

**North Carolina 911 Board
MINUTES
Stedman Education Bldg
4401 Zoo Parkway
Asheboro, NC
December 4, 2015**

<u>Members Present</u>	<u>Staff Present</u>	<u>Guest</u>
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)	Bill Boger-Charlotte Mecklenburg PD
Darryl Bottoms (NCACP) Pilot Mountain PD (WebEx and phone)	Dave Corn (DIT)	Cliff Brown-Federal Engineering
Ninnet Bowman (pending VoIP representative from TWC)	David Dodd (DIT)	Donovan Davis-Randolph Co 911
Eric Cramer (LEC) Wilkes Communications	Karen Mason (DIT)	Brian A. Drum-Catawba Co 911
Rick Edwards (CMRS) Sprint	Marsha Tapler (DIT)	Hal Johnson-Randolph County Manager
Andrew Grant (NCLM) Town of Cornelius	Richard Taylor (DIT)	Jim Lockard-Federal Engineering
Len Hagaman (Sheriff) Watauga Co		Joel McCamley-Federal Engineering
Greg Hauser (NCSFA) Charlotte Fire Department		Sandy Smith-Randolph Co 911
Rick Isherwood (CMRS) Verizon		
Dinah Jeffries (NCAPCO) Orange Co Emergency Services		<u>WebEx Guest Attendees</u>
Robert Smith (LEC) AT&T		Lee Canipe-Frontier Communications
Jeff Shipp (LEC) Star Telephone		Michael Cone-Wilson Co
Jimmy Stewart (NCAREMS) Hoke Co 911		Meghan Cook-DIT
Slayton Stewart (CMRS) Carolina West Wireless		Del Hall-Stokes Co 911
Laura Sykora (LEC) CenturyLink		Grant Hunsucker-Montgomery Co 911
		Melanie Neal-Guilford Metro 911
		Lora Nock-Dare Co 911
		Erik Riklefs-Stancil Solutions, Inc.
		Corinne Walser-Mecklenburg EMS Agency
<u>Members Absent</u>	<u>Staff Absent</u>	Brenda Womble-Wilson Co

Chairman's Opening Remarks

At 10:00 Vice-Chair Jason Barbour opened the meeting by recognizing Randolph County Manager Hal Johnson, who welcomed all in attendance on behalf of the Randolph County Board of Commissioners. He relayed how impressed he was with the level of experience and expertise he saw seated around the table, and stressed how much he wanted everyone associated with the 911 Board to know how much they are appreciated for the work they do. He noted that Randolph County has recently invested about \$11M for a new Emergency Services center which will include a state of the art telecommunications facility, adding that bids for construction of that center are expected to be approved on Monday by the Board of Commissioners, that they are hoping construction will begin by January-February of 2016, and how proud they are to be doing that.

Mr. Johnson then reminisced about how Randolph County has historically embraced improvements in emergency services provisioning, recalling that in 1976-77 the county took advantage of the Governor's Highway Safety Program of that time to move away from having funeral homes provide emergency response. He speculated that few people in the general public are aware of how much has been accomplished in the intervening decades to improve emergency services, including all the little battles that have been fought along the way, and once again commended the 911 Board for its work during those years. He closed his remarks by reiterating his welcome to Randolph County.

Executive Director Richard Taylor then observed that all Board members were in attendance on site with the exception of Chief Darryl Bottoms, whom he expected to participate by phone. Chief Bottoms was, indeed, online when Mr. Taylor checked with him. Mr. Taylor reminded all that he would not call roll for non-Board members online, as their login to the WebEx transmission would suffice, but he did add that about eleven or twelve people were currently being shown to have joined the meeting.

Vice-Chair Barbour then reflected upon former 911 Board Chair and State CIO Chris Estes having resigned from state government to return to the private sector, adding that as Vice-Chair he would serve as interim Chair until a new Chair is named. With that, he announced that Greg Hauser from Charlotte Fire had been approved as a new Board member, and asked Mr. Taylor to help him swear Mr. Hauser in, which they did. Vice-Chair Barbour then welcomed him aboard, and observed that 911 Board member appointee Ninnet Bowman's approval is still pending.

Ethics Awareness/Conflict of Interest Statement

Vice-Chair Barbour 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. Board Member Rob Smith cited item 8, saying he would recuse himself from that vote. Board Member Laura Sykora asked Board Counsel Richard Bradford if he thought item 8 should pose conflict of interest problems for Board members representing the private sector, and he indicated he did not think so, so she said she would not recuse herself from that vote. Vice-Chair Barbour added by way of clarification that he didn't think Board members representing the public sector should similarly have problems with item 6, and asked Mr. Bradford if that was correct. Mr. Bradford responded that was correct. Vice-Chair Barbour then asked if there were any further conflicts, and hearing none, asked Mr. Taylor to proceed with the consent agenda.

Consent Agenda

Mr. Taylor said that no corrections to the minutes of the October 23rd meeting had been submitted, but one clarification had been requested by Ms. Sykora. Referring to the paragraph beginning with the words "Chairman Estes added..." near the bottom of page 9, she wanted to point out that she was not specifically supporting keeping the ESINet data centers within the state; what she supports is *generically* having data centers located within the state, not just the ESINet data centers. She said she just wants to be clear as we get further down the road that this was not an endorsement specifically for locating the Next Gen system data centers in state.

Mr. Taylor next offered the financial report, first citing CMRS revenues of \$735,377 and disbursements of \$21,408 resulting in a fund balance in the CMRS fund of ~\$3.06M. Turning next to the PSAP fund, he reported prepaid income amounted to \$862,014, wireline income \$954,578, and VoIP income \$938,549. The total PSAP fund revenue for the month was \$5,698,940. Disbursements to the PSAPs totaled \$4,139,932. After adding the revenue to and subtracting the disbursements from last month's PSAP fund balance, this month's fund balance stands at \$5,920,128.

Ms. Sykora asked Mr. Taylor if there was any indication why the wireline revenue was down, saying she knew it was up in September. Board Financial Analyst Marsha Tapler replied it could be the timing of the checks coming in, observing such fluctuations happen once in a while. Mr. Taylor said Marsha stays right on top of that and normally the following month we'll see a little bit of a spike, adding that he knows if she doesn't see that spike, she's on the phone to the fiscal folks immediately to see if they may have mis-coded a check for deposit or something like that. Ms. Sykora thanked them for the explanation.

Turning to grants, Mr. Taylor reported we have gotten all the contracts in for the three new grants (Graham, Hyde, and Richmond Counties), and with that have encumbered \$35,942,118, with an unencumbered balance of ~1.3M in the grant fund.

Noting that all the other information for the consent agenda is posted online in the agenda book, Mr. Taylor offered to field any questions pertaining to that. Hearing none, Vice-Chair Barbour called for a motion to approve the consent agenda as presented. Jeff Shipp so moved, and Dinah Jeffries seconded, with the motion passing unanimously.

Public Comment

Vice-Chair Barbour 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 asked if any WebEx participants wished to say anything. Again receiving no response (online), he moved on to the Executive Director's report.

Executive Director Report

Mr. Taylor began by saying how satisfied staff was with the PSAP Managers Meeting held in Raleigh on November 19-20, noting a great deal of interaction among PSAP managers who attended. He displayed a map onscreen depicting counties that did have representation at the meeting, counties which had initially planned to send someone but had conflicts arise which prevented that, and counties which did not send anyone. All told, he said he thought 31 PSAPs did not send anyone out of the 125 which receive funding from the 911 Board, both Primary PSAPs and Secondary PSAPs. Mentioning he had shared the comments received by staff at the roundtables at yesterday's work session, he said those have become priorities for staff to work on. Mr. Taylor also thanked all of the 911 Board members who did attend the PSAP managers meeting, saying how much it meant to the PSAP managers to interact with them; to see that Board members really do care, and are not just somebody off somewhere making decisions.

Mr. Taylor next turned to the *Evaluation of Statement of Economic Interest Filed by Mr. Gregory F. Hauser* from the State Ethics Commission, observing that as always, by virtue of the nature of Board members representing entities which have a vested interest in 911, the Ethics Commission found no actual conflict of interest, although, as usual, a potential for a conflict of interest was identified, but not to such a degree as to prohibit his service on the 911 Board.

The next item in the report was the Rocky Mount Police Department Grant Appeal. Mentioning that he had spoken about it during the work session, Mr. Taylor reiterated for those who weren't in attendance that the PD has been talking with a company that possibly has a solution for them for doing their back up center. He said that after meeting with PD staff with Staff Technician Tina Bone he doesn't think there really needs to be an appeal; that good progress has been made toward solving the problem without needing a grant. He said he plans to notify them that the topic will be on the January 911 Board meeting agenda for the Board to vote on.

Mr. Taylor asked for questions or comments about the report, and hearing none, Vice-Chair Barbour invited Ms. Tapler to address the next agenda item.

Approval of Estimated FY17 PSAP Distributions

Mr. Taylor displayed a spreadsheet online, and Ms. Tapler explained what the various data entries were on the spreadsheet and the calculations which were made based upon the data to determine the PSAPs' allowable 20% carryforward amount and as the projected distribution for FY 2017. Determinations were made based upon past expenditures regarding whether the distribution amount should be reduced or increased, which she also explained in detail. She mentioned that City of Fayetteville was still a work in progress due to unknown outstanding bills for a recently completed major project which must be paid during this fiscal year, postponing final calculations until those numbers are known. Mr. Taylor interjected that Fayetteville is receiving and paying invoices now attributable to that project, adding that the amount projected for them on the spreadsheet reflects no reduction from last year's distribution, so if any changes are made to the spreadsheet they will be to reduce the distribution, not increase it.

Ms. Tapler said a similar situation exists with the City of Holly Springs—it actually owes the PSAP fund. The city did receive a reconsideration request last year to not withhold its funding, as the same situation existed then as now. The city Finance Officer has sent documentation for staff to review, but it only arrived on Tuesday and Mr. Taylor has not yet been able to review it. Once again, as above, the number appearing in the spreadsheet today reflects what they would get if no changes took place; any change will result in a lower number, not a higher one. Mr. Taylor reiterated the numbers on the spreadsheet are the estimated numbers for budget purposes only, and if the Board approves it today, any changes which happen between now and December 31, when the notifications are sent, will certainly be shared by staff with the Board. Ms. Tapler concluded that based upon these numbers, the staff recommendation is for the Board to approve \$49,079,751.62.

Ms. Sykora asked if she understood correctly that between now and December 31st both Holly Springs and Fayetteville will be trued up, and it is likely that the amounts will be lower than the amounts appearing on the spreadsheet today. Mr. Taylor replied that if any change occurs, the amount will be going down, not up. Vice-Chair Barbour asked if it was fair to say that whatever amount we give them it won't go any lower once the letter is issued. Ms. Tapler replied that what it boils down to is they are asking the Board not to reduce their distribution amounts because they are finishing projects for which they have supplied documentation to Board staff, but staff has not had an opportunity to review the documentation in detail yet. Mr. Taylor added that one project is going live December 15th or 16th, and once that happens, they will be paying related invoices which they believe will justify their requests. Vice-Chair Barbour said he understood; he just wanted to be sure they weren't going to be told one thing on December 31st and come March be told something different. Mr. Taylor reassured him that is why staff will have it resolved before December 31st. He added you have to remember this is funding for FY17, so it doesn't kick in until July 1, so if they're paying those invoices now, then there would not be a need for them to carry any money forward because theoretically there would be no money left. Vice-Chair Barbour said all he wants to know is if they will have a number they can count on December 31st, as most budgets are expected to be submitted in February, and Mr. Taylor replied "Yes".

Ms. Sykora made a motion stating that the Board approve the estimated distribution according to the staff recommendation with true-ups for Fayetteville and Holly Springs to be made before the letters are sent to the PSAPs. Vice-Chair Barbour asked her to include the dollar amount, which she did: \$49,079,751.62. Dave Bone seconded the motion, and hearing no further discussion, Vice-Chair Barbour called for a vote, which passed unanimously.

Mr. Taylor reiterated that he wanted to be sure everybody understands the process. Once the letters go out, that sets the trigger for funding reconsideration requests; this is not the final figure of what will be distributed July 1, 2017. Ms. Tapler added that some of the FY16 revenue-expenditure reports are not complete yet, so this number will probably fluctuate. Mr. Taylor re-emphasized it is only an estimate.

Approval of 2016 Meeting Dates

Vice-Chair Barbour noted that everyone had been provided copies of the proposed 2016 meeting dates for all the Board meetings as well as committee meetings. He commended staff for doing this, saying he thought this was the first time it has been done for all meetings to start off a new year with. He asked if anyone had questions, and hearing none, did point out that the committee meetings are scheduled for at

least one per month, noting that they may not take place that often, but at least there is a place holder to ensure they can take place when necessary. He observed that each committee chair will determine whether a meeting is necessary, and Mr. Taylor observed we will not meet for the sake of meeting.

Vice-Chair Barbour asked for a motion to approve the schedule, Sheriff Hagaman so moved, Slayton Stewart seconded, and the motion passed unanimously.

Update on NextGen 911 Committee

Vice-Chair Barbour asked Jeff Shipp to present an update on the NG911 committee's work. Mr. Shipp began by thanking everyone for their time at yesterday's work session, recalling they drilled into both the Concept of Operations and the Cost Analysis for several hours and how he thought it generated great discussion. He mentioned that staff and the Federal Engineering (FE) team worked through the afternoon and into the night after the meeting concluded yesterday making some changes in response to the work session comments. He then invited Federal Engineering's Jim Lockard and 911 Board staff member Dave Corn to run through those numbers.

Mr. Taylor projected an updated copy of Table 31 from the Cost Analysis documentation presented during the Thursday work session. Mr. Lockard mentioned the original had a little different focus, so based on yesterday's work session comments they took a different look at the numbers. He said the first chart (Fund Breakdown) in the table breaks it down into the categories that they worked with Ms. Tapler to identify yesterday afternoon, noting the NG911 fund row is a year-by-year look, with some of the numbers she's presenting representing fiscal year information, whereas FE was looking at it over a calendar year period.

Mr. Lockard said the second chart (Expense Breakdown) in the table looks at it from an impact standpoint. It starts with the cumulative NG911 funds made available pursuant to HB 730 beginning in 2016, as well as a little bit allocated in 2015 when the project started. The second row in the chart represents new NG911 expenses being accrued as the project moves forward, increasing over time as each additional PSAP comes online. The third row represents costs that will be replaced as PSAPs do come online, i.e. current costs which will no longer be necessary once NG911 is in use. The fourth row represents costs impacted by NG911, which will come in much later and may not be replaced immediately with implementation of NG911 services. And the last line is the total funds that will be available just from the dedicated NG911 fund.

Mr. Lockard said that by looking at the totals for 2016, 17, and 18, it is evident that enough is being set aside to get through the transition. Where that situation changes is in 2019 and 2020, where, when the PSAPs are fully NG911, or nearly so, other adjustments may become necessary. Mr. Corn summarized that what they are essentially saying is the 10% of all incoming revenue which will be directed to the NG911 fund will pay for everything up to 2020. He added there are two assumptions within this that people need to be aware of which were not included because they are Board policy issues. The first, he pointed out, is that the PSAP fund amounts in the first chart are essentially flat. As PSAPs transition onto the network and transition into using NG911 functionality that we are providing them, we could reduce the amount of money they are receiving, meaning, for example, that if we are paying for their 911 CAMA trunks and they are on the ESINet, we could stop paying for those trunks. He said that is a decision the Board needs to make: that money could be put into grants, into an expanded eligible items list, or somewhere else entirely, but that is a Board decision. Depending upon how that is determined, the New NG911 costs represented in the second row of the Expense Breakdown chart could potentially be changed from negative numbers to positive ones.

Laura Sykora asked if PSAPs wouldn't disconnect their CAMA trunks themselves when they transition to NG911 and are on the 911 Board funded ESINet, and when Mr. Corn affirmed that, she observed then it wouldn't be a Board decision, but a PSAP decision. She agreed that there may be other things the Board could quit paying for, but felt sure the PSAPs would disconnect CAMA trunks as an evolutionary change. Mr. Lockard acceded that CAMA trunks was perhaps a poor example, but yes, the meaning was that there would be savings which could be realized by moving away from the legacy 911 network onto the ESINet.

Mr. Corn also noted that they flat lined the Grant Fund money in the Fund Breakdown chart as discussed yesterday, because the orthoimagery and ECaTS projects consume roughly \$5M, and the grant fund depicted in the chart only covers those things. He observed the Board has the option to put money into the grant fund, but the team doesn't know if the Board is going to do that, so they simplified this as much as they could.

Mr. Corn said the second assumption he needed to make everyone aware of, and which is not reflected in these numbers, is that there is federal grant money available. It was originally supposed to be available in January 2016, but Laurie Flaherty, who was here last month with the National 911 Program assessment team and also is in charge of those grants, has said that likely won't be available until the November 2016 time frame. He speculated that will be \$3M-\$8M we will apply for in a grant which will also impact the NG piece, but since it is a grant, and we don't yet have it, that money does not appear in these charts. He then asked if there were any questions, and when Sheriff Hageman asked what has to be done to apply for the grant, he replied that he didn't know. Mr. Lockard volunteered that it will be very similar to other federal grants which FE has helped clients apply for in the past, and that FE will certainly be involved in doing that for this project. The Sheriff then asked if it will be a competitive grant process. Mr. Lockard replied it will be.

Mr. Corn interjected that there are at least six or eight states that have already done NG911, or are at least ahead of us in the process. He characterized North Carolina as being somewhere in the middle of the approximately 25 states which are addressing it in some way; the remaining 25 have done nothing toward it to date. He observed that if you divide up the \$115M available among the roughly 25 states which are working on NG, he expects us to be able to get \$4M-\$5M, but there are no guarantees of anything. Mr. Taylor pointed out that on the last round of grants the National 911 Program did about four years ago, which he believed involved a total of only about \$10M altogether, there weren't but a couple of states that applied, so they received more funding than an even split would have provided. Mr. Lockard pointed out that there were several states that couldn't apply because they had misused 911 funds or allowed them to be raided by other state agencies, which is one of the rules that cannot be broken and still maintain eligibility. Ms. Sykora asked if there is any "statute of limitations" on that, since ours were raided about ten years ago, and Mr. Taylor replied we are eligible to apply now. Mr. Bradford added they would be looking at our more recent biennial reports.

Mr. Lockard asked if there were questions from the Board on the numbers, and Vice-Chair Barbour observed that any vote on this is not a vote on the numbers, just a vote on the model, which he confirmed with Mr. Bradford, because we have not gotten in any RFPs or anything like that to validate these numbers. Mr. Bradford offered that as was explained, there are some assumptions in this model which have been made, and it could probably be presented ten different ways by ten different people. He said he thinks the point here is to show the affordability that's expected, so you may find as a Board as you move forward that the costs are higher or lower than anticipated and adjustments will be made at that time. He explained it's really just projecting forward so you have some sense of assurance that it is affordable.

Mr. Shipp interjected that on another subject based upon yesterday's work session, in regards to radio interoperability, the team has made changes to that and not mentioned any specific solutions as yet. He then presented Vice-Chair Barbour on behalf of the NextGen 911 Committee with a motion in the form of a committee recommendation to adopt the Concept of Operations, which is the first report that was reviewed yesterday. Noting that since the recommendation came from committee there was no need for a second, Vice-Chair Barbour asked if there was any further discussion before the vote. Hearing none, he called the motion, which passed with Rob Smith abstaining. Mr. Shipp then similarly moved on behalf of the NextGen 911 Committee for approval of the Cost Analysis with the revised numbers that were presented in today's presentation.

Ms. Sykora asked Vice-Chair Barbour if this could be tabled until the January meeting, stating she really appreciates the new numbers and would like to spend a little bit more time with the Cost Analysis with the new table. She said she did believe this does address her concerns brought up in yesterday's discussions, but she just wants to spend a bit more time with some of the assumptions before taking action on it. Observing that it is coming from the committee in the form of a recommendation, and Ms. Sykora wishes to table it, Vice-Chair Barbour asked Mr. Bradford for guidance regarding how to proceed.

Mr. Bradford said understanding that the request to table is a lot longer under Robert's Rules of Order, he observed that the request is really to suspend until a time certain that decision, with that time certain being the next Board meeting in January. He offered that if there are questions among Board members along these lines, and they want to look at the assumptions or consider other matters, then that's fine, adding, however, that they voted on the proposed distributions to the PSAPs today which had those kinds of issues. He pointed out that it can be voted on even though there is a request to table it, if the Board so wishes, or it can be tabled until the January meeting. Vice-Chair Barbour asked how to do that operationally, and Mr. Bradford said you decide whether to honor the motion to suspend it until January. When Vice-Chair Barbour asked who decides that, Mr. Bradford said the Board does, or he can do it independently as the Board Chair. Vice-Chair Barbour immediately replied he was not inclined to do that, eliciting laughter around the room, and Mr. Bradford said the practical matter is that typically the governing body would make that decision.

Mr. Taylor asked if this will impact the next step in the project if the Board tables it until January, which he said he believed is the design step. Mr. Corn replied it will not impact the conceptual design process; there is no money involved in that step. Mr. Taylor rephrased his request, seeking assurance that "This will not slow down the project or anything like that; we can still proceed?" Mr. Corn replied that is correct.

Noting he did not want to complicate or frustrate this, Andrew Grant observed that in addition to what Ms. Sykora is mentioning, he would like to request a little bit more information in the context of the discussion they had with Ms. Tapler yesterday for FY17. He said he understands the vote would be to approve the skeleton of the Cost Analysis, not the numbers per se, but he's a little concerned about FY17 for the short term, since the Expense Breakdown chart shows being in the red as a projection. He said he also would like to request that in the Fund Breakdown chart of Table 31, where it lists the various funds, we could see whether or not we know, for example, if the PSAP fund is going to be going down as a reflection of some of these costs being replaced by NG911 as indicated in the Expense Breakdown chart; that he would like to see a five year projection of how those costs actually go down. He noted that if we're saying we may not have grant funds available for the next four or five years, whatever the time frame may be, he'd like to see that projection as well, understanding that they are just estimates. He offered that he can't reconcile in his head the two charts of Table 31, despite the fact that it all looks great on paper.

Vice-Chair Barbour agreed, saying that the grant fund showing \$5M across the spectrum represents money that is already committed, so it adds sort of a false hope to a PSAP out there that thinks there is \$5M in grant money that it can ask for. Mr. Corn confirmed that number represents money already committed, and Vice-Chair Barbour said he thinks that we should indicate that some way in the chart so that a PSAP won't look at the chart and assume the \$5M will be available for it to apply for a grant any one of those years, when in essence it should be zero after paying for ECaTS and the recurring orthoimagery project costs. Mr. Taylor speculated that proper labeling would include a row in the chart for the PSAP Grant Fund and another for the Statewide Grant Fund. Vice-Chair Barbour agreed, saying the PSAP Grant Fund amount could show zero while the Statewide Grant Fund could show \$5M. Mr. Corn said they could do that with no problem.

Vice-Chair Barbour asked Mr. Grant if he seconded Ms. Sykora's motion to table the committee recommendation, and Mr. Grant said yes, with a request for the additional information prior to the January meeting. Mr. Taylor asked for clarification of what additional information was being requested, and if it was particularly focused on the 2017 data, and Mr. Grant replied yes, for the short term. Vice-Chair Barbour acknowledged that staff and FE did not have much time to make these modifications, but speculated that if tabling the motion does not affect proceeding with the Conceptual Design, then there is not necessarily any hurry to approve the Cost Analysis.

Vice-Chair Barbour asked if there was any further discussion before voting to table the recommendation, and Dave Bone asked if there is any additional information that the Board members need to look at between now and January, observing that in looking at the table, most of Mr. Grant's information request is on there, just maybe not as apparent as he might like it to be. Mr. Grant replied that is a good way to put it, because to him it is not apparent. He acknowledged that the clarification between the PSAP Grant Fund and the Statewide Grant Fund will help, but said that he would like to see a more accurate representation of what the PSAP Fund will be across the board in the Fund Breakdown chart, because the information in the Expense Breakdown chart makes it appear the PSAP fund balance will be going down. Mr. Corn replied that's not it at all, that the Expense Breakdown chart does not necessarily reflect a

reduction in the PSAP fund, although when savings are realized as the ESINet becomes active, such as the reference made earlier to no longer having to pay for CAMA trunks, that could occur and be reflected in the PSAP fund amount, but that will be a policy decision made by the Board. It is not something the team can predict in projections because the team has no control over it.

Referring to the discussion yesterday about costs being replaced, i.e. current costs that we are now paying to PSAPS being replaced, corresponding to row a) in the Expense Breakdown chart, Mr. Grant explained that we are making those savings assumptions in that chart, but not in the Fund Breakdown one. He speculated that cost replacement should surely impact the PSAP fund in the Fund Breakdown chart as well, but he's not seeing that impact. He said what he's asking is to see it in both charts, not just one.

Mr. Lockard offered that the Expense Breakdown chart was designed to show just the impact of NG911; where costs recovered from implementation of NG911 appear, or are reallocated, in the various funds is the Board's decision. Mr. Grant acknowledged that, but he would rather they go ahead and make that assumption and reflect that. Returning to the CAMA trunks example, Vice-Chair Barbour said he doesn't think it's really a Board decision when a PSAP jumps on the ESINet; there will no longer be any CAMA trunks to pay for. Mr. Corn acknowledged that, and said the reason the team took this route was that the grant fund for PSAPs may potentially be zero, and the team assumed that the Board will take some action and move recovered costs back into the grant fund, or somewhere else, but once again, that is not presently known. He added they can easily change those numbers to reflect giving recovered cost revenue to the PSAPs when it is known.

Dave Bone said one of the things he would like to see is to provide the assumptions that are being made in a narrative form in the report as notations to the sheet. Vice-Chair Barbour said another thing that may be confusing people is that the Board just approved ~\$49M for FY17 for the PSAP fund, but the chart shows ~\$56M. Ms. Tapler said that was what Mr. Lockard was referring to earlier when he spoke about her basing her numbers on fiscal year data while the team had based its data on the calendar year. She offered that it might be easier for the Board to understand if it was fiscal year, but she believed the team didn't realize her numbers were based on fiscal year rather than calendar year. Vice-Chair Barbour suggested that the chart be converted to fiscal year versus calendar year, and he likes having the assumptions in writing. Andrew Grant said he was glad Ms. Tapler had mentioned that because he had thought the numbers were fiscal year based.

Ms. Sykora said she wanted to go back to something Mr. Grant had said when they were talking about 2017 projections totally separate from this yesterday, where a ~\$3.8M-\$4M shortfall was discussed, whereas this looks like everything is fine. She said she thinks a recognition or reconciliation of that analysis which Ms. Tapler did should be factored into this.

Vice-Chair Barbour asked for further comments, and hearing none, called the motion to table the recommendation from the NG 911 committee until the January 2016 Board meeting, which passed with Jeff Shipp in opposition and Rob Smith abstaining. Observing that it's about seven weeks until the next Board meeting, including the holidays, Mr. Taylor asked if the team could have a draft of the modified tables ready to distribute around the first of the year so that if any questions remain there will be some time to do some back and forth and make modifications if necessary before the January 29th meeting.

Mr. Bone said he did have one procedural question about the NextGen topic: how and when will that be communicated to the legislative committee, i.e. an update on NextGen? Asked if he meant the legislators, he replied yes, and Mr. Taylor said he planned to do that on Monday, as he will be on the road this afternoon.

Update on Rules Review Commission

Mr. Bradford said he thinks everyone is aware that the Rules Review Commission, through its counsel, replied to the Board's request. Acknowledging he didn't know if Board members had time to read through the document, as it may seem rather lengthy, he observed that if they did read through it they probably saw that there were a lot of repeated texts, so it's not as long as it appears. He said, however, there are a few things he wants to point out. First of all, there are two parts. One is the staff opinion, as shown on the first page of the report (which Mr. Taylor had displayed onscreen). This is where, basically, the Rules

Review counsel has objected, and will then advise the Rules Review Commission (RRC) on a basis. On the opening page it is marked as a failure to comply with the APA, or Administrative Procedures Act. The second part is a request for technical change, which is the longer of the two parts.

Mr. Bradford said the technical changes include formatting requests—if you read through it you saw a lot of those—and that always happens. He said you might have read some of them and asked yourself “Couldn’t you get this right to start with?”, and the reality is maybe...but, they will find fault with anybody anytime anywhere, just about, so it’s not unusual to have those items. He added there are more than he expected, but nevertheless, we’ll deal with them. The other aspect of the technical change request, he explained, includes questions from their counsel, and there were some of those. He observed those two things are handled differently, and frequently that’s where we have a, more or less, “backroom meeting” where the counsels talk about the questions and make sure that the technical changes are acceptable to RRC counsel before getting in front of the RRC.

Returning focus to the opening page, Mr. Bradford said you see the “Failure to comply with the APA”, and what that means is that the Rules were not published properly, so that the rule for which we’re asking approval is not the same as what was published in the notice of text. He acknowledged, “Well, they’re right...it’s not”, and that’s true for several things, but there’s a reason for that. The reason for it is basically that the Standards Committee and this Board has consistently tried to present a cohesive set of Rules for our regulated public, the regulated public being all the PSAPs and local governments that have to follow the Rules. He reasoned changes have been made all along, over the course of several years, and most frequently over the past year, but if you waited until everything was perfect, or you thought it was perfect, and then filed or filed it piecemeal, it would take longer. He explained what we’ve done here is, in effect, to put together something, put it in front of the regulated public, so essentially everybody who would like to speak has had an opportunity to do so. He added that if you do that piecemeal, they don’t really get that opportunity in the same fashion because they don’t have a full set to work with.

Mr. Bradford said that since the effective date isn’t until July 1 of next year, we have plenty of time to correct this issue; this is all part of the tactical decision in trying to get through the rule making process. Rhetorically asking “Will there be changes to comply with the APA?” he replied “Yes”, saying basically what that means is we will have to republish, we’ll have another hearing, and we’ll go back in front of the RRC, while noting that he and Teresa Bank are already working on that.

Asking Mr. Taylor to scroll down to rule citation .0205, Mr. Bradford observed it is a little bit different than the first one, asking everyone to note the italicized text at the bottom of the screen. Although they are still citing failure to comply with the APA, staff is noting that while the Rule was not published, all of the requirements that are listed there were. He explained that we reorganized the Rules and used an acronym that wasn’t in the published Rules, but in substance everything is there and there is no change. He observed the RRC could approve this, but they may not. If they don’t approve it, then we’ll go back through the notice of text and the hearing and change that, but there was no substantive change.

Mr. Bradford said the next category in the staff opinion is the lack of statutory authority, and asked Mr. Taylor to scroll down to rule citation .0302-.0304, where counsel has concluded that the Board does not have authority to make these Rules. He explained these are the Rules that address the issue of cost recovery plans, and technically speaking, counsel is correct: the statute does not require CMRS providers to do this. He added the Board has done this since its inception, when it was the Wireless 911 Board. It has always done this, and Mr. Bradford said he thinks its primary rationale for it is to understand not only how the system works, but the kinds of expenses for which providers may request reimbursement, allowing the Board to understand how much money may be needed. He offered that it is a budgetary and management tool which he thinks is fairly implied, but the statute doesn’t actually require it, so they are correct. He added that part of the issue here, which he will discuss with Mr. Taylor, is how hard do you want to push this? Do we really need it? If we do, we can argue about it, but if we don’t really need it, then we could just let this go and move on, but those are basically the two choices we have for this particular set of Rules. He went on to say that if you read through the two documents from Rules Review, then you would note that there were technical changes on these Rules, too, and that he’s not going to bother with those unless there’s a desire to keep these Rules. He said if the Board wants to talk about that briefly today, we can certainly do that.

Mr. Taylor interjected that he had a couple of questions. He noted that of all the Rules which were submitted, only nine are being objected to. Also noting that the next hearing is coming up on December 17th, he asked Mr. Bradford if it is feasible, reasonable, possible that we may not be able to answer or reply to these nine, but the remaining Rules could still be heard and that process completed on the 17th. Mr. Bradford replied yes, it is, but of course where there are cross references or interactions between certain Rules and some are not addressed, then the cross referenced Rule is impacted in the approval process. Mr. Taylor then asked if Mr. Bradford thought we had such a problem with any of those nine, and Mr. Bradford replied no, not particularly. He observed there are some technical changes, and Rule .0205 on the CEMP (Comprehensive Emergency Management Plan) would be impacted, but that impact is shown, he thinks, in two other Rules where the CEMP is specifically mentioned. So that part of the other Rule might not pass, and we would have to then come back and amend that Rule later, which we can certainly do.

Mr. Taylor said that where he is going with this is that he really does not want to slow down this process to debate these nine with Rules Review; if we can move forward with the others on the 17th, can we come back in January's meeting and discuss those nine with them? Mr. Bradford said he doesn't want to say "With them", but if the question is can we continue to work on these, the answer is absolutely, and the fact that there is an objection, as here, for lack of statutory authority, doesn't stop him from arguing opposite, although he may or may not be successful. He further explained it doesn't stop him from trying to make the point that this Rule is here conceptually to address the oversight and the budgetary issues associated with providing a 911 service; that's part of what this Board does. He observed that any time you read something with a certain level of rigidity you may lose the intent and the context of that, and he thinks that's basically what's going on here. He said if they are adamant about this, there's always the potential to address it from a legislative perspective and revisit the issue that way; it really depends on how strongly the Board feels about the need for the cost recovery plans, the details that are in them, and so forth. The bottom line is that's the issue here.

Speaking to that one particular topic, Mr. Taylor asked if we take that out of Rules, it can still be a policy of the Board, can it not? Mr. Bradford replied yes, but you then cannot require it, you can only seek it. Mr. Taylor added just to give everybody some history on this particular piece, this was begun back in 1998-1999, as part of cost recovery, and what we're now doing was very common practice amongst all states doing cost recovery then. He observed it's not a real cumbersome process, but it does require some paperwork and in fact, before this came up, he and Ms. Tapler were talking about revamping the cost recovery plan for the few carriers which are still seeking it. He pointed out the statute identifies certain items for which carriers can seek reimbursement, just as it does for PSAPs, but carrier cost recovery is a little different than eligible fund use by PSAPs, because carrier expenses do not fit into neat categories. Whereas most PSAPs will incur similar expenses—CAD, 911 phone system, etc.—which are described within the statute, carrier expenses can differ based upon variables such as whether their solutions are network based or handset based, which present totally different costs or types of costs. He surmised that it does really help the Board to understand what it is we are paying for so that when an auditor comes in we can say "Yes, these are the costs we are reimbursing based upon what the statute allows us to pay for." He added some of them (cost recovery plans) are very simple now, done on a per subscriber basis, but others are much more detailed with monthly invoices of 70-80 pages. He said he would have heartburn if we were not able to continue with either the same or a similar methodology, while noting that we are among a very few states continuing to offer cost recovery, and we are only doing it with about seven carriers, but again, it is a requirement.

Sheriff Hagaman asked if we do not have a fiduciary requirement here, and Mr. Bradford replied that is part of the issue; he believes the Board does have a fiduciary responsibility here. He added the other item here is that, if you read this and looked at the second paragraph in the comment, you see that the Rules Review counsel has assumed that this is a pre-approval process, which it is not. The cost recovery plan doesn't necessarily mean that those are the items and the costs that will be reimbursed; it forecasts what they will be, but that's all. Absent that forecast, the Board loses a management tool, and while the content of the plan has never been made public to the Board because of the fact that it is considered proprietary to the providers, the knowledge is here, and it's here at the staff level, which translates into information from the staff that you receive as a Board. Mr. Bradford said he thinks it's important, which is one of the reasons he wanted to stop here and spend a little time on it. He explained all he's really seeking is to make sure Board members understand what we received from Rules Review, and if you have some direction to give to staff or to him on this particular point, he would be interested to hear it.

Vice-Chair Barbour asked "What does the Board think?" Ms. Sykora said she just regrets that the Standards Committee has a meeting the same day as the RRC. She said she would like to meet before the RRC meeting, so that the Standards Committee could maybe assist Mr. Bradford from a committee standpoint. She said she would like to attend the RRC meeting just to hear the discussion, so as Standards Committee Chair, she will be looking for a new date for the committee meeting.

Vice-Chair Barbour then asked if anyone on the Board had any feelings as to what Mr. Bradford should do. After a long silence, Mr. Taylor said that from a staff perspective and looking at having to respond to legislators, who are watching this very closely as well, he would like to take these nine and real quickly look over them with the Board, if members think that is reasonable, to give a thumbs up or thumbs down for Mr. Bradford to argue these for the 17th or put them on hold or what. Mr. Bradford said he didn't think it necessary to look at all nine. The ones that have been marked as "Failure to comply with the APA" are just a procedural issue; he'll address that...it's not a problem. He said it is only where they're marked as having the "Lack of statutory authority" that are of concern. Vice-Chair Barbour asked how many of those there are, and Mr. Bradford replied only a couple. He offered that if the Board wants to look at those, it is certainly fine with him. Mr. Taylor asked him to identify them so he could display them onscreen, and Mr. Bradford began with .0112 by saying he could dispense with it easily because there was an error in the time that was set out. It should have been 30 days and it was 45, which is a simple change, so there's nothing really to discuss on that.

Ms. Sykora interjected that if she's hearing correctly, the only one that Mr. Bradford needs Board direction on is the CMRS reimbursements. He replied that's the only one that he thinks is worth considering here, and he thinks the Rule, of course, has been a policy of the Board for a long time, and it was put in place because it did have benefit to the staff and to the Board. He added he thinks the authority is implied through the law, and the oversight that the Board is supposed to employ, and that he doesn't think Rules Review has considered it in that light. Instead, he thinks they have considered it looking at the statute and saying does the statute say, specifically, that you can request a cost recovery plan from CMRS providers. Does it say that? It does not. Ms. Sykora surmised he's saying that there's room to argue that we do, and he replied he believes so, but that doesn't mean he'll be successful. She then offered that besides the APA, that's the only one we might have to pull out of the Rules. He agreed. She then asked if we need a motion for the Board to say go for it, and he replied no. He said he just wants to make sure the Board is aware of what the RRC counsel has done and what it means in the impact and how he's going to proceed forward. Vice-Chair Barbour asked if anybody objects to Mr. Bradford making this argument for the Board, and no one spoke up. He then said let the record show that he hears no objections.

Ms. Sykora then asked Mr. Bradford, just to make sure, that except for the technical changes, except for the APA, and except for the two where they say we don't have statutory authority, those we would assume would be approved. He replied he would not assume that they'll be approved because the technical change requests and the questions will have an impact on that. He added if we can obtain the support, he would say, of Rules Review counsel for the technical change responses that we provide, then those rules *should* pass; they will be recommended by counsel to the RRC, and then it votes. He noted the commission members frequently ask questions, and they may decide that they want to hold something pending further review. They can do that, just like many, many Boards do, so that's always possible. He observed that as with anything, it's best to be prepared, so he goes as prepared as he can be to try to get the best outcome.

Mr. Bradford said he has formulated responses to almost all of the technical requests and questions, though there are a few that he wants to follow up with staff on. He related he has spoken briefly with Dave Corn and Tina Bone about those, but there are only a few of those, so he thinks we're moving forward.

He recalled he had mentioned there were questions presented in the requests for technical changes, and since Board members may not have been able to read every word of every paper, he said he would like to just give an illustration of a few of those. He said one, in particular, is whether something is a Board decision or a PSAP decision; that appears with some frequency in the comments. We're addressing that based on the Board's operations. Another is use of phrases such as "at least" or "minimum", which are deemed ambiguous by Rules Review, but at times, that kind of phrasing is really needed. He offered an example of that in .0205, where it refers to testing plans "at least" annually. He observed there may be other reasons to test a recovery plan or a backup plan or something throughout the year, but the point

here is to do it at least annually. Another example is “a minimum” of two 911 lines appearing on “at least” two devices. In that case, Rules Review counsel has assumed that a line equals a telephone device, and Mr. Bradford speculated rather tongue-in-cheek he could handle that one. He further observed they have asked in many places to define words that are in common use, such as “normally”, “remote”, “usually”, “continuously”, and observed he thinks, frankly, that’s why we have a dictionary. He said he appreciates their concern, but he doesn’t think they’re reading this in context, so in each instance where that appears in their comments, his response is basically that it has the common meaning; it does not need to be separately defined. He continued that interestingly there are some other areas where particular terms that are common in telephony or IT are used, and they didn’t question what those terms mean. He mentioned that another theme is the question, “Does your regulated public know” this thing or that thing or something like that, an example being what does “acknowledged” mean in the context of a call or what does “redundant” mean in the sense of having redundancy to respond to calls or route calls. Another is that in interplay with FCC rules, they have assumed that a CMRS provider is *not* a provider of voice communications.

Observing that people in this business might really scratch their head at stuff like this, Mr. Bradford reminded everyone that they must understand that the RRC’s expertise is in reading a statute and understanding whether a Rule fits with that statute or not. He also recalled that he thinks previously in these discussions about Rules he has told the Board that his experience is that the Rules process is one where we edify each other. He gets to explain things to them, and they get to explain things to him, and he gets to explain to them the substance of what we’re talking about and they deal with “a box” it must fit in.

Mr. Bradford continued he thinks he can explain most of these things. He said there are a few items he mentioned wanting to talk more in depth about with Dave Corn and Tina Bone, an example being they (RRC) didn’t assert but did question if routing a call is the same thing as a hunt feature. He said he can understand why they would ask, so there are a few of those that he will take up with staff. He observed that going forward, as was previously mentioned, the hearing is on December 17th, at the Office of Administrative Hearings at 10:00 AM, and he would say the agenda is rather crowded; the room will be full. He said he believes we are fourth of ten or eleven on the agenda for Rules, that he will be there, and prior to that he and Teresa Bank will do all that they can to meet with RRC counsel Amanda Reeder and see if they can come to agreement on the technical changes. That should remove those issues, and allow those rules to move forward for approval with Rules Review.

Vice-Chair Barbour asked if anyone had further questions for Mr. Bradford, and Sheriff Hageman asked just out of curiosity what are the sanctions, if any. Will they tell us to “take a hike?” Mr. Bradford replied there are no sanctions; you simply don’t get your rules in place. He said it’s not as though something bad will happen, and he thinks that on balance it’s important to remember, and he would say it’s important for him to convey to the RRC, that this process has taken a long time, but part of that is because this Board meets monthly, mostly, as do the committees. We have a significant regulated public population, which has been invited to participate, and has participated, over the course of several years, so there hasn’t been anything new here. There isn’t anything that’s unknown, really, to the regulated public. This has been made available many, many times. He said he thinks that that approach, trying to ensure that concerns from the PSAPs are being addressed, from various quadrants, has been done, observing he’s been in a lot of those meetings and he knows that from personal knowledge. He said he thinks that that’s a good thing, but it’s not something that really factors into what the Rules Review Commission does.

Hearing no further questions from Board members, Vice-Chair Barbour thanked Mr. Bradford for his report, and asked him if anyone wants to attend the meeting, do they need to let anyone know or is it just walk in and find a seat? Mr. Bradford’s reply was that it is “Festival Seating”, prompting laughter around the room; the meaning was clear. Vice-Chair Barbour asked if a judgement will be made that day, and Mr. Bradford replied a decision will likely be made that day, at least in part. Vice-Chair Barbour asked if he would let the Board know, and Mr. Bradford said, “Absolutely.”

Approval of 2016 Goals

Before beginning discussion of the 2016 goals, Vice-Chair Barbour asked Mr. Taylor to review the committee appointments. Mr. Taylor said that as discussed a little bit yesterday, he is moving Dave Bone into the Vice-Chair position on the Funding Committee while retaining Sheriff Hagaman as a committee

member, at his request. Sheriff Hagaman will, however, take over the Vice-Chair position on the Standards Committee as well, so he can be, in Mr. Taylor's words, "Mentored and tutored by Laura Sykora," adding he certainly appreciates that. Referring to the document displayed onscreen, Mr. Taylor noted that the star/underscore placeholders in the document indicate positions which yet need to be filled by a Board member. The Grant Committee, Standards Committee, and NG 911 Committee all have such vacancies, and Mr. Taylor encouraged anyone who wished to volunteer to do so. Greg Hauser said he would take the NG 911 Committee slot, and Vice-Chair Barbour noted that he really didn't gain anything because he simply moved from being a PSAP community representative on that committee to a Board member representative on the same committee, eliciting laughter around the room. Mr. Taylor expressed his appreciation, and noted that now there is a vacancy on the PSAP community side of the committee.

Mr. Taylor next asked someone to volunteer for the Grant Committee and Standards Committee openings, and Ms. Sykora asked Mr. Hauser if he would consider joining the Standards Committee as well as serving on the NG 911 Committee because she foresees a close relationship developing between the two as the NextGen project moves ahead, speculating his NG expertise could well serve the Standards Committee. Mr. Hauser said that would be fine.

Mr. Taylor mentioned that the committee meetings have been scheduled in the large meeting room because he intends to begin broadcasting the committee meetings as much as possible, just as we do with the Board meetings presently, to encourage as much PSAP participation in our work as possible, as well as to allow committee members to attend remotely if necessary.

Mr. Taylor indicated he had added Ninnet Bowman to the Education Committee, since she had expressed an interest in it, while adding light heartedly she was welcome to spread herself thin by working on other committees as well, as others have done. She replied she was happy to stay with just one. He then thanked everyone for their service on the committees, and moved on to pick up where the Board had left off in the work session yesterday afternoon regarding potential 2016 goals for the Board.

Mr. Taylor thanked Karen Mason for grouping the goals together yesterday, and asked her to set up the flip chart they had used then. The entries listed on the flip chart were:

- S (QA) Program
- S cert/accred
- S EMD
- S MLTS
- C Essential Service
- ST4 CAD to CAD
- EV5 Staffing
- PE2 Education for Officials

Noting that the entries on the chart with an "S" preface would require statutory change, Mr. Taylor admonished everyone to not let that be a roadblock; they are still goals that should be worked on. Pointing out the "C" preface to the "Essential Service" goal, he reminded everyone it represents the fact that the finding in the 911 Assessment regarding essential services is being contested.

Ms. Sykora brought up that they had talked yesterday a bit about grouping, because they wanted to only end up with about four or five to work on. She said she thought they could end up with a goal of Statutory Change with four sub-parts, an Education goal with four sub-parts, and the new PSAP funding model and 911 revenue grouped together because they are funding committee items. Mr. Taylor asked if she meant the first four entries on the chart—QA Program, cert/accreditation, EMD, MLTS—should all be grouped together, and she said yes, if folks want to pursue that, she would say, "Pursue statutory changes to include..." those sub-parts. Then she asked, on the flip side, do we need to look at them based upon which committee would be assigned to handle them?

Dave Bone said that although he can appreciate trying to organize and group these, he is a little concerned about putting too much on staff's plate, and on the Board's plate. He observed all these are good things, but he thinks we might want to be careful about grouping too much because we want to make sure that we have the opportunity for success, that we might not be able to do all of these in the

next twelve months. He said he believes we ought to focus on what's realistic and what we can accomplish in the next twelve months, and Ms. Sykora conceded that was a good point.

Rob Smith said that while we're on this subject, he would like to ask for a clarification, not only for himself, but hopefully for others as well. Noting that it is the short session coming up, he asked what is the likelihood that we could introduce something new like this during the short session? Mr. Bradford replied that technically speaking under legislative rules, you can't, really, introduce new legislation. But he added that as he thinks everybody knows, generally speaking, if there's a will there's a way, so it is possible, but it's not normally done.

Saying he would have to go back to look and see, Mr. Taylor said he thinks there's at least one bill that did make crossover that would still be a viable vehicle. Mr. Bradford added that mechanism is sometimes stretched a little further than you might believe. Mr. Smith said that just to be clear, it's not that he is opposed to any of those efforts, but he was looking at going back to Mr. Bone's point—more realistic things, possibly. Mr. Taylor said that in his opinion he feels we could probably work well with at least a QA Program and Certification/Accreditation, EMD may take a little bit more work, and MLTS is definitely a long session item. He said he feels confident about accomplishing the first two during short session, and since there has been some good discussion about EMD, although he doesn't know how much work it would require, it could be a possibility. Referring back to his mentioning potentially adding Emergency Management and military representatives to the Board, he observed that would fall into the statutory category as well, which could help move the others. He added, however, he thinks certification and accreditation is more important than increasing the size of the Board.

Saying he hoped he hadn't missed something earlier, and blaming it on a senior moment if he did, Mr. Smith observed he would assume 911 revenue would also have to be in the statutory category, and Mr. Taylor concurred. He added we don't have anything concrete at this point to work with, and unless we came up with something "really spicy" that was amenable to all the stakeholders, it would be very difficult to do during short session, although it could happen because it would be a revenue bill. Mr. Bradford also observed it's an election year, and Mr. Taylor replied, "I know" with a sigh. Ms. Sykora interjected the funding model would also have to be statutory, would it not, and Mr. Bradford said "Depending on what you come up with." Mr. Taylor added that the Board has pretty much flexibility with PSAP funding and he didn't think that would be a problem.

Vice-Chair Barbour asked what was being proposed regarding certification, observing that 911 funds may already be used to pay for certification. Mr. Taylor replied the proposal is for a certification requirement, not optional certification. Ms. Sykora asked if there would be an increased expense if EMD became a requirement, or transfer of all medical calls to an EMD certified center, and Mr. Taylor said no, because we already pay for it.

Mr. Taylor then asked the Board what is most important to them. He reiterated that he would really like to work on the QA program and certification, saying those will be key to improving the level of service across the state. He said they both need to be required, not just voluntary, because although many are presently doing it voluntarily, many others will not do it unless it is mandatory.

Andrew Grant observed that when we start looking at this from a fiscal standpoint, in the context of the earlier budget discussions regarding the five year outlook in the NG911 Cost Analysis, is staff concerned that any of these goals which would require statutory change might be problematic from a funding standpoint. As an example, he asked if we require EMD, do we have enough money to pay for it, or is it "just a blip on the screen?" Mr. Taylor responded it would be just a blip, because we're already paying for it and the recommendation from the assessment was if your agency does not do EMD, the requirement would be to transfer the call to one that does. So everyone currently without EMD would not necessarily have to purchase it, but just transfer the call.

Ms. Sykora offered, however, that if the call is transferred and all the information doesn't go with it, what then? Mr. Taylor acknowledged that is a problem, and said the CAD to CAD interface would have to be in place. He said that although that would be an expense, it would come out of either the NG911 Fund or the Statewide Grant Fund.

He said he is already trying to arrange a meeting of all the CAD vendors in NC either in January or February along with the computer science folks at NC State to determine how best to accomplish CAD to CAD at as minimal a cost as possible. He related that one company wanted \$50K to provide CAD to CAD between two PSAPs presently using its software, observing that is just a ridiculous amount. He added that as we move forward with NextGen, this is an essential piece. Transferring a call requires the caller to repeat all the information already given to the first telecommunicator to the second telecommunicator, which leaves the caller confused and frustrated at having to do that all over again.

Vice-Chair Barbour interjected he has concerns about requiring transfer of EMD calls, and asked if that had been discussed yesterday. Mr. Taylor said it had not, that this stemmed from one of the recommendations in the assessment. Mr. Bone suggested that to help move things along Board members might indicate which of the goals they feel are most important by scoring them with one to five dots from a marker behind each entry on the flip chart, so markers were distributed to all, each receiving a different color.

While that was going on, Rick Edwards asked if all the education items couldn't be lumped together, and Mr. Bone interjected he was concerned about lumping all of it together because it is a lot to do in twelve months. Mr. Edwards agreed that he felt that was an over-reach for both committee and staff. Mr. Bone said he would suggest not grouping things now, but after we do the dot exercise it would show what our priorities are and then if we've got a couple of education programs that are prioritized, focus on those, not all four.

Ms. Sykora said what she's hearing is until we get CAD to CAD, EMD really is premature, so why don't we take EMD off, because we're not ready for it? And, she added, MLTS, saying we could not even consider those. She also noted that Essential Services was on the chart only because it is being challenged, so we don't need to address it otherwise anyway. Dinah Jeffries agreed with Ms. Sykora, but added she is also questioning the QA program issue discussed yesterday. She asked, since there are so many vendors, what would you base requirements on? Mr. Taylor said he thinks that is going into it a little deeply today, and that what needs to be done from a goal perspective is to look into how it can be done and what it will take to do it. He said we do want to be neutral about what program is being used, but we want to be sure at least some program is being used by every PSAP to perform QA. Ms. Jeffries asked if we will require every agency to use some sort of protocol, and Mr. Taylor replied yes, because that goes back to the standards and the standards already speak to that. Jimmy Stewart asked if we're saying all types of calls would have to be subject to QA, or just the medical, and Mr. Taylor replied all.

Going down the list on the chart, Mr. Taylor observed that although we don't pay for staffing, it is on the list because the PSAP managers group had asked the Board to provide guidance on how many people they should be staffing. He then spoke to the education piece: educating officials, educating responders, etc. He said he thinks that's a lot, and probably what he would suggest doing is to let the Education Committee decide which it can work on. He reiterated what he mentioned earlier about adding military and emergency management members to the Board requiring a statutory change, and mentioned they would be speaking more about backup plans later in the meeting.

Addressing her fellow Board members, Ms. Sykora said she would like to make a suggestion which may turn into a motion if she gets some nodding heads. Remarking that a new chair may be in place by the next Board meeting, she would suggest this be tabled until that meeting, as that new chair may have some input to offer. She also pointed out that there is no requirement that goals be set at the December meeting. Vice-Chair Barbour agreed, saying nothing will be happening between now and January anyway because everybody will be in holiday mode. Mr. Taylor disagreed, saying staff will be doing something with it; that this is how staff will plan all these committee meetings and what we need to be doing. Instead, he suggested we go ahead and vote, everybody pick their "four best items" that they like, and then come back to it in January to refine it further.

Ms. Jeffries indicated she doesn't mind picking her goals today, but she is concerned about not having more discussion about the possible military/EM board member additions. She said she's concerned that if it is chosen as a goal it will be considered a "done deal", and that she's also concerned about colleges and universities as well as NC SHP. She observed that the majority of PSAPs deal with SHP far more frequently than they do with military, and based upon discussions at an earlier meeting, there will be no reciprocation of funds from the military; we would only be giving, because whatever they get from DOD

we can't touch. Mr. Taylor responded that he only included that because the assessment encouraged engaging with other agencies and he knows the Governor has priorities for the military. He said he has had several discussions with SHP, and continues to have discussions with them, because he thinks that is one of the biggest weaknesses we have right now. Ms. Jeffries suggested substituting SHP for the military, and Mr. Taylor said he had no problem with that.

Slayton Stewart asked Mr. Taylor to create a chart showing what groupings he was proposing and eliminating the items that everyone had agreed to drop. Mr. Taylor agreed to do that, and moving to the flip chart began a list on a new sheet. The list identified three goals requiring statutory change: Quality Control, Certification, and expanding the Board. For Education, it showed four potential sub-categories which the Education Committee would decide among. Rob Smith asked if staff could provide an assessment of adding new Board members in a short session, and Mr. Taylor said sure. Mr. Smith then asked what is the likelihood of accomplishing that in the short session? Mr. Taylor replied it can be done, pointing out that the whole wireless 911 legislation was done during a short session.

Mr. Grant interjected that he shares a lot of Ms. Jeffries' concerns about adding Board members, saying he wants to make sure we're not just going to do it; that we are going to spend more time discussing it. Mr. Taylor replied yes, there will be more discussion before anything is done; these are just goals, and nothing will be done with any of them without far more discussion. Mr. Grant then said his main concern is with QA and certification, noting that he is not opposed to any of that, but he wants to be sure the process is good and inclusive. He provided the example that when the back-up PSAP legislation came through, many folks around the state got sideways, adding he would include himself in that group, because the process did not include them. He said he would like to see the QA/cert/accreditation items be referred to one of the committees that has a lot of the stakeholders on it.

Mr. Taylor affirmed that any of the work we do is done at the committee level, but added, however, that "Each one of you is a Board Member for a reason. You represent an organization." He explained that it is each Board member's responsibility to keep the organization they represent informed of what is going on at the 911 Board. He said if staff is expected to do all the reaching out to the organizations, then we don't need organization representatives on the Board—anybody would do. Acknowledging that all Board members can't participate in all the committee meetings, staff still depends upon them to be the information conduit to the organizations they represent. Mr. Grant agreed, and requested that when the committees start working on these and chewing on them they send information, whether in draft form or whatever, to the full Board, so that members may forward it to the agencies they represent. Mr. Taylor said that is what he is planning to do to ensure the process is working. He recalled how several years ago one of the things that was critiqued was that folks didn't like being reported to every Board meeting, so they quit doing reporting unless there was going to be a motion. He observed by doing that, Board members are taking themselves out of the loop, not hearing what is going on in committees. He acknowledged it is all published on the website, now, but wondered how many actually take the time to go there and read it.

Ms. Sykora said if we add Backup, NextGen, funding (both sides of it), and CAD to CAD, we're done. Mr. Bone said he wanted to be sure that as we talk about QA we keep the smaller PSAPs in mind that don't have upper level management time to deal with that, adding he's concerned about unfunded mandates. Mr. Taylor reiterated we pay for that, and one of the requests made by the PSAP managers group last year was that they wanted the Board to take that on as a statewide project where we fund something like a third party QA. Mr. Bone asked if that is done internally do we pay for staff to do it, or is it only third party. Mr. Taylor replied neither is being paid for right now, that although we pay for the software etc., we cannot pay the people costs.

Rick Isherwood said the feedback we got from the PSAP managers was that their number one concern was retention, and he doesn't see anything up there on the flip chart that's related to helping them out with that issue. He said he didn't know if that was what the "staffing" entry was about, and Mr. Taylor confirmed the EV5 Staffing entry was indeed that, so he added that to the new list, which ended up as:

- Statutory (QA,CT,BD)
- Education (X4)
- Backup (from last year's goals)
- NG 911 (from last year's goals)
- CAD to CAD

Funding (X2)
Staffing

Ms. Sykora intimated that rather than going up and using the dot rating approach mentioned earlier, she thought the Board should go ahead and vote on the goals, because it's going to end up working on all those things anyway. Rick Edwards made a motion to go ahead and vote on these goals, and Slayton Stewart seconded. Asking for and hearing no further discussion, Vice-Chair Barbour called the motion, which passed unopposed.

Draft Letter Regarding Back Up PSAP

Referring to the draft letter regarding backup PSAPs circulated by the staff last night, Vice-Chair Barbour solicited any Board input as Mr. Taylor displayed it onscreen. Mr. Taylor said Mr. Bradford had made one comment suggesting a change, and Mr. Bradford elaborated by directing attention to a line near the bottom of the document stating "Please take this legislative mandate seriously." He said the reference is actually to § 62A-46(a), and his suggestion was to be a little bit more specific, essentially something to the effect that the Board does not wish to use sanctions under that statute, the idea being not to use the word penalty, to indicate that there is some pejorative measure that the Board may take. Ms. Sykora asked if he meant to insert that in the second sentence, "The Board would like to avoid imposing sanctions...", Mr. Bradford interjected "punitive sanctions", and possibly move the "Please take this legislative mandate seriously" down to right before the section saying we're ready to help them out. Mr. Bradford replied no, he didn't intend to move it, and Ms. Sykora said she meant that was her suggestion.

Mr. Bone observed a couple of slight grammatical or editing suggestions, and asked if there was a possibility of including a contact name or number if it does not appear on the stationery. He said his PSAP manager had shared a backup plan approval form with him that David Dodd had sent awhile back that might help fill in some of the details in helping managers understand what is expected in a backup plan. He added perhaps a brief synopsis of some of the plans that have been submitted and approved would be helpful as well. He also suggested as an outreach option offering to meet with the managers one on one at the "winter conference" at the end of January or first of February (NCACC and the League of Municipalities). He alluded to both Mr. Taylor and Ms. Tapler mentioning regional meetings yesterday with finance officers/PSAP managers, and saying he doesn't know what their timetable is with that, suggested that might be a good opportunity to get people together to stimulate collaborative effort among some of the counties and cities. He said he didn't know if that needed to be included in the letter, but that he would suggest it might be a good way to help generate discussion.

Mr. Taylor replied they have the dates for the regional meetings, and he would encourage Board members to share that with their representative organizations. Mr. Bone said he would like to see that as an agenda item for those meetings. Rob Smith asked if this letter is only being sent to PSAPs for which we do not already have an approved plan, and Mr. Taylor replied it was. Saying perhaps this was a miniscule thing, he suggested insertion of a statement saying "As of the date of this letter we have not received a backup plan from your PSAP," just to make it very clear this is not a form letter being sent out to everybody and the assumption on their part being "Oh, we've done that—somebody told me that we've done that," but instead that they understand it is directed specifically to them and needs to be addressed.

Ms. Sykora recalled that someone had mentioned yesterday including a date they must respond by, so that if we haven't heard from them by that date, we can send a second letter to include their legislators as well. Mr. Grant said he would also like to see a copy of the letter directed to the finance director for the jurisdiction, observing that when they see funding is going to be affected, it gets their attention.

Vice-Chair Barbour asked who should sign the letter, and Ms. Sykora said she liked the idea of him signing it, not only as Vice-Chair but also as a PSAP representative. Mr. Isherwood asked if the "Please take this legislative mandate seriously" was being deleted, and Vice-Chair Barbour and Ms. Sykora both said no, just to move it down to just before the sentences stating staff is ready to assist them. Mr. Isherwood asked if saying "Please" was really appropriate, and Ms. Jeffries said she thought it was with this letter. She said we want to convey that this is a reminder; that we are offering help and we are giving them an opportunity to comply, but if a second letter becomes necessary, she doesn't think it needs to say "please" or "thank you" or anything like that. Mr. Isherwood said he understands that, but was thinking that we are up against a time deadline and there are a lot of PSAPs that have not yet complied, so we're already past the little "be nice" period.

Ninnet Bowman asked what we are expecting them to respond to this letter with. Mr. Taylor replied we are asking them to respond with a plan, or at least a request to help them put together a plan. He said that if someone has been working on one and has made substantial progress, that's great, but here we are talking about folks who haven't made any response at all, so we're looking for them to contact us and say, "Hey, help us get started," or, "We've got one, but we've just never given it to you," or the like. He said there could be a number of replies, but the ultimate goal is a plan. She then said we should make that clear in the letter, and if we're going to give them a date that we're saying to respond by, if we did it prior to July 1st and asked them for an entire plan, is that fair? She said we have to be clear what we expect them to respond to this particular letter with.

Mr. Taylor suggested following the final sentence of the letter with "Please respond by February 15th what your status is on your plan and how we can assist you in preparing a backup plan if you don't have one started." Vice-Chair Barbour said he would prefer January 15th, so that by the next Board meeting we will know who has and who has not responded. Rick Edwards asked how quickly it can be sent out, and Vice-Chair Barbour replied next week. He said that before he sends it out he will send an email copy to everybody just to make sure we've captured all of the suggested changes, and based on that, could someone offer a motion that as soon as those changes are made staff is authorized to proceed. Sheriff Hagaman so moved, Dinah Jeffries seconded, and the motion passed without objection.

Other Items

Vice-Chair Barbour asked if there were any other items to come before the Board, but none were offered.

Adjourn

Jeff Shipp made a motion to adjourn, and Vice-Chair Barbour adjourned the meeting at 12:30