

**North Carolina 911 Board  
MINUTES  
Teleconference  
August 24, 2015**

<b><u>Members Present</u></b>	<b><u>Staff Present</u></b>	<b><u>Guest</u></b>
Jason Barbour (NCNENA) Johnston Co 911	Tina Bone (ITS)	Fred Baggett-NCACP
Darryl Bottoms (NCACP) Pilot Mountain PD	Richard Bradford (DOJ)	Sarah Collins-NCLM
Eric Cramer (LEC) Wilkes Communications	Dave Corn (ITS)	Ellis Frazier – NC APCO
Rick Edwards (CMRS) Sprint	David Dodd (ITS)	Todd Sims-Charlotte Medic
Chris Estes (NC State CIO)	Karen Mason (ITS)	Donna Wright – Richmond Co Emergency Svcs
Andrew Grant (NCLM) Town of Cornelius	Marsha Tapler (ITS)	
Len Hagaman (Sheriff) Watauga Co	Richard Taylor (ITS)	
Rick Isherwood (CMRS) Verizon		
Dinah Jeffries (NCAPCO) Orange Co EMS		
Rob Smith (LEC) AT&T		
Jeff Shipp (LEC) Star Telephone		
Jimmy Stewart (NCAREMS) Hoke Co 911		
Slayton Stewart (CMRS) Carolina West Wireless		
Laura Sykora (LEC) CenturyLink		
<b><u>Members Absent</u></b>	<b><u>Staff Absent</u></b>	

**Chairman's Opening Remarks**

At 4:05 PM Chairman Chris Estes convened the meeting.

## **Item 2 - 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. No conflicts were noted.

## **Item 3 – Proposed Legislative Changes**

Mr. Estes asked Executive Director Richard Taylor to review the proposed changes that had been prepared by staff and distributed to the Board members titled “Tab3a Proposed GS 62A Legislative Changes Per Board.”

Mr. Taylor read the proposed changes labeled #1 Create an additional “NG911 Fund”, percentage based on 911 Board determination (projected costs, available funds, etc.). Jeff Shipp asked if the new fund would be a “protected fund”. Richard Bradford answered by stating that it is more protected than not but also added that the Governor has the constitutional duty to balance the budget and has the authority to move money from the fund.

Rob Smith asked if he as a representative of AT&T and possibly others on the call representing potential bidders to the NextGen RFP would have a conflict of interest. Mr. Bradford stated that he did not believe there was a conflict of interest since the purpose of the proposed legislation is for the Board to identify funds for a particular need and not for a particular company or individual.

Richard Taylor then reviewed the next proposed change labeled #2 Requirement for all PSAPs to transition to NG911 network. He stated that he had received a comment about the word “fiber” in the phrase “fiber/communications.” Richard Bradford stated that the phrase was not intended for statutory language but was a prompt to ask “what kind of network?” Rob Smith agreed that he would not recommend limiting the language with the word fiber. Dinah Jeffries and Jeff Shipp both agreed. Rick Isherwood inquired if possibly any existing network owned and operated by the State of North Carolina could be incorporated into the system. Richard Bradford answered that it is possible but the likelihood is unknown. Rick followed up by asking if we (NC 911 Board) did lease a network would we operate it? Richard Taylor responded by stating that initial plans call for a “NOC” but that would be under contract to a company. Dave Corn added that he did not see a circumstance where we would own and operate a network.

Richard Taylor then read proposed change #3 Create authority / requirements for statewide purchasing agreements (catalogue). Andrew Grant asked if a PSAP used a vendor that was not on the preapproved state list would the PSAP not receive 911 funds. Richard stated the intent was to promote cooperative purchasing agreements and seek best pricing and not restrict funding. Andrew agreed with that concept but followed up by asking if a vendor on the list had a price X and a PSAP wanted to purchase from another vendor but the cost was X+\$100.00 how would that be treated. Richard Bradford stated that it would be difficult to use a hypothetical situation since

there could be additional facts that are unknown. He reiterated that this was in no way trying to change the authority of local government purchasing which would require more extensive detail to change chapter 143 and that is definitely not on the document.

Mr. Taylor then reviewed proposed change #4 PSAP grants are for non-911 eligible expenditures that enhance the 911 system (towers, antennas, base stations, brick & mortar, etc.). Dinah Jeffries questioned why the proposed language was changed to “a strong push” for consolidation. Richard Taylor responded that the consolidation language is not being changed. Andrew Grant stated that he had a counterpart with the same concern as Dinah. He restated the change saying a PSAP could be eligible for a non-traditional grant even if they are not consolidating, even not relocating. Richard Bradford confirmed that he was correct in his interpretation.

Richard Taylor then reviewed proposed change #5 Any Primary PSAP that in the last fiscal year ending on June 30, 2015 that received less than two (2) 911 calls per hour on average for the year shall be consolidated with another PSAP or be changed to a Secondary PSAP pursuant to the desires of the local governing bodies, county and municipal. He clarified that the intent was average calls per hour being less than two. Richard also suggested that if there was only one Primary PSAP in a county that this section would be waived for those counties.

Andrew Grant stated that he had two concerns, one, measuring 911 calls that not all calls for what a citizen may deem an emergency. Second, ECaTS may not capture all 911 calls because some calls may be placed on 10 digit lines because of routing problems. Andrew recommended that #5 needs a little more study. Dinah inquired if every 911 center in North Carolina is using ECaTS. Richard Taylor responded that every center that is funded by the Board is using ECaTS. Dinah expressed that alarm calls coming in on administrative lines were considered 911 calls.

Discussion then centered on whether or not ECaTS was mandated for a PSAP to receive funding. Richard Bradford stated that ECaTS was installed to collect consistent data that was not available from the PSAPs. PSAP funding is not related to ECaTS. It wouldn't make sense for a PSAP to take the equipment out but that would be a Board policy discussion.

Mr. Taylor then reviewed proposed change #6 Additional changes to consider 62A-52 Proprietary information. Rick Isherwood stated that the word “voice” should also be removed along with CMRS to be consistent with the other changes proposed earlier. Laura Sykora concurred.

Chairman Estes asked for a motion on all six items or for individual items. Laura Sykora made the motion to approve item #1, item #2, item#3, item#4 and item #6 with the deletion of “voice” as well as CMRS. Dinah Jeffries seconded. Chairman Estes clarified that this motion is for recommendation to the General Assembly for legislative changes but ultimately the General Assembly votes to change any statute, not the 911 Board. Motion passed unanimously.

Richard Taylor then presented a new item being labeled #7 62A-53 Liability Protection. Richard asked Laura Sykora to explain the proposed changes. Laura stated that the

intent is to incorporate the changes in technology, such as texting and NextGen 911, with the same liability protections. Rick Isherwood noted the use of the phrase “voice communication” numerous times and asked if the word voice should be removed. Laura stated that would be fine to delete. Richard Taylor sent a copy of the proposed language to all Board members via email since several members were unable to access WebEx.

Chairman Estes then asked for a motion on the amendment. Jeff Shipp made the motion to approve, Rick Isherwood seconded. Chris Estes asked Richard Bradford to share any input he had that he felt the Board members should know.

Mr. Bradford stated the second provision in the proposed language was new and that it is very broad seeking a legal path for a provider to be held harmless for a device that causes an electrical shock to an individual. He continued saying that may not be the intent but it is the impact. It has repercussions far beyond the transmission of communications. He also stated that he felt it would be in conflict with the State Tort Claims Act.

Chairman Estes suggested that this could be held until Friday’s Board meeting for further discussion or a vote could be held now. Laura Sykora stated that she would accept his offer to postpone a vote until Friday and she had more time to review. Chairman Estes then tabled the motion until the Friday, August 28, 2015 911 Board meeting. There were no objections.

Mr. Estes then recognized Laura Sykora in reference to item#5. She stated that there are concerns from Andrew and Dinah and asked for the opinion. Andrew Grant stated that this came from the Funding Committee and that it should go back to that committee for more work. Andrew made a motion to send the item back to the Funding Committee, Darryl Bottoms seconded. Vote was unanimous, no opposition.

Fred Baggett representing the Police Chief’s Association inquired as to timing of pursuing the legislation. Richard Taylor responded that based on conversations with legislators, he would like to deliver the language as quickly as possible.

### **Adjourn**

Mr. Estes asked for a motion to adjourn, Jeff Shipp moved, and the meeting adjourned at 5:27 PM.