering
		Sarah Collins-NCLM
		Jon Greene-GeoComm
		Grant Hunsucker-Montgomery Co ES
		James Johnson-Avery Co Comm

		Jim Lockard-Federal Engineering
		Frank Marum-TSS
		Melanie Neal-Guilford Metro 911
		Corinne Walser-Medic911
		Tammy Watson-Pineville PD
		Bruce Williams-Wireless Comm
		Stephanie Wiseman-Mitchell Co 911
		Brenda Womble-Wilson Co ECC
		Donna Wright-RCES

### **Chairman's Opening Remarks**

At 10:00 North Carolina 911 Board Chairman Chris Estes convened the meeting, asking Executive Director Richard Taylor to conduct the roll call of Board members. Noting his absence, Mr. Taylor observed he had expected Eric Cramer to attend, and had received no word otherwise. He mentioned Jason Barbour had phoned to let him know he was in route, but was delayed by congestion caused by a traffic accident and was expecting to arrive soon. He then polled the Board members who had indicated they would attend the meeting remotely by teleconference and WebEx. Both Dinah Jeffries and Andrew Grant responded that they were online. Mr. Taylor advised guests attending by WebEx that staff was experiencing video feed problems and was working diligently to resolve them, and the audio and screen shots were still working fine. Mr. Taylor concluded by informing Chairman Estes that a quorum was present.

Chairman Estes announced a new Board member had joined the Board, and asked Buck Yarborough to share a little about himself. Mr. Yarborough said he works for Time Warner Cable (TWC), has been with the company for thirty-one years, is the Senior Director for Government Relations, is based in Greensboro, and is honored and proud to be part of the Board. Chairman Estes asked Mr. Taylor if Mr. Yarborough needed to be sworn in, but Mr. Taylor said the Governor's Office had selected him, received approval from the Ethics Commission, and sworn him in yesterday, so nothing more needs to be done.

### **Ethics Awareness/Conflict of Interest Statement**

Chairman Estes read the ethics awareness/conflict of interest statement printed on the agenda and asked Board members to indicate if they felt they had any conflict or potential conflict of interest with any of the matters scheduled to come before the Board today. None were cited, and Chairman Estes reminded Board members that if they become aware of any during the meeting, they were welcome to bring them up at that time.

### **Consent Agenda**

Mr. Taylor said that no corrections to the minutes of the January 29, 2016 meeting had been submitted and hearing none offered said they would stand as presented.

Moving to the financial report, he noted that this month staff will be closing out several grants, including Burke Co, Lenoir Co, Anson Co, Bladen Co, Gates Co, Orange Co, and Swain Co; Henderson Co and Herford Co remain open. He observed not quite all the money allotted to those grants was used, so a small surplus will remain in the Grant Fund for use on this year's grants. He stated \$33,348,685 is encumbered in the Grant Fund and \$1,367,585 is unencumbered.

While on the subject of grants, Mr. Taylor reminded everyone of the statutory change regarding use of grant award money, so staff has been rewriting the grant application procedures concurrent with DIT moving the Board's website from one server to another, which has complicated things. He assured everyone, however, that the grant application process will begin next Friday, March 4<sup>th</sup>, and staff will be sending out notifications plus passing out information at the PSAP Managers meetings beginning next week, and added the application window will be 90 days. He said his goal is to use a completely different form which is basically a Word document with "fill in the blanks" functionality that the applicants may save and return to much more easily than they could the earlier form.

Returning to the finances, he noted the new NG911 fund balance stands at \$578,782 collected in January with no disbursements to date. He added that the first month's collections do not earn interest, but future collections will as the account is an interest bearing one. Turning to the CMRS fund, he reported a fund balance of \$4,371,777 with disbursements for the month of \$187,748. Moving to the PSAP fund, Mr. Taylor relayed that pre-paid revenue for the month stands at \$704,234, adding it looks like the monthly revenue amounts are starting to level off to an average range. He then noted the current fund balance after dispersal is \$10,662,747. Saying that concluded his report, he offered to field any questions Board members might have.

Hearing none, Chairman Estes called for a vote to accept the consent agenda as presented which passed unanimously.

### **Rule-making Public Hearing**

Observing that the Board is always anxious to hear comments from the public regarding its work, Chairman Estes asked if anyone present, either in person or on the phone, wished to address the Board during the public comment portion of the meeting. Hearing no response, he moved into the Public Hearing for the rule-making process.

Chairman Estes began the Public Hearing regarding rule-making by explaining these rules were initially presented at the rule-making hearing on August 28, 2015, and due to the comments received about them have since been modified and revised. He then read a summary of the six rules proposed for adoption as Mr. Taylor projected copies onscreen (documentation may be found at: [https://www.nc911.nc.gov/Board/agenda/Book/20160226\\_Tab04\\_Public%20Rulemaking%20Hearing.pdf](https://www.nc911.nc.gov/Board/agenda/Book/20160226_Tab04_Public%20Rulemaking%20Hearing.pdf))

After the reading Chairman Estes said to let the record show that no written comments had been received and asked if anyone present wished to make any orally. Hearing none, he solicited a motion to adopt the rules as presented today. Laura Sykora made the motion in her capacity as Standards Committee Chair, Jeff Shipp seconded, and it passed without abstention. Chairman Estes thanked Ms. Sykora for all the work she and her committee have done on the standards, and Ms. Sykora added thanks to Teresa Bank from DIT for all her help.

### **Executive Director Report**

Mr. Taylor began his report by projecting onscreen the Evaluation of Statement of Economic Interest Filed by Mr. Robert D. (Buck) Yarborough, Jr. from the State Ethics Commission. He noted that as is the case with every member of the Board, the Commission found a potential for conflict of interest which does not preclude Mr. Yarborough's serving on the Board.

The next item Mr. Taylor addressed was the issue of telecommunicator certification, noting that it had been discussed at length in both the Standards Committee and Training Committee over the years. He observed the State 911 Assessment completed last November made several observations about telecommunicator certification, and shared those observations onscreen as he spoke to each one.

Mr. Taylor related that over the last year several national organizations and companies have been working on minimum training guidelines for 911 telecommunicators (TCs) and have come up with a *Recommended Minimum Training Guidelines for the 911 Telecommunicator* document which he displayed onscreen. He said one of the things they noted was that with today's mobile communications "...the ability to access 911 services at any time and in any place has become a constant, and the need for consistent minimum training for the 911 telecommunicator has been recognized by the 911

*community.*” He continued by observing this is both a problem and an opportunity nationwide, and in North Carolina, as we start moving forward with NextGen 911 and its ability to move voice and data from PSAP to PSAP, we want to be sure that we’re providing that same level of service from PSAP to PSAP. He observed that having well trained TCs at some PSAPs and less well trained, if trained at all, TCs at other PSAPs creates a lack of consistency in the level of service given to people accessing 911 across the state. He added that despite much discussion at the committee level, we have not yet made any progress toward addressing that problem.

Mr. Taylor said he feels this is one of the projects that should be a number one priority for the Board. He added that representatives from the Sheriffs’ Education and Training Standards Commission (the Commission) have spoken to the committees on various occasions, and they are willing to work with the Board to craft a solution to the problem. Observing he and staff feel there is no need to “reinvent the wheel”, he added they don’t feel we need to have two separate certification programs, either, as a vehicle is already in place through the Commission. He also noted that another comment made in the 911 Assessment was that we need to work more closely with other state agencies. So Mr. Taylor and David Dodd, the staff member assigned to the Training Committee, met with staff from the Justice Academy with the Commission and explained to them what they would like to do. Mr. Taylor said his thinking right now, admittedly at the “50,000 foot view” level, is to see if the Commission would be willing to work with us and do whatever’s necessary, which would probably require a statutory change, to come up with a requirement that all TCs in North Carolina have to be certified utilizing the Commission as the credentialing agency and the Justice Academy and community college system as providers of that training. He said he thinks instead of trying to have multiple organizations providing training, and the perception that one organization’s training is better or worse than another’s, we would be better off to work with the people in the state that “do this for a living”. He added he thinks the consistency of credentialing, continuing education, etc., with that arrangement would simplify and expedite mandating that training.

Mr. Taylor continued that the Commission is meeting in March in Johnston County and he has asked to be put on the agenda for that meeting to at least begin the conversation and start talking with them about how we can work together to come up with a certification program for all North Carolina TCs.

Chairman Estes asked Mr. Taylor to share why this has not been resolved at the committee level. Mr. Taylor replied he believes there have been too many competing interests, too many organizations wanting to be involved, for consensus to be reached. He then provided a little history about the development of the Commission’s TC certification program back in the early 90s, reminding everyone that the Police Chief’s association (NCACP) did not wish to work with the Commission on the program and pulled out of it at that time. He said that now, however, NCACP wants to work with the Commission and be a part of that program. Mr. Taylor observed that only 26 or 27 Primary PSAPs are operated by Sheriff’s Offices, about 24 are operated by Police Departments, and a big group are operated by emergency management or stand-alone entities. He remarked it has been a “tussle” getting everybody to agree to the same thing—some people like “this training” better and others like “that training” better—but what he has found is that the folks at the Justice Academy are wide open to helping because it provides them an opportunity to branch out and reach more people. He said he thinks having this be a requirement will do away with all those opposing views. When asked if this was a recommendation coming from the committee, Mr. Taylor said no; while it has been discussed in the committee, he is just putting it out now to “test the waters” and to see what he can bring back to the committee to consider.

Ms. Sykora said the way she’s looking at it is that Mr. Taylor is finding a way that we can get a training and certification process; that we have to talk to folks to find out if this is the right vehicle for it. She added she thinks we’re still at that point from a Standards Committee perspective. Chairman Estes said he would appreciate hearing the perspective of Board members who operate PSAPs, and Greg Hauser expressed concern from a fire service aspect. Acknowledging he’s never been through the Sheriff’s Standards training, he said it is his understanding, however, that training specific to fire service dispatch is lacking. Noting that he does not work in a PSAP that handles all three disciplines—Fire, EMS, and Law Enforcement—he said his experience has been that Fire seems to take a back seat to the other two, so he wants to be sure it gets its due in the training as well.

Jason Barbour said he doesn’t disagree that we need a training program, but he pointed out many agencies use structured dispatch protocols, as his agency does, and that his agency uses an

international forty-hour course for TC training. He said he would hate to learn he would have to give that up to get something that's limited to just North Carolina, as utilizing the ETC course he referred to automatically cuts a day off of the training required to receive EMD, EPD, or EFD protocol certification. He said if we go to utilizing just the Sheriff's Standards training, training for those protocols goes back to being three days rather than just two, which costs more. He reiterated that he doesn't disagree with the need for mandatory training, but he just doesn't want to go blindly into it saying we have to use one particular program. He added we have a large number of PSAPs in the state already utilizing EMD, and a lot of them are beginning to realize they need EFD and EPD, and if we endorse one particular program it is going to cost more money in the long run in class costs and overtime costs.

Mr. Taylor replied that the document he presented at the beginning of his report covers fire service and all, and that was one of the things he talked with the folks from the Justice Academy about. He said his interest is that any type of certification program would have to meet the nationally recognized minimum standards which appear in that document. He mentioned that the company Mr. Barbour referred to participated in the development of that document, so it's not like the document was developed in a vacuum or anything like that. He pointed out that all of the things Mr. Barbour brought up are things that Board members need to sit down and discuss with the Justice Academy, with the Sheriffs Standards Commission, to figure out how to handle it. He said it may not be that this is the only vehicle—that he doesn't know—but right now this is the only vehicle that is recognized in the state of North Carolina. He observed Medical Priority, Power Phone, and others are all great companies, and again they participated in developing the *Recommended Minimum Training Guidelines for the 911 Telecommunicator* document, as did he as a representative of NASNA, but right now, today, you can hire somebody right off the street to come in and sit down and begin taking 911 calls. He said that's scary, but it does happen, so what we're looking at is trying to come up with a minimum training certification that covers all disciplines that can be credentialed, that somebody can monitor, and the reason he wants to go to the Sheriff's Commission is because they're already doing it, so that is where he is starting. He said we may not end up there, but he is putting it out there as a starting point.

Dave Bone observed that his county's PSAP does not fall under a Sheriff's jurisdiction, but they do utilize the Sheriff's Standards training voluntarily, and asked how many other PSAPs do that as well. Mr. Taylor said he did not have an exact number, but if he were to guess, he would put it at about 60%. Mr. Barbour again said he agreed with Mr. Taylor that we need a structured program, repeating that he would just like to go into it with an open mind and not single out one particular program over another. He said if we've got a national program that's "meeting the same thing" as a state program he wouldn't want to penalize somebody that wants to utilize the national program.

Chairman Estes asked how we are using the committee structure to work through this, because what the Board is now doing is committee work; we need to push this to a committee to do some research and get input from the various stakeholders. He asked who's in charge of that committee, and Mr. Taylor replied it would fall either under training, which is the Education Committee (Jimmy Stewart, Chair), or under standards, which is the Standards Committee (Laura Sykora, Chair). He then said his whole purpose today, again, is to let the Board know that he is going to be talking with the Sheriff's Commission; he's not going to their meeting to make a deal or anything like that. It's just to open the door to get a conversation started. He added they may not want to do this at all; they may just say, "No, we don't want to participate." He simply doesn't know, but he won't know until he asks. He said once he speaks with them and finds out what we can or cannot do, then he can bring it back to both committees to work through it. He intimated that until we do that, he didn't feel it was proper for him to approach the Sheriffs' Standards Commission without letting the Board know what he was doing and why.

Mr. Bone asked if the National Assessment requires a single training program or if those guidelines could be met with a multi-pronged approach. Mr. Taylor replied it doesn't have to be just one, but what has to be done is there has to be a requirement that says you must be certified. Buck Yarborough observed that would be where a statutory requirement would be necessary, and Mr. Taylor said yes, except for those PSAPs which serve a Sheriff; where that requirement is already statutorily mandated. Mr. Yarborough then asked if that would have to go before the General Assembly, and Mr. Taylor replied it would.

Chairman Estes said he thinks there are a couple of things here, if he could summarize. He observed Mr. Taylor just wants the Board to be aware that he is exploring opportunities for certification and training, and he thinks there is general agreement that he should look at options. He added he also thinks the

committee structure should ultimately make a recommendation for the Board to approve, noting he thinks we are still far from that. He said the second thing he thinks we should do is have several Board members from the committees go before the General Assembly once it is back in session just to see if the legislators think this is a priority, especially if we're going to seek a statutory change.

Mr. Barbour stated that, again, he definitely thinks we need some type of requirement, and he thinks a finished product where we don't endorse any one particular solution is the best route to follow; that PSAPs should be able to pick from among several approved programs versus limiting participation to only one vehicle.

Asking if there was further discussion, and hearing none, Chairman Estes asked Mr. Taylor to keep the committees and the Board updated on his findings.

### **NG911 Project Update**

Chairman Estes next asked Jeff Shipp to provide an update on the NG911 Project. Mr. Shipp first said he wanted to thank the Board for working with the NG911 Project team over the past several months as it has worked through the Concept of Operation and the Cost Analysis, observing the Board's commitment and input was vital to that. He said the committee, staff, and technical consultants continue to work on the project, and although he was absent at last week's meeting, upon reviewing the notes he feels it was a "very, very productive meeting," and asked Dave Corn to provide an update on it.

Mr. Corn reported that the committee hadn't met in a couple of months, so it was important that they get together with the team and review. He said the team is knee-deep in the conceptual design, with initial conceptual design for all the functional areas well under way, and advised the committee that they have revised their project plan somewhat by moving back some of the dates. They did that in part because Jesus Lopez, the DIT Enterprise Project Manager on this project, had polled all of the relevant pieces and parts of state government that have a say in this project and come up with some more realistic dates. He added they took into consideration the committee and agency structure of how we work, observing the team takes its recommendations to the NG911 Committee, and the committee takes its recommendations to the Board, and we only meet once a month, so sometimes adjustments become necessary.

Mr. Corn reported the team anticipates the first RFP going out probably in mid-April, which is about a month later than they had originally expected, with the expectation an award will be made sometime in October for an ESINet and hosted CPE. He said they hope to have seven vendors come in and talk to them at the end of March and are working with Richard Bradford on that. He said they hope to be able to present their conceptual design soon and say, "What do you think?": where is the industry going, does this work, is this the most efficient way to accomplish our goals? He added the second RFP will be for the NMAC which includes the NOC and help desk we've talked about before, but really there are no surprises here other than having pushed back some of the dates in order to complete this in a more timely manner. He observed Mr. Lopez has helped them tremendously in this—there are a lot of gates to go through in state government—as we move through this rather large project. Mr. Corn said Mr. Lopez is keeping him straight and keeping the paperwork done and keeping things going. He then asked Mr. Shipp if he had hit on everything he wanted the Board to hear.

Mr. Shipp asked him to give the Board an update on what its next action will be as it relates to the committee. Mr. Corn replied there is really not much for the Board to do until the conceptual design is completed, saying he hoped to bring that to the Board with Richard Bradford's approval in the near future, then move into the RFP phase. He said once they move into the RFP phase, they don't expect to talk to anybody, then reiterated that up until that time he didn't think there was much for the Board to do.

Jason Barbour asked if the conceptual design will come before the Board before the committee asks the Board to approve an RFP. Mr. Corn referred the answer to Mr. Bradford, but before Mr. Bradford responded Mr. Barbour added he knew there was only one more meeting between now and that date and he didn't think they would want to approve the conceptual design and the RFP all at the same meeting, as "that's a whole lot of information to swallow." Mr. Bradford said he didn't know that there is a specific answer to the question, although it's a fair question. He said it would depend upon how different that is

from what has previously been approved in terms of the Con-Ops document, and while he doesn't know what will happen, he would be surprised if it is substantially different.

Mr. Bradford said to elaborate on what Mr. Corn has been explaining, we've had several conversations about the ongoing need to be careful, move forward, do so in a timely manner, and gather what he would call business intelligence about the best way to approach this. He observed that is moving forward: the committee is working, he's working with them, he thinks all the Board members are aware of some of the discussions going on from a security standpoint, from a network planning standpoint, from a project management standpoint, etc., so all that is happening within the committee. Chairman Estes interjected that if they felt it was required, they could always have a special update to the Board before the Board meeting for those that would be interested in seeing the conceptual design, as it looks like there is a small window of time to share that design with interested Board members. He speculated it could be a separate session, maybe a conference call, to walk through the document before the Board meeting in April. Mr. Barbour replied that for something of this magnitude he would rather do it face to face. He observed this is making history, and he wants to be sure they know what they are approving, not just doing it via teleconference.

Laura Sykora asked if the RFP is going to be asking for proposals for deployment of the conceptual design, or is the RFP *for* the conceptual design, such as suggestions for how to design the network. She said that like Mr. Barbour, her concern is those dates are so close together. Mr. Corn replied the RFP is the product of the conceptual design, and it depends on which one of the conceptual designs we are talking about. He speculated if you're talking about the ESINet—the network—we know that the carriers don't have footprints everywhere, so it's not like we're going to come in and say, "You have to put a trunk here," or, "You have to run a circuit there." He said we would give them what we want to see happen, and ask for them to come back to us with what their best product is. He observed that on something like, for instance, the CPE, where the product is more defined, more finite, more of a purchasing decision, that can be more specific. We can say, "We want this many ports," or, "We want this capacity," and take a different approach there. He said the answer to Ms. Sykora's question is that it depends upon what functional element we're talking about, asking her if that made sense.

Ms. Sykora hesitated, and reiterated she, like Mr. Barbour, is concerned that at this level of importance she would want to be sure she understood all that was being proposed. Mr. Corn observed they serve the Board, and Chairman Estes said he thought that what he was hearing from Board members might suggest delaying the RFP release 30 days or so to ensure the Board fully understands the conceptual design. Ms. Sykora asked if the conceptual design could be completed by the March 18<sup>th</sup> Board meeting, and Mr. Corn replied it could not. He said he thinks once we meet with the vendors—CenturyLink, AT&T, and others—and they take a look at what we're trying to do, there may be some changes that we will want to make in order to make our design better. He said they meet with the vendors the end of March, and he doesn't think they will have anything to present for a week or two after that.

Noting that the team is projecting April 14<sup>th</sup> as the RFP release date, Mr. Taylor asked Mr. Corn if the April 22<sup>nd</sup> Board meeting could be made into a work session for this, but Chairman Estes countered he thinks that needs to be done in advance of the RFP, because once the RFP is issued that's it. He added we also will have Board members who will want to comment or who will be conflicted because they represent some of these providers, so he thinks we should issue the RFP *after* the Board has approved the conceptual design. Mr. Taylor said he would put that on the April 22<sup>nd</sup> Board agenda. Mr. Barbour asked if then the RFP wouldn't be approved at the May Board meeting, since he doesn't think they would want to approve both at the same meeting.

Mr. Corn observed he didn't think there would be a difference between the conceptual design and the RFP—if you approve one, you approve the other. Chairman Estes said he wouldn't hold a gun to the Board's head; if it approves it, fine—if not, the dates will move. Mr. Taylor then said he will schedule the review of the conceptual design and the RFP for the April 22<sup>nd</sup> meeting. Mr. Barbour then said he would want to be sure all the PSAPs are "educated" about this so they can attend the meeting, since this is their "bread and butter"—the future of how they will answer 911 calls. He said he doesn't want a PSAP to be able to say it didn't know anything about it. Mr. Corn confirmed that outreach is a critical part of what has to be done, and said he completely agreed. Several comments emanated from around the table comparing that to the problem we have had surrounding the back-up PSAP plan mandate, and Mr. Barbour said that is exactly why he brought it up.

Chairman Estes said that was all very good input, and said he has one question for the committee that ties to the earlier discussion referencing the training requirement. He noted it had been said that the training requirement is being driven by NextGen because we must have consistency once NextGen hits the market, so in the project plan, is there a relationship between the training and standards committee regarding that? Do they have a task and a timeline that lines up with the NextGen project schedule? Mr. Corn replied he doesn't have an answer, because the conceptual design is incomplete. He added, however, that one of the NG911 project's fundamental principles is that the team is trying to implement a technical system, not an operational one. He said the technology doesn't change how PSAPs operate, and if we were to fundamentally change how they operate we would receive a lot of pushback, so we're trying to avoid that as much as we can. He said he hoped there would not be a need for a lot of training, not operationally, but he thinks there should be some technical training, and that will come out when we see the conceptual design. Chairman Estes then asked him to work with the Standards committee and the Training committee to incorporate whatever requirements may be needed.

Ms. Sykora said they have talked about it in the Standards Committee, observing they don't yet know what they need for standards associated with NextGen, but that it is on the committee's horizon to be addressed at the right time. Chairman Estes encouraged the project team to look at the "soft change management" things that will be required from NextGen. He said they may not have the full answer in the conceptual design, but it does need to be a task in the project plan because new technology won't work if the people don't know how to use it. He then asked for further questions or comments for the committee, and hearing none moved to the next agenda item.

### **Status of Back-up PSAP Compliance**

Displaying a dynamic calendar count-down application onscreen, Mr. Taylor pointed out that July 1, 2016, is "125 days, 13 hours, 9 minutes, and thirty some odd seconds away," saying that contrary to what the Montgomery County Manager said in a newspaper article regarding how that is yet a long, long ways away, Mr. Taylor doesn't think it's a long, long ways away at all. He said it is closing in on us quickly, and one of the questions both he and staff have been repeatedly asked is, "What is the definition of 'substantial progress'?" He observed that is a phrase that can be interpreted many different ways. Reminding everyone that at the last meeting NC NENA Chapter President Philip Penny offered to provide him with a block of time at the then-upcoming NC NENA Chapter meeting to speak to the back-up PSAP plan issue, Mr. Taylor reported that he did take advantage of the offer and gave a presentation at that meeting a couple of weeks ago, noting it was neither a sugar-coated presentation nor an ugly one—just a very frank and honest one about what's going on.

Mr. Taylor then displayed the relevant excerpt from the statute (§ 143B-1406(f)(5)) onscreen regarding the 911 Board's ability to grant an extension to the July 1, 2016 deadline for compliance with the back-up plan mandate. He related how in response to the letters the Board sent to County Managers several said they wanted an extension while openly admitting they had done absolutely nothing toward meeting the deadline. He said he doesn't know whether they are simply seeing that an extension is possible and are just immediately asking for one without understanding what must be done to receive one or what. He noted Dave Bone sent him a message this week relaying how he spoke to this at a meeting of County Managers, and Mr. Bone replied they were very alarmed, adding he thinks it got their attention. Mr. Bone added he is very concerned about how many of them are going to be able to comply by July 1<sup>st</sup>. Mr. Taylor rejoined, "So am I, and I think so should this Board be."

Chairman Estes interjected the question is what does 'substantial' mean, to which Mr. Taylor replied "Exactly." Chairman Estes continued, "Is that 50% complete? 60%?" Mr. Taylor said that is why he wants to step through what the impact is. Displaying onscreen the language in § 143B-1406(f) regarding compliance, Mr. Taylor read how a PSAP "...must comply with all of the following to receive a distribution under this section...", then displayed sub-paragraph § 143B-1406(f)(5) addressing the fact that substantial progress must be made before the Board can grant an extension. He summarized it as saying "in order to receive a distribution a PSAP must have a back-up plan or get an extension for one year." He then noted the language in § 143B-1406(a) saying the Board has the ability to reduce, suspend, or terminate distributions if a PSAP does not comply with all the requirements of this section of the statute.



Asking Board Counsel Richard Bradford to correct him if he's wrong, Mr. Taylor observed the Board has a duty to do something, which is what brings us to this point. He said he tried to look up what a definition of 'substantial progress' might be, then displayed onscreen the Oxford dictionary's description online: considerable, real, significant, important, notable, major, valuable, useful. He then speculated that "fixin' to do something" doesn't fit any of those adjectives, while adding that is why he is turning to the Board for clarification; staff is being asked this question, and although he feels the one agency that has officially requested an extension thus far would pass muster—they're getting all their contracts together, have issued purchase orders for equipment, but it just won't all be installed by July 1<sup>st</sup>—and their plan has been approved by staff, staff needs Board guidance regarding all of them.

Chairman Estes asked Mr. Taylor to pause for clarification, and going back to the statute, observed it only says they have to have a plan, not that it has to be implemented. Mr. Taylor added it says they have to have a plan and the means. Mr. Bone asked if the plan is the means to do it, saying he thinks the focus and the push has been to get the plan submitted by July 1<sup>st</sup>. He said he thinks if we go back and say not only do you have to have a plan, you have to show progress toward implementation of the plan, we're going to get a heck of a lot of push-back. He stated further he doesn't think that's realistic with the timetable, that we should focus on getting the plan by July 1<sup>st</sup>, and in his opinion that's substantial progress, along with a timetable for implementation. Mr. Taylor responded he totally agreed; that is exactly where he's going. Rick Edwards added it should be an approved plan.

Mr. Taylor then displayed a map highlighting which counties have approved plans, which have submitted plans which are in the process of being evaluated for approval, and which have not submitted anything, noting the map was as of last Tuesday, so there may be a few changes which have taken place since then. Staff Technician Tina Bone said four more have been approved since then. Mr. Bone submitted he thought that was substantial progress since last month's report, and Mr. Taylor concurred. Mr. Taylor then offered that his recommendation is if they have a plan submitted for approval—it doesn't have to be approved yet, just submitted—including a timeline for completion of the plan, that should suffice, with the caveat that if they don't have an approved plan, he doesn't think they should be eligible to receive a grant because if they're asking for grant money for a plan that hasn't been approved, we don't know if what they're proposing is a good move or not. He then displayed that recommendation as a three-point list onscreen: 1) Have a plan submitted for approval; 2) have a timeline for completion; 3) no grants be awarded unless a plan has been approved. He concluded he thinks that's realistic and substantial, in his opinion. He said he puts that before the Board, and if it agrees, great—if not, give him something else to work with.

Mr. Edwards asked if, regarding the timeline for completion, there is a "set in stone" date by which the back-up plan should be completed, like July 1, 2017? Mr. Taylor replied the completion date for an extension would be 2017, and unless there were some very strong mitigating circumstances, he would make that a requirement. Ms. Sykora asked if that would be the deadline for implementation of the plan, Mr. Taylor agreed, and she observed then the timeline would be for going live with a back-up before July 2017, and Mr. Taylor again agreed. Mr. Bone asked Mr. Taylor to review his recommendation again, and Chairman Estes suggested to have a plan submitted for approval by July 1, 2016, with a timeline for completion by no later than July 1, 2017.

Mr. Edwards asked how long the approval process takes. Mr. Taylor responded it really depends upon how strong a plan they have. He said to date staff has been meeting about every two weeks, and depending upon how the plan is submitted—if it's a strong plan requiring only a little bit of tweaking—it can usually be approved within a week or two. He said if there are a lot of discrepancies in the plan, a lot of pieces and parts that don't fit, it would take a little longer because there would need to be clarifying communications back and forth until those issues were resolved.

Mr. Bone said he's extremely concerned about the number of plans staff will receive on June 30<sup>th</sup>, as some of those may not be well written or well-conceived, so some back-and-forth communication will be required *after* July 1<sup>st</sup>. He observed that is the reality of the situation, and asked if there will be a grace period to accommodate that. Mr. Taylor replied that first off, it has never been this Board's goal to try to harm anybody, and July 1<sup>st</sup>, while it is a hard date, realistically, no, we can't approve everybody between June 30<sup>th</sup> and July 1<sup>st</sup>; if we've got documentation that has been submitted, if we've got a plan from them, we're going to work with them. He said it's the ones that don't do anything that concern him, but if they've got something that we're working with and we don't get them all approved by July 1<sup>st</sup>, he's not going to

come to the Board at the July meeting and recommend punitive sanctions, unless the Board wants him to.

Chairman Estes pointed out he's not sure Mr. Taylor, or indeed, the Board, has the authority to make that recommendation; the statute trumps anything the Board wants to do, and the statute's pretty clear, so it's not the Board's decision, the lawmakers have already made it. Mr. Taylor concurred, saying he will bring before the Board at that July meeting any PSAPs which have done nothing toward complying with the law; he just won't penalize those that have submitted something which may not yet have been approved, because that would, in his mind, represent 'substantial progress.' He also noted that the Board does not necessarily have to give an extension for a full year; it could be less than that, as the statutory language says *up to* July 1, 2017. Mr. Bone said he could envision a scenario where someone submits a plan on June 30<sup>th</sup> and staff doesn't feel it's substantial enough you could give 60 more days to fine tune it and then maybe a further extension to implement it. Chairman Estes pointed out the Board only has the authority in law to extend it to 2017, and Mr. Bone said he understands that, but he's saying it could be in two phases to revise a plan submitted June 30<sup>th</sup>. Chairman Estes asked Board Counsel if July 1, 2017 comes and they do not have a plan, then the Board will not be able to give them a grant.

Mr. Bradford replied that not only would they not be able to receive a grant, but the Board would have to determine whether to reduce, suspend, or terminate funding; it has to do one of those things, but the Board gets to choose which one. Chairman Estes then said if there is a huge burden on the PSAPs to execute this strategy, an alternative is to talk to the lawmakers during the session about why this is not realistic. He again stated this is not really a Board issue, that the lawmakers have set this and the Board is just to execute their vision, so if the vision is not realistic, then the alternative would be to go back to the lawmakers with the support of the PSAPs and the counties to explain that what they've asked for can't be done, or they don't have the funding to do it, or whatever the issues are that are keeping them from doing it. He rephrased himself saying we're just executing direction that was written in the law, and Mr. Taylor interjected "Two years ago, two years ago!" Mr. Edwards said that was going to be his next question, observing this process has been going on for a long while. Mr. Taylor reiterated it has been going on for two years, it is not something that just came up this past session; not only has it been out for two years, but we have been promoting awareness of it, educating people about it, and pushing and pushing and pushing. He said some of the comments we've gotten back have been "Oh, they're just bluffing."

Mr. Taylor continued by reminding everyone the reason this is all coming to a head is because three years ago there was loss of property because a PSAP did not have a back-up plan other than to send calls to an administrative phone line, and when the phone system went down it took the administrative line right along with the 911 line. So a man's house burned down because he couldn't reach 911, and Ms. Sykora added, just to be clear, the phone system went down because there was no electricity in the building. Mr. Taylor observed that was the second time—the PSAP went down twice—and if you remember several years back we were having all kinds of outages, and continue to have outages. He said this is not an exercise in "Oh, well, we want to do this," that's why the lawmakers did it, and to people who look at it and say "Well, we don't have the money", his response would be "Really?", because we provide those funds. He offered that in his opinion this is nothing more than procrastination.

Buck Yarborough said he didn't count them up on the map, but it looked like half the counties or maybe more have submitted a plan, and Mr. Taylor agreed roughly half. Mr. Yarborough said he's interested in Mr. Taylor's comment that they thought we were bluffing, asking how Mr. Taylor learned that, just in conversation or what. Mr. Taylor said that was from one of the staff members sitting down with a PSAP's management and being told that. Mr. Yarborough said he found that very interesting. Chairman Estes expressed it is important for the counties to know that the Board has no leeway here. Mr. Yarborough said that was where he was going, noting that of the 43 counties that haven't done anything, would it be appropriate for staff to contact them, tell them the law, and explain, whereupon several Board members simultaneously spoke up advising him that has already been done. Mr. Taylor told him about sending out the certified letters last month, observing that all but one county accepted the letters. Mr. Yarborough asked if they did not pick it up, and Mr. Taylor confirmed that was the case.

Mr. Bone said that in regards to the map, he believes some counties are working on it but have not submitted anything to the Board, and Mr. Taylor acceded that may well be the case. He said he has heard anecdotally that several have indicated they are "fixin' to do" something about their back-up plans. Saying he was sorry to have to ask for re-clarification, Mr. Yarborough said it stretches credulity for

someone to ignore the fact that you're going to withhold their money or reduce it or deny it completely, as Mr. Bradford just explained, and asked again if that's been clearly expressed. Mr. Taylor asserted it has, and Mr. Yarborough asked if there has ever been a time when money has been withheld. Mr. Taylor said yes, it has happened, but only three times in the last 16 or 17 years. Mr. Yarborough observed perhaps because it has happened rarely some may think the Board is bluffing. Mr. Taylor said he intends to send an email next week to the counties which have not provided any indication to the Board that they are working on their back-up plans reinforcing the letter and telling them what 'substantial progress' is as determined by the Board today. He noted we certainly do not want to have to enforce the statute's mandate regarding reduction, suspension, or termination of funding.

Chairman Estes offered to Mr. Yarborough that we have also provided examples of what a good plan looks like, and Mr. Yarborough said "So they've got a road map already", to which Chairman Estes responded "Yes." Mr. Yarborough asked who has received these communications, and Mr. Taylor replied they have been sent to the City/County Managers, PSAP Directors, and Finance Officers.

Mr. Barbour asked what county wouldn't sign for the certified letter, and Mr. Taylor said it was Lenoir County. When asked to review once again the number of counties not heard from, Mr. Taylor turned to Tina Bone, as she and staff have been working on that this week. While she was deliberating, Mr. Barbour observed the Board has paid Lenoir County to build a back-up center, to which Ms. Bone said they just sent her something yesterday or the day before. Mr. Taylor said he had asked Karen Mason to email a copy of the certified letter directly to PSAP Director Roger Dail, which he believes prompted the response, and Mr. Barbour said he felt Mr. Dail must not have known about it before that. Mr. Barbour further observed the back-up center is a very nice one, to which Mr. Taylor agreed, but adding they didn't have a plan. Ms. Sykora said, "So they have a center but no plan," to which Mr. Taylor responded "Yes." Mr. Bone asked Ms. Bone if he understood correctly they have submitted something now, and she confirmed they had. Rob Smith asked if the center was functional now, and Mr. Taylor said he didn't know ; he said he knows it's equipped, and one would assume it's functional, but he's not been advised of that first hand. He noted as an aside that the Board will be meeting there next month.

Mr. Taylor asked Ms. Bone if she had come up with up-to-date numbers yet, and Chairman Estes asked if, while she's counting, it's reasonable to get a status update from these counties that have not responded at all. Mr. Taylor was distracted by a side conversation and missed Chairman Estes' question, and apologized to him for that. He then reminded everyone as a point of clarification that there are actually 119 Primary PSAPs and 8 Secondary PSAPs impacted by this, so it's not just a question of 100 counties, but 127 PSAPs which must submit plans.

Andrew Grant asked Mr. Taylor if item 3 in the proposed definition of 'substantial progress' referred just to no back-up PSAP grants being awarded to PSAPs without approved back-up plans, or no grants of any kind being awarded to them. Mr. Taylor replied his intent was no grants. Chairman Estes interjected we're not saying that, the law is saying that. Mr. Bradford said he thought maybe Mr. Taylor should clarify his recommendation to address both the Chair's and Mr. Grant's comments, and addressing Mr. Taylor directly, said "I don't think the people understand what you mean."

Mr. Taylor said what he means is that if a PSAP does not submit a back-up plan that has been approved it would not be eligible to receive a grant for anything. Ms. Sykora said secondly, if they don't have a functioning back-up by July 1, 2017, the Board has authority to withhold funds. Mr. Bradford clarified to reduce, suspend, or terminate funds. Mr. Taylor responded that technically it is July 1, 2016, unless an extension has been authorized by the Board up to July 1, 2017. He asked Mr. Grant if that was more clear, and Mr. Grant acknowledged that makes sense, but that he had originally thought it was limited to grants for back-up plans, which he agreed with. He said, however, he did not agree with denying any grants to PSAPs without approved back-up plans. He said he understands the intent, and doesn't disagree with the intent, but thinks it goes a little too far. He said he thinks the legislation's directive to reduce, suspend, or terminate funding is punitive enough, and he would like to see item 3 modified to limit the impact to no back-up plan related grants. Mr. Taylor said he would disagree with that just because the grant process is very competitive, and awarding a grant to a PSAP that has not obeyed the law could reduce the opportunity for one that has complied with the law to be awarded a grant. He added the logic, to him, is not good. Mr. Grant once again said he understood, but his logic is if a PSAP has a legitimate need, such as equipment replacement or that type of thing, that legitimate need is being thwarted by not having an approved back-up plan in place, even if one has been submitted but is not yet approved. He

then reiterated he feels the legislation is punitive enough. Mr. Taylor said he found it rather incongruous that on the one hand funding is being reduced, suspended, or terminated but on the other hand you're saying, "Here, have some more money." He posited that reduces the effectiveness of the reduction, suspension, or termination.

Mr. Yarborough proposed that perhaps a misunderstanding about that language is why they're thinking you're bluffing. Mr. Taylor admitted he didn't know, and Chairman Estes said he didn't think there was a rampant move to say we're bluffing, but that instead that was the opinion of but a few. Mr. Taylor agreed, and Mr. Yarborough acknowledged he understood, but found it hard to fathom why less than 50% haven't bothered to submit anything. Mr. Taylor did say they have found PSAP managers who say they really want to do something, but they cannot get the support of their County Manager. Mr. Yarborough asked if that was because of funding. Mr. Taylor replied we don't know. He also conceded that may only be an excuse offered by PSAP managers when Board staff makes contact, but again, we have no way to know.

Chairman Estes observed the staff recommendation is interesting and the Board hasn't voted on it yet—no motion has been presented—and wondered aloud what really is keeping these folks from getting this done? Have they submitted something to their leadership and their leadership hasn't approved it, do they not have the funding to write the plan, do they not have the experience or the knowledge to put the plan together? What's keeping them from being successful? He solicited Board members' opinions on that. Mr. Edwards asked if it's the misconception that they have to recreate what they have in another location, and Mr. Bone emphatically responded "Yes," but Chairman Estes noted the statute is pretty clear that is not required. Mr. Edwards said he knew and understood that, but wondered if it might not be the case perceptually nonetheless.

Mr. Taylor said one of the things he has found is a lack of cooperation between agencies. Noting that one of the slides in the presentation he gave at the APCO/NENA meeting was a picture of a surgeon working on a rocket, he underscored this is not "rocket surgery." He thinks people are over-thinking this. Chairman Estes speculated maybe we have an education gap, that maybe a middle ground is to hold a special workshop for the PSAPs that have not completed the exercise; bring them all in, or at least invite them so we can tell the General Assembly that we made good faith efforts to try to help them complete this effort. That way, if they do get to the point where their funding is impacted, we "have the white hat on" because we've made multiple efforts to help. He acknowledged he realizes staff has reached out to them already, but wondered if inviting them to a workshop, getting them in the room, showing them how to write one, help them write one, or something to that effect could help.

Greg Hauser offered that some managers may be intimidated by it and/or some may not have time to devote to it, observing many PSAP managers in smaller PSAPs may even be working consoles because someone has called out sick. He speculated it might be helpful for their peers who have successfully completed a plan to reach out to them, to say "Let's sit down and walk through this to get you there." Mr. Taylor said they had that discussion yesterday, noting that many PSAP managers are only in that position because they were the next in line, never having received training on how to be a manager, complete budgets, etc., so he agrees with Mr. Hauser that probably many of them are, indeed, intimidated. He added, however, that's also why he says they're "over-thinking" this thing. He relayed that in several instances staff members have sat down with a PSAP and suggested they work with the PSAP next-door, perhaps adding a server or a couple of workstations, something very minimal compared with the misconception that they have to build something, and when that was presented to them, they have realized it was not, indeed, a big deal.

Mr. Edwards observed if you look at the state map mostly rural counties are the ones that have not complied, not those with metropolitan presences. Mr. Bone said he wanted to make a couple of comments. He said first of all he didn't think we necessarily need to jump to say the city or county managers are necessarily the bottleneck. Saying he feels the need to defend his profession a little bit, he agreed with Mr. Hauser, that there are a lot of rural managers, and that it's not as simple a fix as Mr. Taylor intimated regarding adding a server or a couple of workstations, noting his county's PSAP doesn't have the space to do even that, and he believes many others are in the same circumstance. Reminding everyone that he had made a recommendation at the last Board meeting to reach out and have some work sessions with the PSAPs in conjunction with regional meetings that are coming up in March. Mr. Taylor interjected those begin next week and that is on those agendas.

Chairman Estes asked if we could wait until the next Board meeting to see the results of that, if we've gone from 50% to 80% or 90% compliance before taking any major action? Mr. Taylor reiterated he just wants to know what 'substantial progress' is so staff members can have something that they can tell PSAPs "If you get at least this far, we won't have to reduce, suspend, or terminate your funding." He added he can say right now what his opinion is, but he needs something from this Board that says "This is what we consider 'substantial progress' to be." He acknowledged Mr. Bone's comment about having a flurry of submissions on June 30 is spot on, but we don't want PSAPs to just be submitting paper to meet a deadline; we want them to be submitting something substantial.

Mr. Shipp said he wanted to reiterate first, as Chairman Estes commented earlier, staff has a simplified, written template. Period. He then made a motion to approve the staff recommendation and proceed forward. Slayton Stewart seconded the motion, and Chairman Estes asked if the motion could be clarified just a little bit because the recommendation appears to be missing some dates. He said he felt consensus for item 1 is that a plan be submitted for approval by July 1, 2016; for item 2 have a timeline for completion by July 1, 2017—ideally by July 1, 2016, but no later than July 1, 2017, and for that they have to have an extension. Ms. Sykora said she thinks both the plan and the timeline should be submitted for approval by July 1, 2016, with the timeline for completion no later than July 1, 2017. Mr. Edwards said he believes both should be by July 1, 2016, because otherwise you've got a drop-dead date of July 1, 2017. Ms. Sykora said what she is trying to say is that the completion doesn't have to be until July 1, 2017, but we want the timeline submitted by July 1, 2016. Mr. Yarborough said we would have to grant the extension after they've made substantial progress, so we don't want to put the 2017 date in at all.

Mr. Taylor said, in other words, in order to get an extension, you must have made 'substantial progress.' This is the definition of what 'substantial progress' is. He sees it as having plans submitted for approval and a timeline for completion by July 1, 2016. The July 1, 2017 date is a non-negotiable date; it's in the statute. Having a plan submitted for approval is, likewise, a non-negotiable date too—July 1, 2016. Unless substantial progress has been made by that date, no extension may be granted, so 2017 doesn't even enter into the mix.

Chairman Estes asked if someone taking minutes could document the motion, and Mr. Yarborough asked if that was adding July 1, 2016 to item 1. Chairman Estes agreed that was the only change to the motion that Mr. Shipp has accepted at this time. Dinah Jeffries said she just wanted to state for the record that Orange County is not one of the counties that has not submitted a plan for approval. Mr. Taylor said he was getting a nod of agreement from Ms. Bone, and he knew Orange County had been talking with Alamance, Person, and Caswell Counties regarding shared resources, but he had not personally seen any report of the results of those talks. Ms. Jeffries reasserted they have submitted a plan, and that Board staff had actually responded with some recommendations. Mr. Taylor said that will be corrected.

Ms. Sykora said she really appreciates having the timeline for completion in there because it is a matter of how long does it take to get the equipment ordered, how long does it take to get the equipment installed, etc., so she thinks it's very important to have a specific timeline in order to implement the plan. Mr. Yarborough offered they're not really mutually exclusive, that we're asking for both a plan and a timeline for completion submitted by July 1, 2016. He said Ms. Sykora was making that point—they both have to be submitted by July 1, 2016. He said he thought the way Chairman Estes just summarized it was that only item 1 needed to be submitted by then, whereas item 2 needs to meet that deadline as well. Mr. Edwards agreed.

Mr. Taylor reiterated this is how we're going to define 'substantial progress', and in order to get an extension you must have made 'substantial progress', so by July 1, 2016, you must submit a plan for approval with a timeline for completion. Once a PSAP has done that, i.e. demonstrated it has made substantial progress, then the Board could grant an extension up to July 1, 2017. Mr. Barbour asked Mr. Taylor to type the motion as amended onscreen. While he was doing that, Ms. Sykora emphasized the timeline must be submitted by July 1, 2016, but not necessarily completed by that date. Chairman Estes added he thinks there is another piece of the motion which requires contemplation, namely item 3. He pointed out item 3 is a consequence of not having done 1 and 2, so it is not actually part of the definition of 'substantial progress', so he feels it does not need to be included in the motion. Mr. Barbour offered he would make a second motion regarding that after this motion has been voted upon.

Chairman Estes asked if Mr. Shipp was amenable to those amendments to his motion, and Mr. Shipp asserted he was. He then asked if Mr. Stewart agreed as second, which he did. Mr. Stewart recalled that 40 some odd counties have taken no action to our knowledge in addressing this issue, and Chairman Estes agreed with the caveat that the key phrase there is “to our knowledge,” citing as an example Ms. Jeffries’ comments regarding Orange County. Mr. Stewart then observed, “So on July 2<sup>nd</sup>, if we have a county or more which have not submitted a plan and we have to decide whether to reduce, suspend, or terminate funding, what is the PSAP’s recourse at that point? What options do they then have?”

Mr. Bradford replied this is where part of the rulemaking comes back into play. He observed the rules that were approved earlier today and will move forward before the Rules Review Commission most likely in April address the procedural aspects of a PSAP or a CMRS provider saying, “I don’t agree with that decision.” They have an opportunity for a hearing, and from that the opportunity to pursue other administrative remedies, so that’s basically it in one sentence. There is a little more detail and there are some timelines involved, but fundamentally they can come back before the Board and dispute the decision. If the Board disagrees and says, “No,” they can then pursue other administrative routes.

Mr. Edwards asked if the template staff provides PSAPs doesn’t include a cooperative element as well where you could work with other municipalities, counties, or whatever, i.e. you don’t have to re-invent the wheel on this thing. Mr. Taylor said that’s right, and in fact the very opening of the document which accompanies the template offers about five different variations of how to approach a back-up plan, including cooperative agreements. Mr. Edwards observed he knows different municipalities don’t play well together, and Mr. Taylor said he was exactly right, citing a situation where he was working with three PSAPs in one county, thought they had agreed on a plan, only to discover one of them did not want to participate, not because of money or space, but rather as a matter of “I don’t like you.” He said he wished he could say this is the only reason—you can’t just say it’s the county manager (Mr. Bone interjected “Thank you.”) or any one thing.

Chairman Estes observed the rewritten motion was displayed onscreen, asking Mr. Shipp if it was what he intended. Mr. Shipp agreed it was, and Mr. Stewart agreed as second. Chairman Estes asked if there was further discussion, and Mr. Bone asked if a request for extension must be received by June 30, 2016, as well as the proposed plan and timeline. He said this has not been part of the communication to date, to which Mr. Taylor replied, “Exactly,” because this is the definition of ‘substantial progress’ which must be met before an extension can be requested. Mr. Stewart said his understanding of the communication to date is that they are supposed to have completed the plan by July 1, 2016, with which Mr. Taylor concurred. He said we have not been talking extension to anybody because he has not been able to provide a definition of ‘substantial progress’.

Chairman Estes suggested Mr. Taylor move the July 1, 2016 date to the end of the sentence in the rewritten recommendation, to which both Mr. Shipp and Mr. Stewart assented. Chairman Estes then asked Mr. Bradford if this fit within the Board’s authority, and Mr. Bradford replied he believes this fits within the Board’s authority as well as the statute on back-up plans.

Mr. Bone asked what if you have a jurisdiction that submits a back-up plan and a request for an extension comes after July 1, 2016, what happens in that scenario? Chairman Estes said they would be out of compliance with the law, but that doesn’t need to be discussed now; it’s a consequence. Mr. Yarborough reiterated all Mr. Taylor is asking for is a definition of ‘substantial progress’; that’s all we’re outlining now. Mr. Taylor added if they are submitting a plan on June 30<sup>th</sup>, they’re going to be out of compliance July 1<sup>st</sup>, so they would need to follow this definition in order to get an extension. Mr. Yarborough added he thought Mr. Taylor has made it clear that the intention is not to be punitive; if there are last minute submissions, we’re going to work with them to get them in compliance. Mr. Edwards again observed they’ve already had two or three years to address this. Mr. Bone said we need to communicate what Mr. Yarborough said post haste. Mr. Taylor said that’s why he wants this resolved today, both so he can send the email he mentioned earlier and convey it to the PSAP managers at their regional meetings.

Mr. Stewart asked, just as a clarification, if there is a PSAP that doesn’t meet our timeline then the request has to be approved by the Board to reduce, suspend, or terminate funding, and asked Mr. Bone if that helps. Mr. Bone replied it does help, but if the request comes between July 1<sup>st</sup> and the July Board meeting, what happens in that scenario. Mr. Taylor asked if he meant the request for extension, Mr. Bone said yes, and Mr. Taylor said he would bring it before the Board as a request for an extension. He

reiterated if they are working toward submitting a plan for approval the Board will work with them as much as it can, but it has to stay within the law. If they're thumbing their nose at the law, we won't have an option. Chairman Estes summarized that the law did not include a definition for 'substantial progress', so the Board is using its authority to create one to make it easier for the PSAPs to be compliant with the law. He then asked for any further discussion, and hearing none, called the motion, which passed unanimously without abstention.

Mr. Barbour said he would respectfully submit that the Board hold off on any action regarding item 3 in the staff recommendation until we get to the process of opening the grants, and maybe address that as a condition at that point in time. Mr. Taylor interjected that if everyone will remember last year, Rocky Mount PD submitted a grant request for a back-up PSAP without an approved back-up plan, and that was one of the factors used in determining not to award them a grant. They appealed that decision, and one of the reasons they gave for appealing was that they didn't know ahead of time that they were expected to have an approved plan first. He said the reason he included that item in today's recommendation is to prevent that happening again; he wants people to understand that if that is a condition, instead of spending a lot of time on a grant application, they may want to put that time toward meeting the back-up plan mandate.

Chairman Estes suggested the law already says what the consequences of not having a plan are, so he thinks we can share with the PSAPs what the law already says. Mr. Taylor pointed out that was not done with the Rocky Mount appeal; that the Board treated that appeal as a valid appeal. He reiterated he just wants to clarify for PSAPs that you just cannot go out and get a grant without complying with these other things. He observed that if the Board doesn't want to do that, we may again find people appealing not receiving a grant. Mr. Barbour asked Mr. Bradford for his opinion regarding this issue. Mr. Bradford said his advice is to not do that at this point in time, first of all because the statement that was included in the definition has been dispensed with after an hour and ten minutes while admitting that lawyers could argue about that phrase a lot longer than that, not to make light of that at all. He said what is at issue here is making a pre-emptive decision about any reason for a grant being submitted, and he thinks that is premature at this time when the Board really has not determined how grants will be awarded, what the priorities are or may be, how they may change, and so forth. He observed the Board's award of a grant is discretionary, so it has ample opportunity to say, "No." If a PSAP chooses to go through the exercise of submitting a grant application for a back-up and they don't have a plan, they may very well have a plan by the time the grant awards are considered and made. He reiterated he really thinks it is premature at this time, and that is why he suggested to the Chair and Mr. Barbour to hold the idea for now. He acknowledged the idea has merit, there is no doubt about that. It is a lesser potential sanction than saying, "Well, we're going to reduce your funding by 'X%'." He suggested, "Keep your arrows in your quiver for the moment."

Mr. Edwards asked Mr. Taylor if he is saying maybe we have established precedent with the grant process from last year. Mr. Taylor said he is, that this law existed last year, we did not award Rocky Mount a grant because it did not have a back-up plan submitted, and it's grant request was for a back-up center. Chairman Estes offered he thinks the difference is that the law says you will have one by July of 2016, so a year ago, they still had a year to submit a plan, and the grants we will be awarding for the next fiscal year will be after the date required by law to have a back-up plan. He added therefore, it seems reasonable, that when we do finally make the grant award decisions, that we could add what the law says. He said he thinks making the PSAPs aware of this may provide incentive for them to complete their plans without the Board actually having to say that. Ms. Sykora observed we may also have staff members reflect on the conversation the Board has had today if they're working with a PSAP on a grant request, to which Chairman Estes added they would not be compliant with the law.

Mr. Taylor asked if he could include questions about the status of a PSAP's back-up plan in the grant application, and Mr. Bradford said sure. Chairman Estes said that before moving to the next agenda item, he wants to be sure everyone understands the whole reason we're doing this is to help the PSAPs, not just to create a lot of operational issues to hinder them. Mr. Taylor concurred, saying we would much rather spend the time working to get something approved than to spend time working to submit paperwork, withhold funding, etc. He stated our ultimate goal is that every 911 call be answered, not that every dollar gets spent one way or the other.

Hearing no further comments on this agenda item, Chairman Estes asked Ms. Sykora to proceed with the Standards Committee Report.

## **Standards Committee Report**

Ms. Sykora asked Mr. Bradford to begin the report, saying, "You've got the big news," and that she would add in as needed. Referring to a table Mr. Taylor had displayed onscreen, Mr. Bradford said Board members might recall seeing a similar table at the last meeting. He said the revised rules that were approved at the last Board meeting were heard by the Rules Review Counsel a week ago yesterday; there was little discussion, all were approved. He observed what's pending now in the .0100 section are the rules that we saw earlier in the agenda today during the Public Hearing process, for which no comments have been received. He added he doesn't expect any issues will arise regarding them from Rules Review Counsel because they, too, have been previously reviewed. He offered, as he alluded earlier, that those will be on the April agenda for the Rules Review Commission.

Ms. Sykora relayed we are moving forward, and that means basically all the rules that the Board has seen are either approved or on track for approval with an implementation or effective date of July 1, 2016. She said now the Standards Committee will turn toward implementation of the rules, noting they have talked about how to do that but have yet to put pen to paper regarding the questionnaire, enforcement, etc., and adding now it is time to start getting ready for the actual reviews of the PSAPs. She observed those won't start until July 1, 2017, as they need the first year between 2016 and 2017 to test the questionnaire, make sure what's in the rules and how we're doing the reviews sync up.

Chairman Estes asked if there were any questions about the report, and hearing none, moved to the next agenda item.

## **FCC Task Force on Optimal PSAP Architecture (TFOPA)**

Mr. Taylor asked Chairman Estes if this item could be tabled until next month in the interest of time, as it will take a good 30 to 40 minutes to go through the document thoroughly, adding it's a 216 page document. He acknowledged it is a lot of reading, but encouraged Board members to read it nonetheless, pointing out there are three elements that are very important, and he thinks it is incumbent upon the Board to understand what is in this document. He added you will see how everything is coming together, with the Next Generation 911 project, how everything is coming together with cybersecurity, and how things are coming together relative to funding. He said he really does want to spend time reviewing this, but not today, as time has gotten away from us already.

Chairman Estes asked if there were any objections from Board members to tabling this item, with the suggestion that it be sent to Board members being the only response. Mr. Taylor said he will be happy to send it out, including slides of areas he feels are very important which he has highlighted. Hearing no further discussion, Chairman Estes asked Mr. Taylor to proceed with the next agenda item.

## **2016 Goals**

Mr. Taylor reviewed how last month he had displayed a facsimile of the flip charts used at the December Board meeting regarding 2016 goals, which had taken Chairman Estes off guard since he had not been in attendance at that meeting:

Statutory (Quality Assurance, Certification, BD)  
Education (X4)  
Back-up (from last year's goals)  
NG 911 (from last year's goals)  
CAD to CAD  
Funding (X2)  
Staffing

Mr. Taylor acknowledged and apologized for being a bit cryptic in presenting that list, so since that meeting he has taken all the goals and fleshed them out as they appear in the agenda book (see [https://www.nc911.nc.gov/Board/agenda/Book/20160226\\_Tab10\\_North%20Carolina%20911%20Board%202016%20Goals.pdf](https://www.nc911.nc.gov/Board/agenda/Book/20160226_Tab10_North%20Carolina%20911%20Board%202016%20Goals.pdf) ).



He said he put the goals in perspective with his reasoning behind each one, with the number one priority being assigned to the TC certification program. He reminded everyone that North Carolina's 911 system has always strived to provide the same level of service to callers from Murphy to Manteo, but only with consistent training will that goal ever be achieved. He proposed that from a "high level" to achieve this goal, several milestones must be achieved: 1) a certification program and policies must be defined, 2) an educational "vehicle" must be determined, and 3) a statutory change must be effected requiring the certification.

Mr. Taylor said he felt the second highest priority should go to quality assurance, observing we pay for the software for that program, but don't really fund the program. He surmised that's an unbalanced approach because it's not consistent among PSAPs, and it really defeats our mission of providing the same level of service. To achieve this goal, he proposed: 1) a quality assurance program must be defined with realistic performance standards based on accepted criteria, 2) a statutory change must be accomplished that will require a quality assurance program, 3) a statutory change that will allow for a minimum funding of a QA program, and 4) statewide PSAP training program to institute a QA program.

Mr. Taylor named CAD-to-CAD as the third goal to strive for in 2016, which he pointed out goes hand-in-hand with our NextGen project and the concept of interoperability. He acknowledged we used to think of interoperability just in terms of radio, but with NextGen 911 it has to include voice and data, and that data is CAD. He offered that he believes North Carolina's 127 PSAPs use 12 different CAD systems, and they do not talk to each other. He added the TFOPA report speaks to this, and we need to look at doing a CAD-to-CAD interoperability. He noted there are companies already providing that service, but they are very, very expensive. His proposal includes working with the NG911 committee on: 1) communications with all the CAD vendors deployed in North Carolina must be established, 2) a common affordable solution must be established, and 3) deployment of a CAD-to-CAD solution that is compatible to the North Carolina NG911 network.

Acknowledging we have already beat the topic up enough today, Mr. Taylor cited back-up PSAP plans as the fourth goal, although it is already well under way. He said we are working with Emergency Management, which is doing an educational program for Continuity of Operations (COOP), noting Ms. Bone and Mr. Dodd are working with them on that through the national office of homeland security. He offered we will be scheduling COOP training, maybe as early as May or June. He proposed to achieve the goal of 100% deployment of back-up PSAP plans in 2016: 1) a more defined, one-on-one educational program needs to be implemented, and 2) a higher level COOP (Continuity of Operations) educational program be conducted to reinforce the need for a backup plan.

Turning next to NG911, Mr. Taylor observed it continues to be a goal, and that the NG911 Committee has established a timeline with milestones that should be continued to be a primary focus of the Board as it has a direct impact on PSAP operations and funding.

Mr. Taylor observed sustainable PSAP funding continues as a goal from 2015, noting the TFOPA report speaks a great deal about that. He said folks must understand that the current model we use to fund PSAPs is not sustainable; it is a 'backwards looking' model and PSAPs cannot just keep 'coming back to Daddy' saying, "I need more money for this, and this, and this." He proposed to continue work towards achieving this goal: 1) a new funding methodology needs to be created that better defines PSAP funding based on the services provided, 2) fully socialize the proposed plan with all the stakeholders, and 3) implement the new funding method. He added that the Funding Committee already has a subcommittee in place examining this, and once a new model is developed, it will have to be socialized with all the stakeholders before implementation.

The last topic Mr. Taylor touched upon was education, saying he didn't characterize it as a goal because he feels it is one of the missions of this Board, and should be an ongoing function. He observed the Board has created the annual PSAP Managers meetings, regional PSAP meetings, a weekly newsletter, on-line streaming of all 911 Board and committee meetings, regional 911 Board meetings and continuous outreach to legislative leaders. He postulated the Board should continue to explore new and innovative ways to educate its customers.

He concluded that's how he sees the goals for 2016, and asked Chairman Estes if that helps his understanding. Chairman Estes said that was good, and asked for any comments from Board members.

He added that the only thing he's hesitant about is citing TC certification as the number one goal. He said he thinks it's a goal, and it may be the first one listed, but it's not necessarily the most important. He added the reason he says that is that the Board has historically gotten pushback when it has tried to dictate how PSAPs run their operations, and we're getting pretty close on that one. By virtue of that, he proposed our higher priorities should be NextGen, CAD interoperability, i.e. the things we can really have an impact on across the state. He acknowledged certification is important, and is certainly something we should be working on as a board, but we need to do that with the PSAPs.

Mr. Shipp agreed that's true, but asked that we keep in mind that certification was emphasized at the PSAP Managers meetings; it was something they were asking for. He asked Mr. Taylor if that was not correct, and Mr. Taylor agreed it was. He said staffing and requirements for staff was probably one of the biggest topics the managers dwelt on.

Chairman Estes again asked if Board members had comments. Mr. Shipp said he supports the goals regardless of prioritization, and asked if there is an update regarding the translation services RFP; has it been released? Mr. Taylor referred it to Dave Corn, who is the staff member working on that, and Mr. Corn asked Mr. Bradford if it could be discussed in this forum. Mr. Bradford replied, "It is in evaluation." Chairman Estes asked when it may be available for Board review. Mr. Corn replied their plan is to present the recommendation to the Funding Committee soon and for the Funding Committee to present it to the Board. Mr. Barbour speculated that will be a question at the upcoming PSAP Managers meetings because he thinks a lot of them are looking forward to this, and asked is it going to happen this year, next year, or what? Mr. Corn asked him when the next Funding Committee meeting is. Mr. Barbour said it is March 22<sup>nd</sup>, and Mr. Corn said they will have it by then. Mr. Barbour emphasized staff should bring the PSAP managers up to date on this at the upcoming meetings, and Mr. Taylor assured him they would.

#### **Board Member Funds for Meals**

Mr. Taylor explained that Board members are entitled by statute to receive compensation for their day of service in the amount of \$15.00, and they are also entitled to a per diem for meals for the entire day of service. He relayed that years ago, back around 1998, Wireless Board meetings were sometimes two or three days long, and one of the things discussed was if they could have lunch brought in, which was the genesis of the lunches we now have. Everybody back then agreed to put their compensation money toward lunch, as many were already being paid by their employer and didn't want to double dip, and that continued to be how the lunches were paid for up to now. Now DIT's internal auditor has questioned that process, despite the fact we've gone through many audits between 1998 and now where it was never questioned.

Mr. Taylor said they couldn't find a record of where the Board had voted to use the money to pay for lunches, but Ms. Tapler ran a spreadsheet, which he displayed online, taking into account committee meetings as well as Board meetings, and determined that if everyone was paid their full Board compensation, it would cost \$22,852.80 per year based on current meeting frequencies. He said \$14,917.00 was spent last year on catering for meetings, or \$7,935.80 less than the \$22,852.80, and what he hopes to do today, if it is the will of this Board to continue providing lunches, is to get that desire on record, stating that Board members agree to contribute their day of service compensation, including subsistence, to continue doing that.

Ms. Sykora said she had a question, observing when she has traveled on Board time, she has turned in her per diem expenses such as mileage, hotel, and meals, and asking if she would not be able to continue doing that. Mr. Taylor replied that would only pertain to the day of service, not travel and lodging before. He added that when we have conferences and regional meetings, they fall into a different category; this is just for Board or committee meetings.

Mr. Taylor then framed the recommendation from staff as being that we will use the day of service compensation to pay for lunches for Board meetings and committee meetings.

Ms. Sykora said she would be interested in hearing the perspective of others who have to drive long distances to attend, and Mr. Taylor offered as an example the fact that Sheriff Hagaman routinely travels and stays here the night before meetings, for which he receives compensation without any problem; once again, this only impacts the actual day of service.

Chairman Estes offered to entertain a motion based upon the recommendation from staff. Slayton Stewart made a motion to accept the staff recommendation, Sheriff Hagaman seconded, and the motion passed without opposition.

### **March 911 Board Meeting in Kinston: Hotel and Meeting Logistics**

Mr. Taylor asked David Dodd to report on the status of accommodations and meeting logistics for the upcoming 911 Board meeting in Kinston. Mr. Dodd observed next month will mark the first of four out of town Board meetings scheduled for this year, with a combined work session/Board meeting in Charlotte in May, a Board meeting in Williamston in July, and the annual two-day work session and Board meeting in Surry County in December. Going back to the Kinston arrangements, he noted on Thursday, March 17<sup>th</sup> there will be a regional PSAP Managers meeting followed by the Board meeting on Friday the 18<sup>th</sup>. He said both lodging and meeting space has been arranged at the Hampton Inn in Kinston for both days, and next week he will email everyone asking what they need in the way of hotel accommodations. It will ask if you will be coming in Wednesday to participate in the PSAP Managers meeting on Thursday or just coming in Thursday for the Board meeting on Friday. He added the hotel accommodations will be put on one master bill just as they were in Asheboro back in December; Board members do not have to call the hotel or pay for the room—staff will take care of everything.

Mr. Taylor added that on Thursday night he has arranged for space to be available at the Chef and the Farmer restaurant, and Mr. Dodd added it is limited space. He said he called them over three months ago and the only time he could get was 5:30 in the afternoon, so it will be an early dinner. He added he was only able to get 15 or 16 spots, to which Mr. Taylor responded “We’ll make that work.” Mr. Taylor also added the important thing is to respond to Mr. Dodd’s email next week as quickly as possible so that can all be wrapped up. Mr. Taylor also observed the last time the Board met out that way in Jones County, only two Board members showed up. He mentioned how the consolidation of Jones County and Lenoir County was a big project, and folks love to see the Board show up in their neighborhood, so he encouraged everyone to please come if there’s any way possible, and if you could come to both the managers’ meeting and the Board meeting that would be awesome. He added invitations will be sent to legislative leaders from that region, and he expects some to come to see the Board in action, so he would really like to see a good turnout.

Chairman Estes asked Mr. Taylor to send out the meeting schedule for the year. Mr. Taylor said he would, and that it is available on the website, but added there have been some issues with the website regarding the transition from the old one to a new one. Chairman Estes asked when that will be ready, and Mr. Taylor replied as soon as he and Ms. Bone can review it and give the go-ahead, adding they have both been very covered up lately.

### **Other Items**

Chairman Estes asked if there were other items to come before the Board, and hearing none reminded everyone that on the back of the agenda packet is a list of upcoming committee meetings. He observed much of our work is done in the committee meetings, which makes the Board meetings go much faster. He said he would encourage members to use the committee structure, including the Executive Director, and thanked all the Board members for coming today.

### **Adjourn**

Chairman Estes adjourned the meeting at 12:18 PM.