

**North Carolina 911 Board
MINUTES
Banner Elk Room
3514A Bush Street
Raleigh, NC
January 29, 2016**

<u>Members Present</u>	<u>Staff Present</u>	<u>Guest</u>
Dave Bone (NCACC) Martin Co	Tina Bone (DIT)	Ron Adams-Southern Software
Darryl Bottoms (NCACP) Pilot Mountain PD (WebEx and phone)	Richard Bradford (DOJ)	Fred Baggett-NCACP
Eric Cramer (LEC) Wilkes Communications	Dave Corn (DIT)	Randy Beeman-CCES
Rick Edwards (CMRS) Sprint	David Dodd (DIT)	Jennifer Behre-Charlotte-Mecklenburg PD
Chris Estes (911 Board Chair)	Karen Mason (DIT)	Bill Boger-Charlotte-Mecklenburg PD
Andrew Grant (NCLM) Town of Cornelius (WebEx)	Marsha Tapler (DIT)	Cliff Brown-Federal Engineering
Len Hagaman (Sheriff) Watauga Co	Richard Taylor (DIT)	Nelson Clark-Synergem
Greg Hauser (NCSFA) Charlotte Fire Department		Meghan Cook-DIT
Rick Isherwood (CMRS) Verizon (WebEx and phone)		Brian A. Drum-Catawba Co 911
Dinah Jeffries (NCAPCO) Orange Co Emergency Services		Greg Foster-Alexander Co 911
Robert Smith (LEC) AT&T (WebEx and phone)		Ellis Frazier-Yadkin Co S.O.
Jeff Shipp (LEC) Star Telephone		Ashley Hayes-Charlotte-Mecklenburg PD
Jimmy Stewart (NCAREMS) Hoke Co 911		James E. Holloway-ECU
Laura Sykora (LEC) CenturyLink		Mike Martin-Tri-Tech
		Melanie Neal-Guilford Metro 911
		Dominick Nutter-RWECC
		Tonya Pearce-Durham 911
<u>Members Absent</u>	<u>Staff Absent</u>	Philip Penny-MCP
Jason Barbour (NCNENA) Johnston Co 911 (911 Board Vice Chair)		Candy Strezinski-Burke Co 911
Ninnet Bowman (pending VoIP representative from TWC)		Keith Werner-NCCIO
Slayton Stewart (CMRS) Carolina West Wireless		Brett Wrenn-Person Co 911
		Doug Young-Person Co
		<u>WebEx Guest Attendees</u>
		Rachel Bello-Wake Co IT

		Michael Cone-Wilson Co 911
		Meghan Cook-DIT
		Grant Hunsucker-Montgomery Co ES
		Lora Nock-Dare Co S.O.
		Rick Thomas-NCAPCO/Apex PD
		Corinne Walser-Medic911
		Tammy Watson-Pineville PD
		Stephanie Wiseman-Mitchell Co 911
		Brenda Womble-Wilson Co ECC

Chairman's Opening Remarks

At 10:00 North Carolina State CIO Keith Werner opened the meeting with a welcome to all in attendance prior to giving the floor to 911 Board Executive Director Richard Taylor for a roll call of Board members attending the meeting remotely. Mr. Taylor polled Darryl Bottoms, Andrew Grant, Rick Isherwood, and Rob Smith, receiving responses from Chief Bottoms and Mr. Isherwood, and indicating to the chair that a quorum was present. Mr. Werner thanked him and immediately announced that he has asked former State CIO and 911 Board Chair Chris Estes to continue to serve as 911 Board Chair as his designee. Mr. Werner cited the wonderful job Mr. Estes had done in his capacity as Board Chair, indicating he truly believes in all the positive momentum Mr. Estes' leadership has generated within this Board and really wants it to continue. Saying Mr. Estes had graciously accepted his request to continue to serve, Mr. Werner then turned his chair, and the meeting, over to him.

Chairman Estes thanked Mr. Werner for giving him this opportunity, noting there is a lot of work left to be done that he wants to be a part of, and he's glad to have the chance to continue. Jeff Shipp speculated the Board may just have to meet in Mecklenburg County sometime this year now, to which Chairman Estes responded he may try to influence that a little bit, triggering laughter throughout the room. Mr. Taylor remarked he thinks that has already been planned, and Laura Sykora offered it will be the May meeting, which Mr. Taylor confirmed. Mr. Taylor also added that on behalf of staff and the Board, everyone is excited to have Chairman Estes back. He said that Chairman Estes' tenure as board chair brought an entirely new air to the Board; he got everybody pumped up and excited, and the Board has more work going on right now than it has ever had, which Mr. Taylor attributes to Chairman Estes' leadership. Chairman Estes thanked him for the welcome, observing "It's a mission that matters," and he believes in that mission.

Chairman Estes then asked Mr. Taylor to proceed with a recognition of Ashley Hayes, a telecommunicator with Charlotte-Mecklenburg 911, in regard to a call she handled in a very exemplary fashion on November 22nd of last year. He played an excerpt from the over twelve minute long 911 call recording in which Ms. Hayes calmed a caller who was reporting a home invasion in progress, reassuring her throughout the call. After immediately dispatching police to the address, she stayed on the line with the caller until the Police arrived. After they arrived, they searched the house and discovered three intruders in the house, hiding in a closet. Chairman Estes and Mr. Taylor presented Ms. Hayes with a plaque stating: "To Ashley Hayes, Charlotte-Mecklenburg 911, for outstanding teamwork, professionalism, and commitment to public safety demonstrated by you on November 22, 2015, thank you for making North Carolina's 911 system excellent."

Dinah Jeffries addressed Ms. Hayes saying that on behalf of PSAP managers and telecommunicators alike, they appreciate the model role that she demonstrated. She observed that many times telecommunicators take calls and remain very stoic and emotionless, because that's what is preached to them, but that Ms. Hayes' compassion on this call was evident. She added she felt sure the caller felt very comfortable with her calming manner and the way she directed her through the call. Ms. Jeffries concluded by saying, "Awesome job; hats off to you!"

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. Laura Sykora said she would abstain from voting on item 5b, the Henderson County extension request. Rob Smith cited items 5b and 10, saying he would recuse himself from those votes. Chairman Estes then asked if there were any further conflicts, and hearing none, reminded everyone that should they realize they may have a conflict at any time during the meeting, they can certainly bring it to his attention at that time. He then asked Mr. Taylor to proceed with the consent agenda.

Consent Agenda

Mr. Taylor said that no corrections to the minutes of the December 4th 2015 meeting had been submitted, and opened the floor to any which might be brought forward at that time. None were mentioned. He then moved to the minutes of the special called 911 Board teleconference meeting of January 8, 2016, saying he had received no corrections on those minutes, either. Again, no corrections were brought forward at that time.

Mr. Taylor next offered the financial report, first citing CMRS revenues of ~\$726K and disbursements of ~\$859K in cost recovery resulting in a fund balance of \$3,859,766 after interest. Turning next to the PSAP fund, he reported prepaid income amounted to \$864,394, with payouts to the PSAPs of ~\$4.1M, with an ending fund balance of ~\$9.6M. Mr. Taylor reported that in the Grant Fund there is ~\$33.98M encumbered, including the money for the 2016 grants, still leaving a fund balance in the Grant Fund of ~\$1.3M. He offered to answer any questions, but none were put forward.

Chairman Estes indicated he would entertain a motion to accept the consent agenda. Sheriff Hagaman so moved, Dinah Jeffries seconded, and hearing no further discussion, Chairman Estes called the motion, which passed without dissent.

Public Comment

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 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 providing an update regarding the Rocky Mount grant appeal. Subsequent to several visits from both Mr. Taylor and Tina Bone explaining several issues the Rocky Mount staff had misunderstood, Rocky Mount is moving forward with a backup plan which does not require the amount of funding they had requested in the grant, and they have elected to drop the grant appeal.

Mr. Taylor next turned to a request from Henderson County for an extension to its grant deadline. He said they are not requesting any additional grant funding, but they have been experiencing problems with the Intrado and AT&T diversity issue. They are finally getting that worked out, but are asking for an extension until June 30, 2016 to complete the solution. Mr. Taylor said the staff recommendation is to grant the six-month extension request. Dave Bone made a motion to accept the staff recommendation, Jeff Shipp seconded, and hearing no further discussion, Chairman Estes called the motion, which passed with Laura Sykora and Rob Smith abstaining.

Mr. Taylor recalled the update he gave to the Board in December regarding the draft report from the National 911 Program on the assessment they performed in November, reminding Board members there were several things in the report with which we disagree. He said that since then we have filed comments

with them regarding those issues, noting a copy of those comments is posted on the website, and are awaiting their reply. Ms. Jeffries asked what happens after they have responded to the comments; is that a report that is going to be ready very soon that we can push out to all the PSAPs so they can see where our strengths are and in which areas we need to improve? Mr. Taylor said the National 911 Program staff has given the comments to the assessment team, which will meet and discuss them to see if they agree or disagree with us. Once all are in agreement, they will provide us with a final document which we will then disseminate to the PSAPs. He also observed that, as Richard Bradford had alluded to in one of the staff meetings, the way we handle this report will serve as a useful example as we move forward with our PSAP compliance review process. How the National 911 Program responds to us, and how it makes us feel, will fairly well predict how the PSAPs will feel as we respond to them during that compliance review.

Laura Sykora interjected how surprised she was when she saw the written report because the presentation the assessment team had made at the PSAP Managers Meeting had made it seem everything was all rosy, but the actual report was much less so. She observed we should be cognizant of that as we undertake the PSAP compliance reviews, and try not to make the same mistake.

Chairman Estes asked for any further questions about the Executive Director's report, and hearing none, moved on to the next agenda item.

Election of Board Vice Chair for 2016

Noting that a Vice Chair must be named every year, Chairman Estes asked Mr. Taylor if the nomination process had taken place. Mr. Taylor said it had, and thus far Jason Barbour was the only nominee. Chairman Estes noted nominations could still take place from the floor or from Board members on the phone, but none were offered. Board members physically present were provided with paper ballots upon which to cast their votes, and those attending by phone were asked to send Mr. Taylor an email with theirs. Although the final tally wasn't announced until slightly later in the meeting, Mr. Barbour was unanimously returned to the Vice Chair position for 2016.

Status of Back-up PSAP Compliance

Noting that the reminder letters approved by the Board at the December meeting have been sent to all City/County Managers for PSAPs which have not submitted any type of back-up PSAP plan, Mr. Taylor reported few responses have been received. Referring to a chart he displayed onscreen, he summarized that thirty-seven PSAPs have approved back-up plans, and nine responses have been received to the letters. He added that of the nine responses, two of the PSAPs which have done nothing toward meeting the deadline admitted that they had done nothing, don't intend to do anything soon, and wanted to take advantage of the option to extend their deadline to 2017, which clearly does not meet the requirement of having made substantial progress toward implementing the backup plan to even be considered for an extension.

Mr. Bone observed that on the chart many PSAPs have indicated they are "Working on it", and asked if Mr. Taylor had a count of how many state that. Mr. Taylor said he had not tallied that, and Mr. Bone asked if a staff member could determine that and report back later in the meeting. Mr. Taylor said sure, and asked Tina Bone to do that. Laura Sykora asked how many plans the staff is currently reviewing, and Mr. Taylor replied three.

Chairman Estes asked if there were any further questions for Mr. Taylor regarding this item, and Mr. Bone asked what he and Andrew Grant might do to help Mr. Taylor. Mr. Taylor said he feels that many of their colleagues (City/County Managers) are not taking this seriously, as evidenced by the comments he referred to earlier when some said quite literally they didn't plan to do anything so give them an extension, so if Mr. Bone and Mr. Grant could impress upon them the seriousness of the task, that would be very helpful to him. He also mentioned how some had said they didn't have the money to begin the process, and pointed out, as was illustrated with the Rocky Mount backup PSAP plan mentioned earlier, that you don't necessarily have to spend a lot of money to develop an effective plan; you don't have to build a new building. He said that when staff has worked with stepping PSAPs through creating a plan they realize that is the case, that they can collaborate with neighboring PSAPs to create a mutually beneficial plan without spending a ton of money. Unfortunately, however, he said he fears some don't want to work

collaboratively because they don't want to relinquish control; they don't want to share control with someone else.

Mr. Bone said he thinks this can be overwhelming to a lot of folks; that they do feel that they have to build a new structure. He asked if there was any way Mr. Taylor could get some of these examples or illustrations of various strategies to these people so they could see that it's not rocket science and can be a very simple solution. Mr. Taylor said sure, adding that both David Dodd and Tina Bone have been disseminating model plans which have been approved to PSAPs in an effort to help them along throughout this process. Mr. Bone speculated that communication might be going to the PSAP managers rather than the City/County Managers, and asked Mr. Taylor to be sure that the same folks that got the letter have access to those model plans and examples as well, to which Mr. Taylor readily assented.

Tina Bone reported that the number of PSAPs which have indicated they are working on a plan is 49. Dinah Jeffries said she thinks it's an excellent idea for the Board's representatives from NCLM and NCACC to be talking to each other about this, but she thinks this is also where PSAP managers can start reaching out and talking to each other, observing sometimes it makes a difference when it's from your own level. She said she thinks Rick Thomas, President of NC-APCO, has done a good job of sending out notifications and pushing people, but again, she thinks each one of us (Board members) that work in PSAPs can call our neighbors and push a little and help each other along. She added that she thinks the excuse being used about believing you have to build a building is not any good anymore; that's been clarified over and over again. She thinks that now it may be that people just don't know how to write a plan or have the resources to write one, as it is a time consuming process; that nobody really believes you've got to build a building anymore, and if they're saying that, they're just stalling for time.

Chairman Estes asked Mr. Taylor if we've provided sample plans in 'different flavors,' simpler versus more complex, and Mr. Taylor assured him we have, from Taj Mahals all the way down to a 'flip a switch' kind of thing. Mr. Bone recalled that at the December meeting the topic of hosting some regional meetings to develop partnerships had been discussed, and encouraged Mr. Taylor to work toward that as well. Mr. Taylor replied the regional PSAP Managers meetings to be held across the state are coming up in March.

Chairman Estes recognized guest attendee Philip Penny, speaking on behalf of North Carolina NENA. Mr. Penny invited Mr. Taylor to speak at the upcoming NCAPCO/NENA meeting on February 12th, saying he would commit time on their agenda to that purpose. Mr. Taylor said the answer was yes, he'll take it gladly. Ms. Sykora asked if at that meeting perhaps some of the PSAP managers who have approved plans could explain what they've done, going back to Ms. Jeffries' observation about something having a greater impact when you hear it from your peers. Mr. Taylor relayed how, in working with Dinah Jeffries regarding Orange County's backup plan, folks got to talking and sharing and now the plan involves four counties helping each other out.

Chairman Estes asked if there were any more questions, and hearing none, asked Mr. Taylor to provide an update at the next meeting.

Standards Committee Report

Standards Committee Chair Laura Sykora advised the committee had met in December and one of the agenda items was what was discussed in the Board teleconference referred to earlier, which was basically putting the process for PSAP assessment that the Board had voted on and approved into 'rules language'. Beyond that, she says the committee continues to work on best practices; some of the ideas are things that could turn into rules, dependent upon whether or not we have authority to enforce them. Others are some of the things the PSAPs have shared regarding having something they can refer their governing authorities to stating how often equipment/software needs to be refreshed, etc.—a life expectancy type of thing. With that, she said the remainder of the update comes from Mr. Bradford, and turned the floor over to him.

Mr. Bradford reminded everyone that the Board was on the agenda for the Rules Review Commission (RRC) meeting recently, with Ms. Sykora, Mr. Taylor, Teresa Bank, and himself attending. He explained that Ms. Bank is the Rules Coordinator for DIT, and therefore, also for this board, and is the one who has much of the back and forth interface with the RRC staff, helping to get everything into the right form and

format. Referring to a document Mr. Taylor had projected onscreen, and which was also in the agenda book, he said it was a one-page summary of where the process now stands, including a snapshot in table form in which he grouped RRC objections to rules in categories based upon common themes. By way of example he cited how sections .0105, .0106, and .0107 are grouped together, where objections were based upon ambiguity and statutory authority, and for which he has recommended some changes. He observed how he would ordinarily take this back and report it to the committee and have the committee deliberate before coming to the Board, however, within the rules review process, when the Commission objects there is a finite time frame in which to work to either do something with the objection—or not—and if you do not, the rule will basically die. If the rule-making body, in this instance this board, decides to pursue a change, it can make the change and bring the rule back before the Commission. He pointed out they may decide it's a substantial change, in which case it has to be published again, go through a new hearing, etc. He said he thinks the changes he is recommending the Board consider for .0105, .0106, and .0107, are not substantial changes, but the final determination will be up to the RRC.

Turning to .0111-.0114, he said they are procedural rules, and are the things that really relate to hearings, how the hearings run, the notices that are given, etc., relating both to PSAPs and providers. He said there were changes made in those rules from the versions that were originally filed, and because of the changes, mostly made to accommodate comments received in the rule-making process, they must be re-filed because the text is so different from what was originally filed. So those are proceeding on a different schedule. He noted that at the next Board meeting (February 26) we will have another public hearing associated with those rules.

Moving to the .0200 section in the table, PSAP operations, and the .0400 section, Grants, Mr. Bradford said they were approved; no further action is necessary, and they become effective July 1, 2016. He said in the .0300 section regarding CMRS providers there were objections to .0302, .0303, and .0304 which were based upon lack of statutory authority. He has recommended changes for those, but differing a little bit from his recommendations in the first section. He said the principal issue here is that these rules relate to CMRS providers submitting a cost recovery plan, and the RRC interpreted that as requiring pre-approval of costs, which is not the purpose of the plan. He explained the purpose of the plan is to enable staff to better budget and bring the information to the Board for budgeting. He said he thinks, without exception, the RRC members thought that was a good idea, however there is no statutory authority to require a plan, of which they were very clear. Mr. Bradford said he wasn't surprised; they were correct.

Mr. Bradford next addressed his recommendations to the Board, prefaced with the disclaimer that these are his recommendations, not recommendations from the committee, so they are open to criticism, change, comments, questions, etc. He asked Mr. Taylor to scroll down to the portion of the document detailing his recommendations for the .0300 section, since it was the last discussed. He explained .0301 is the rule that required CMRS providers to tell us that they are actually providing service here in North Carolina, and he doesn't think there is any issue with that. For .0302 and .0303 he said his recommendation is to do nothing; let those two rules die. He added the reason for that is to change .0304, in which he is recommending the language be modified to remove references to a cost recovery plan and replace it with language indicating that the Board will review the expenditures, the costs, as to whether they are commercially reasonable. He pointed out that is a standard that is present in the statute, and the question, of course, is what's commercially reasonable? He speculated that Board members who have dealt with commercial transactions may be familiar with the Universal Commercial Code (UCC), which is Chapter 25 in the General Statutes. He said that within the UCC, 'commercially reasonable' has a context which is basically what is reasonable in that situation under those facts; you may find in one setting the price of something is 'X', and in another setting, it is 20% more. The second instance may be perfectly reasonable under the facts of that given situation, so it's something that can vary, and the law allows it to vary. He said his recommendation is to utilize statutory language, put it back in front of the RRC, modify the rule with a definition of 'commercially reasonable' that is taken from Chapter 25, and do nothing with .0302 and .0303. Ms. Sykora asked if that means we're pulling those two, and Mr. Bradford said yes, since they've been objected to, if we do nothing, they will die. He said if the Board feels the cost recovery plan is a sufficiently good idea or a necessary tool for both staff and Board, then he would recommend putting that on a legislative agenda, preparing some legislation to require such plans, but that's a different topic. Since it's short session, he said he wouldn't recommend rushing out and doing that, but put it on the legislative agenda if you think it has merit and we will revisit it when the Board wants to.

Ms. Sykora recalled an after-hearing conversation where it was observed that much of the CMRS reimbursement process came from the CMRS providers themselves, because this is what's done in other states. She asked if we could make the cost recovery plan a policy, since it seems the CMRS providers are used to doing it. Mr. Bradford replied it could certainly be a policy, the issue being that as a policy, you could not require the production, the drafting, or the change of a cost recovery plan; you could only make suggestions. He said he thinks there is merit in discussing that within the Standards Committee and then coming back with a recommendation to the Board; if that's the will of the committee and the will of the Board, it's certainly reasonable.

Chairman Estes asked if, just to clarify, because of the timeline of the rules-review process, the Board is going to need to vote on this today, to which Mr. Bradford replied yes. He added this would enable us to continue working with the counsel at RRC and have some discussion with them about these changes. Chairman Estes asked if the Standards Committee has not had an opportunity to discuss this yet, and Ms. Sykora said that was correct, but that she felt nothing Mr. Bradford has said makes any significant changes to what the committee has discussed and which the Board has approved. She hypothesized it is just a matter of getting it into words that the RRC will like with our intent in it.

Returning to the document onscreen, Mr. Bradford apologized for all the highlighting, the underlining, the strike-outs and the double strike-outs in the marked up copies of the individual rules, saying he was trying to illustrate in conversations via email the rules that were filed, the technical changes that were made, and the changes he is proposing for the Board to consider today. He said the highlighted text reflects the changes he is recommending to the Board, including the references to Chapter 25 to provide a context for 'commercially reasonable'. He asked whether the Board would like to vote on all of these individually or altogether, and Chairman Estes said he thought it might be easier to answer any questions about this section (.0300 section), then take each one in turn and vote on the whole package.

Chairman Estes opened the floor to questions, and Rob Smith said over the phone that since this involves CMRS reimbursement he feels he should abstain from the vote. Ms. Sykora replied this just codifies the process that everybody has been going through for years, and he acknowledged it's a very fine line, but said he preferred to err on the side of caution. Eric Cramer said he would recuse himself as well. Chairman Estes then observed that if we were to vote on it as an entire package, Mr. Smith and Mr. Cramer would be recusing themselves from voting on sections which did not pose a conflict of interest, and suggested that perhaps the votes should be broken down to the individual sections. He then offered to entertain a motion to vote on the .0300 section. Laura Sykora moved that the Board accept Mr. Bradford's revisions to that section, Sheriff Hagaman seconded, and the motion carried with Rob Smith, Eric Cramer, Rick Isherwood, and Rick Edwards abstaining.

Mr. Bradford asked Mr. Taylor to scroll back up in the onscreen document to the section on the .0100 series of rules. He pointed out that .0105 has to do with service providers' failure to comply with the rules, and here the RRC objected to subparagraph (c), and he thinks that is a reasonable objection, saying the text doesn't really provide the criteria that the Board would use in deciding what action to pursue. He said if there were a body that had jurisdiction over the providers and a provider is not performing in accordance with the law, and this Board decided to send a letter, file an action, take some action, then how would the Board decide to do that? His answer was it would be driven by the facts, but the reality is that the Board already has that right under federal law if it's a federal agency, or under state law if it's a state agency, so item (c) really isn't necessary to do those kinds of things, so why bother? Taking just a very pragmatic approach, don't argue with them anymore. Just take it out and move on. Chairman Estes asked if only (c) comes out, and Mr. Bradford replied yes, because the rest of the rule is okay. He offered that since this, too, has to do with CMRS providers, perhaps it should be voted upon separately as well.

Ms. Sykora said she thought she heard Mr. Bradford say the Board has this authority under other rules or FCC rules or laws or whatever, so it really doesn't need to be in here. He agreed that is correct. Ms. Sykora reflected that in the long term, whether this is in the rule or not doesn't impact the service providers. He responded it does not, but for voting purposes, because there were abstentions on the other CMRS related vote, there may be some here; he just wanted to pause for a second to allow people to reflect on that and see if there are. Chairman Estes asked Board members if any would abstain from this vote, and Rob Smith replied he would, so Chairman Estes said he would take the recommendation of counsel and asked for a motion specific to removing subparagraph (c) from rule .0105. Laura Sykora so moved, Sheriff Hagaman seconded, and hearing no further discussion, Chairman Estes called for a vote,

asking beforehand, however, if anyone besides Mr. Smith would be abstaining. Rick Isherwood said he, too, would abstain. Chairman Estes then called the motion, which passed with those two abstentions.

Mr. Bradford moved on to section .0106, explaining it had an issue similar to .0105 except as applying only to the PSAPs. In this instance the RRC ruled there was no authority for subparagraph (d), so in light of other changes in the rules, Mr. Bradford said he doesn't believe (d) is needed, as modifications were made in (e) that provide for what the Board will do, and the statute now says that the Board shall suspend distributions if the PSAPs do not follow the law and the rules. He said there's a question, of course, as to what happens between when the Board discovers that a PSAP is non-conforming and when that suspension occurs, and that's the subject of another rule that has been filed that was discussed at the special meeting in January. He recommended striking the language that the RRC found offensive, and move on; again, a pragmatic solution to their objection. Chairman Estes asked if they have reviewed the additional language in (e) already, and Mr. Bradford replied that additional change is actually rule .0216, and that one is referenced. He said his recommendation to the Board is simply to delete (d) from the rule.

Once again, Ms. Sykora moved to accept Mr. Bradford's recommendation, Sheriff Hagaman seconded, and the motion carried with no abstentions.

Discussion then turned to .0107, reviewing 911 expenditures, disbursements, and reimbursements. Mr. Bradford said he found this one very interesting because the RRC counsel indicated in their private discussions that the Commission might very well agree with this, but it did not. Mr. Bradford said the point of (c) and the language that has the double strike-through on the screen was simply to make information available to the Board that the providers already have, and they already have that because they're required to have it under the State Auditor's authority, which is quite broad. He said the intention here was simply to ensure that those kinds of records were available to the Board as they relate to cost recovery. He relayed that the RRC members thought it was a reasonable concept from a business perspective, however, they did not find that there was statutory authority for it. He added they also thought it was an attempt by the Board to segue into auditing providers, which was not the intent at all. He concluded by recommending striking the language the RRC found offensive and adding in the text that is highlighted. He said he inserted that language so that if any of those things happens, adding he wanted to distinguish an audit from a review, then the Board will adjust its future payments on the basis of those findings. Mr. Bradford offered that in effect, this accomplishes the same thing, or potentially does, however it does not do it in nearly as efficient a fashion nor in the most timely manner, which is the trade-off. By way of example, he observed that if the Board moves forward with adopting a policy for cost recovery plans, then it mitigates this quite a bit.

Laura Sykora made a motion to adopt the revisions that Mr. Bradford is recommending, and Sheriff Hagaman seconded. Chairman Estes opened the floor to further discussion, and Sheriff Hagaman asked if there was a request for cost recovery, trying to get to the bottom of this, would we have to go through the State Auditor to request that? Mr. Bradford said no, the State Auditor's authority, whatever the State Auditor determines, is very broad. He observed that in his working with the state for almost sixteen years now, and the State Auditor's office on occasion, he's yet to find a situation in which the State Auditor actually uses that authority to, perhaps, its fullest extent, in looking at companies that the state does business with, but that doesn't change its authority. He said that the reason for the distinction he has added between an audit and a review is that the topics addressed in (c) have to do with cost recovery. The Auditor has access to records that relate to cost recovery, so the CMRS providers have to maintain them pursuant to .0304 related to cost recovery and the Board's review to determine commercial reasonableness. If an audit or the Board's review determine there have been excess distributions, then the Board has the latitude to adjust future distributions or to say, "Pay the money back." He added that this does not happen very often, asking Mr. Taylor if it may have happened only once or twice and Mr. Taylor replying he thought only once.

Chairman Estes asked for any further questions, and Rob Smith once again said he would be abstaining from the vote, with Rick Isherwood saying the same. Chairman Estes asked if anyone else wished to abstain, and Rick Edwards said he would. Hearing no further discussion, Chairman Estes called the motion, which carried with those abstentions. Chairman Estes thanked Ms. Sykora, and she said she wanted to thank the Board for helping the committee in continuing to move the rules process forward. She said now that we've got some momentum, we're still shooting for these revisions as well as some of the

other rules that we revised through the process to be effective July 1st. She said we're kinda doing it in batches, but we're moving forward so we can meet deadlines so we can do that.

Chairman Estes thanked the committee and Mr. Bradford for their work, then turned the floor over to Mr. Taylor for the next agenda item.

Updating State 911 Plan

Mr. Taylor began by displaying the statutory language requiring the 911 Board to develop and maintain a State 911 plan and reminding everyone of its history to date. The plan was first adopted in 2010, and a study group was convened to update it in 2012, but because of disagreements over several parts of the proposed update, it was never adopted by the Board. By virtue of that, as brought out in the assessment, the 2010 plan is still the current plan rather than the 2012 one. Mr. Taylor explained that there were six findings, many of which the Board has worked on, and continues to work on, so it's not like nothing was being done regarding those findings. That said, he advised he wants to begin work on an update to the plan now.

Mr. Taylor noted that both study groups were comprised of stakeholder representatives as opposed to Board members, but while displaying a photo onscreen of the study group which originally put together the first plan, he acknowledged that a couple of those members actually did become Board members later on: Benny Nichols and Lee Worsley. He added that others among that group have remained very active in North Carolina 911, such as Tonya Pearce and Stephanie Wiseman. Mr. Taylor mentioned that there was no agenda for that first study group other than to develop a State 911 Plan, and its members worked together for close to a year before presenting it to the Board for approval and adoption.

Admitting he didn't know why no photo was ever taken of the 2012 study group, Mr. Taylor displayed a roster of its members onscreen while noting it was a somewhat larger group than the first had been, representing a good mix of disciplines. He noted that several members of that group came from a different perspective than the others, so there were many different views resulting in many spirited discussions, which he characterized as a good thing. For the 2016 study group, Mr. Taylor proposed assembling 8 members representing the same organizations represented by public sector Board members (NCAPCO, NCNENA, NCACP, NCSA, NCLM, NCACC, NCFA, NCAREMS) with the stipulation that members must work in or have management oversight of a Primary PSAP. He said he would solicit recommendations from each of those organizations, but would prefer not having them be Board members so they could bring a different perspective. Once the group meets and comes up with a plan, he said his hope would be to bring it before the Board and have the Board adopt it.

Dinah Jeffries asked if this ties in directly to the recently completed 911 assessment; would an updated plan have an effect on some of the findings in the assessment? Mr. Taylor replied one of the key factors in developing the plan would be consideration of the recommendations made in the assessment; the potential growth areas which were identified in the assessment are key to a path forward. He said that would be one of the documents that he would want the study group to work from.

Mr. Taylor asked Mr. Bradford if a vote was necessary to make this happen, and Mr. Bradford said the Board Chair could actually authorize it on his own, but in the past the discussion has been more at the Board level and the Board deciding whether or not to do this. Chairman Estes elected to have the Board decide, and entertained a motion from the Board to accept the proposal from Mr. Taylor. Mr. Bone said that he appreciates wanting to have the different perspectives brought by non-Board members, but asked if it wouldn't be beneficial to have one or two Board members in the group. Before Mr. Taylor responded, Chairman Estes asked if staff would be included too, to which Mr. Taylor replied in the affirmative. In responding to Mr. Bone, he said that while he wouldn't be opposed to Board member participation, he would really like the different perspectives brought by different sets of eyes and different sets of thoughts and all. He added that the Board will receive regular updates and will certainly have the final say in what the study group proposes.

Mr. Bradford interjected that he attended nearly all of the prior Study Group meetings for both study groups, and pointed out that Board members did attend those meetings when they were able to. He said

he thought that in the past one of the concerns was that all of the members of the Board already have a full-time job and a lot of commitments, not only to the Board, but probably elsewhere as well, so he thinks there has always been concern about time and availability, but certainly not about interest. Chairman Estes surmised this does not exclude Board members, to which Mr. Bradford emphatically said not at all; in the past they had participated in the discussions and listened to all that was being discussed.

Mr. Taylor confirmed that would certainly still be the case; that the group he is proposing would be a core group with which others could participate as well. Chairman Estes hypothesized Greg Hauser, being a representative of the Firemen's Association, could serve in the Study Group if that organization asked him to, and he replied that he already had a plan to solicit recommendations from the various PSAPs he works with and would see that someone capable filled that slot. Dave Bone observed that there are non-Board members who belong to these representative groups and already sit on 911 Board committees, and asked if they might be allowed to serve in both. Mr. Taylor said that it is again about time commitment, and he hates to burn anybody out. He pointed out it requires a lot of time, and he's inclined to "share the wealth", but access to the alternative perspectives is really most important to him.

Chairman Estes said he'd like to make a stab at what a motion from a Board member might sound like regarding this: that the Director and staff will use best efforts to assemble a team made up of these groups, to complete this project. Mr. Taylor said he liked that, and Ms. Sykora observed it wouldn't specify whether non-Board members or Board members. Chairman Estes concurred that was his intention; just have the various groups represented.

Mr. Bone asked if there were certain parts of the 2012 plan that were controversial, to which Mr. Taylor replied there were; issues involving secondary PSAPs, funding, legislative suggestions and recommendations, and the Board just could never get everybody together on them. He explained that something always seemed not to agree here or agree there, so it just got tabled, basically. He once again pointed out, however, that although it didn't move forward to a formal adoption, a lot of what was in it has been, and continues to be, worked on. Mr. Bone hypothesized then this is just a methodology to develop a vision for the future, asking if it was for the next two years. Mr. Taylor replied he has always tried to stick to the two-year interval, acknowledging that doing the assessment last year delayed it a year so the results of the assessment could be used to develop the plan. Mr. Bone asked if Mr. Taylor sees the items which were controversial in 2012 coming back up, and Mr. Taylor said they may, but he just doesn't know and can't predict that. He said he tries not to influence what the study groups decide, just to guide them. He recalled the secondary PSAP issue was a huge, huge problem, but ultimately it was resolved; we now fund secondary PSAPs.

Dinah Jeffries asked if we should include a representative from Emergency Management, if EM wouldn't be a huge component in a state plan. Chairman Estes observed that's a good callout, but maybe it could be just a coordination with the Department of Public Safety, similar to what happened with the Governor's Safer Schools initiative. Ms. Jeffries also suggested including NCSHP, and Chairman Estes said to Mr. Taylor that what we're driving is a plan, and these are sources of input, and asked if they could be included. Mr. Taylor said he again has no problem adding sources of input. Chairman Estes then observed that technically there isn't a motion on the floor yet, and asked if one of the Board members would like to propose one. Dinah Jeffries proposed what Chairman Estes had said earlier, along with the additions of including EM and NCSHP as sources of input, and Ms. Sykora seconded. Mr. Bone asked if there is a deadline incorporated into that, and Mr. Taylor said he would hope to have the study group's findings ready to be presented to the Board by the work session in December. Mr. Bradford interjected that this is something the legislature also sees, so just add that so that you'll be aware; the legislature does work for things like this from various boards, commissions, and agencies. Chairman Estes stated, to that point, although maybe not required, he's assuming we would take input from any of the legislative members that have heard feedback from their constituents that they would like to share with the Board. Mr. Taylor acceded, noting he thought Representatives Saine and Boles would be glad to be involved.

Noting there was a motion and a second on the floor, Chairman Estes asked if anyone had any further discussion, either in the room or on the phone. Hearing none, he called the motion, which passed without dissent. He then invited Jeff Shipp to proceed with the NG911 Committee report.

NG911 Committee Report

Mr. Shipp began by stating that the NextGen Committee, board staff, and the consulting team from Federal Engineering (FE) continue to push forward, currently working on the Conceptual Design stage of the project. He added that the GIS subcommittee is also working diligently. He then reminded all of the tabled motion from the December Board meeting regarding approval of the Cost Analysis. He stressed the Cost Analysis is not a budget, but a simplified business plan. He also stressed it is not approval for any specific funding. He said he has asked staff member Dave Corn and Jim Lockard from FE to come back again to review some of the numbers from the summary of the cost analysis, inviting Mr. Lockard to take the podium.

Mr. Lockard thanked Chairman Estes and the Board for allowing him to speak, wishing all a happy 2016. He observed the team's efforts since the December meeting have focused on the final table in the Cost Analysis report, the summary table 31, a copy of which Mr. Taylor projected onscreen. He added that what they were looking at was utilizing the 10% fund (10% of all 911 Board revenue dedicated exclusively to NG911) created by H730, insofar as how it will serve the NG911 project over time. He referred back to what Mr. Shipp had said in his introduction, saying they are looking at this from a business plan approach: if we have the 10% set aside, how are we going to allocate that and how would we allocate that? He reviewed the fact that the rest of the cost analysis outlines a prospective cost for NG911, saying what this table does in summarizing those potential costs is to illustrate how long that 10% fund will be sustainable or viable to help pay for the costs that are presented through the Cost Analysis and where it may ultimately be exhausted.

Mr. Lockard pointed out the intent of this is to focus on looking forward, not backward: how do we get to the future, how do we pay for NG911 and how do we address it going forward. He observed that accrual of the 10% fund has already begun, having started January 1st, and the potential costs related to NG911 aren't going to start right away, so there will be an accumulation as indicated in the second row of the table. He said the third row shows how the costs will accumulate over time, with the bottom row being a summary. He stressed this is not looking at any other funding mechanisms such as grants or other funds which may possibly become available, as we don't know what that amount will be today. He pointed out that although the number in the summary row for 2020 is a negative number, these other funds may become available before that time and reduce that total. He summarized that from a business case perspective, utilizing the 10% fund effectively, it appears we solidly have the ability to move into NG911 over the next few years.

Acknowledging he was not at the December meeting, Chairman Estes said an observation/question he has about the chart, referring to the top row of projected total revenue, is that some of those funds, as PSAPs make grant requests, in theory, in the out years, would be towards NextGen capability versus legacy capability, so that delta that's indicated may not be as great because of the way the grants are distributed. Mr. Lockard concurred, saying they initially tried to project that, but again, there are a lot of unknowns with that. So, in trying to simplify this down, they did not go there. Ms. Sykora asked Mr. Bradford if we can pay for NextGen from more pockets than just the 10% fund, and he replied certainly. He continued by explaining the 10% allocation is simply a set-aside for a run at the purpose, it does not mean that other monies in the 911 fund cannot be used, so there are a number of things that may change. By way of example, he offered that if the Translation Services RFP results in a cost savings over what the Board is reimbursing PSAPs for today, that cost savings might very well play into this and make a small change.

Mr. Taylor interjected that what he thinks is key here, especially to staff, is as we start working on and looking at our budgets, especially in this coming year, is that this is going to help us be able to gauge what we're doing down the road, noting that if we had to come up with \$27M right now we couldn't do it. These numbers are going to help us understand how we're going to have to address the future. He speculated that things like the translation services Mr. Bradford referred to and other cooperative purchasing opportunities and savings will start coming together, and while an outsider may not understand why we're looking at a cooperative purchasing agreement and are just fussing about what they're paying, all these pieces and parts are coming together to make this work. He said that's why it is so key for each of our committees, whether members realize it or not, to realize they've all got a piece of this pie and it's all going to end up together.

Chairman Estes asked if most of the expenses on the chart are most likely one-time expenses, initially. Mr. Lockard replied there are some one-time initial expenses, but they projected this out as a lease cost

so it would be an ongoing annual charge. Chairman Estes next asked if we've researched what grants might be available for NextGen, and Mr. Lockard and Mr. Taylor reiterated all that had been said regarding that topic at the December meeting:

(https://www.nc911.nc.gov/Board/agenda/Book/20160129_Tab03ai_Draft%20Minutes%20from%2012042015.pdf , page 6).

Mr. Bone asked what Mr. Lockard estimates annual ongoing costs will be. Mr. Lockard replied the \$27M is representative of comparative costs from other states this size; other states with similar numbers of positions, number of PSAPs, number of network connections required, etc. He said if you go through the cost analysis you will see that \$27M reflected in the functional elements described there. Mr. Bone surmised \$27 is an annual cost, and Mr. Lockard agreed it was.

Chairman Estes asked Mr. Shipp if this was an update or if he wanted the Board to make a decision on something. Mr. Shipp said if there were no more questions, the committee does make a motion requesting approval of the Cost Analysis from the Board. Chairman Estes then asked what exactly they are asking the Board to approve, since they're not asking for the money. Mr. Bradford interjected, by way of clarification, that the Cost Analysis was done so that the Board would have an understanding of the fiscal demand that may come with this, therefore understanding what's needed in order to plan and execute the RFPs that are anticipated. He observed there are to be several, as mentioned in prior discussions, so in order to contract in a good faith manner as a public body, you need to have some very good idea that you have money and will have money available. This shows that for the present time, we should have sufficient funds to move forward. So that's really the context in which this is coming before the Board.

Mr. Shipp noted that the motion is coming from committee in the form of a recommendation, and Chairman Estes observed therefore a second is not required, but asked if there was further discussion. Ms. Sykora said she just wanted to thank the NextGen Committee and the consulting team because this is much more understandable to her than it was at the December meeting; she feels comfortable with this, whereas she was not comfortable with it then. Mr. Shipp added this sets the stage for any grant opportunities going forward; it shows we do have a plan in place and are moving forward.

Chairman Estes called the motion, which carried with Rob Smith abstaining. Before moving to the next agenda item, Mr. Taylor said he wanted to add a quick note about Mr. Shipp's reference to the GIS subcommittee doing its work. He said they are doing a survey of different counties to gather information for the project which went live yesterday, and encouraged everyone to check with their GIS people and local PSAP folks to be sure they're aware of the survey. He observed it went live yesterday and they have already received 38 responses. Ms. Sykora reminded everyone that the Standards Committee meets next week and one of their agenda items is to start the discussion of what the Standards Committee needs to be looking at from a NextGen perspective.

2016 Goals

Mr. Taylor reminded everyone that at the December work session and meeting we voted on goals, with much discussion about how many goals to have and all the work associated with them. He said today he wanted to come back and look at what they decided upon a little better from a prioritization perspective. He displayed the list as it appeared on the flipchart at the conclusion of the December Board meeting with added highlighting to illustrate his thoughts on the matter:

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

Mr. Taylor said that as he sat down to determine how he was going to engage the staff in this, he kept hearing Mr. Bone's admonition at the December meeting that you don't want to be taking on so much that you don't get anything accomplished. He determined that he would like to modify the goals—not give up

on them—but concentrate focus on some more than others. He highlighted the ones he would like to receive the primary focus in green, those which are already in process and being worked upon in yellow, and those receiving less focus not highlighted at all, which does not at all mean being abandoned. He mentioned he felt quality assurance and certification were both very important, along with CAD to CAD and staffing levels for PSAPs, but that he did not get ‘a warm and fuzzy feeling’ from Board members regarding adding new Board members.

Ms. Jeffries said she didn’t understand his sense of lacking ‘a warm and fuzzy feeling’; she felt everybody was on the same page of understanding the need to add some representatives. Mr. Taylor jokingly speculated she must not have been at the same meeting he attended, but did say that when he suggested adding a representative to the Board from Emergency Management and one from the military he didn’t get the feeling many were interested. Ms. Jeffries agreed that she wasn’t interested in a military representative, but did embrace adding one from EM and one from SHP. Mr. Taylor said he just didn’t want to spend a lot of time on that if it’s not a major concern; he’d much rather spend the time on quality assurance and telecommunicator certification if he has to spend a lot of time on something.

Again acknowledging he had not been present at the December meeting, Chairman Estes made the observation how would you explain this to someone who’s not in this room; maybe it needs to be more sentence structured versus just three words, so that people understand what the goal is, what the timeline is for it, that it’s measureable, achievable, etc. Mr. Taylor explained that he took this list right off of the flip chart used at the December meeting, and it had not gone any farther than that yet. He said the reason he brought this up is precisely so he can begin focusing on just the types of things Chairman Estes mentioned. He reiterated he simply didn’t want to spend a lot of time on everything if a more hierarchical determination of importance could be effected.

Further discussion touched back upon how it is not Mr. Taylor’s intention to eliminate any of these from consideration, but simply to prioritize which are of greater importance, if the Board is amenable. Sheriff Hagaman asked for a further explanation of the CAD to CAD piece, which Mr. Taylor provided, explaining how in the NG911 environment it will be essential that PSAPs be able to share CAD data irrespective of what CAD provider they use. He observed that many CAD vendors presently provide CAD to CAD among their customers, i.e. those using the same CAD product, and sometimes at great expense, but this initiative will target allowing CAD applications from different vendors to intercommunicate.

Mr. Shipp made a motion that the Board approve the goals that Mr. Taylor has presented and look forward to a final worded presentation from Mr. Taylor at a future Board meeting, with Eric Cramer offering a second. After brief further discussion, Chairman Estes called the motion, and it carried unanimously.

Sponsorship of Telecommunicator Symposium Class—Disaster Operations in the Communication Center

David Dodd advised that for the past several years the North Carolina chapter of APCO has sponsored a telecommunicator symposium in April geared to line telecommunicators. This year they have asked the Board to sponsor a one-day pre-conference class entitled Disaster Operations in the Communication Center. NCAPCO has gotten a price from the APCO Institute of \$4,975.00 for thirty students, or \$166.00 per person versus the normal rate for that class of \$199.00 per person. Mr. Dodd said he mentioned to the folks at APCO that this Board has always in the past said that’s fine, but you don’t turn anybody away. The cost for any additional participants above thirty would be \$100.00 apiece, and NCAPCO said if they have more than thirty they will pick up the difference. Mr. Dodd then offered the staff recommendation is to fund the class. Ms. Sykora moved to accept the recommendation, Greg Hauser seconded, and the motion carried without dissent.

Re-numbering of NCGS 62A, Article 3

Mr. Bradford said he and Mr. Taylor simply want to make the Board aware that in the reorganization from the Division of Information Technology Services to the Department of Information Technology this Board was moved from § 62A to a new statutory home in § 143B-1400. He noted that if you were to compare you would find no changes in the text, no changes in the sequences or statutes; they begin and end in the same place, they just have different numbers.

Other Items

Chairman Estes asked if there were any other items to come before the Board, but none were offered. Hearing none, he said he would just like to add one item himself. He said the company he works for is PricewaterhouseCoopers, which is a tax audit firm and has no business with the state or with the 911 Board, in case anyone was wondering about that. He said he does not anticipate its having any business with the 911 Board, so he doesn't anticipate having any conflicts of interest. He offered to answer any questions anyone might have about that if they have any.

Adjourn

Chairman Estes entertained a motion to adjourn, which was provided by Dinah Jeffries and seconded by Rick Edwards, and the meeting adjourned at 12:05 PM.