

Item # 8-2

**City of Carson City
Agenda Report**

Date Submitted: 3-23-10

Agenda Date Requested: 4-1-10

Time Requested: Consent

To: Mayor and Supervisors

From: Fire Department

Subject Title: Action to adopt changes to the 9-1-1 Surcharge Master Plan.

Staff Summary: The board has created a five member advisory committee called the "9-1-1 surcharge advisory committee" to develop a plan to enhance or improve the telephone system for reporting an emergency in Carson City and to oversee any money allocated for that purpose. The committee has recommended the approval of the changes to the plan. The Master Plan also incorporates the plan that the committee is required to develop which plan addresses the enhancements or improvements that need to be made to improve the telephone system for reporting an emergency in Carson City and to oversee any money allocated for that purpose.
(Stacey Giomi)

Type of Action Requested: (check one)
☐ Resolution ☐ Ordinance
☒ Formal Action/Motion ☐ Other (Specify)

Does This Action Require a Business Impact Statement: ☐ Yes ☒ No
Less than 25% of the phone lines in the city are dedicated as business lines. The remaining lines are government or private lines.

Recommended Board Action: I move to adopt changes to 9-1-1 Surcharge Master Plan.

Explanation for Recommended Board Action: Approval of the master plan will allow the city to continue to collect the 9-1-1 surcharge and utilize those funds to pay for improvements and enhancements to the 9-1-1 system.

Applicable Statute, Code, Policy, Rule or Regulation: NRS 244A.7641 et. seq., Carson City Municipal Code Chapter 4.05

Fiscal Impact: Expected revenue in the amount of \$220,000

Explanation of Impact: The surcharge is estimated to collect approximately \$220,000 annually. Carson City will be expected to pay the surcharge. This will cost approximately \$5,000 annually to the city. Overall expected revenue should be \$215,000.

Funding Source: N/A

Alternatives: Return the matter to the 9-1-1 Surcharge Advisory Committee for additional consideration/action/recommendations.

Supporting Material: 9-1-1 Surcharge Master Plan and 911 Surcharge Advisory Committee Plan

Prepared By: R. Stacey Giomi, Fire Chief

Reviewed By:

R. Stacey Giomi
(Fire Chief)

Date: 3-23-10

[Signature]
(City Manager)

Date: 3/23/10

Melanie Boukaya
(District Attorney)

Date: 3-23-10

[Signature]
(Finance Director)

Date: 3-23-10

Board Action Taken:

Motion: _____

1) _____

Aye/Nay

2) _____

(Vote Recorded By)



911 SURCHARGE MASTER PLAN

April 1, 2010

Introduction

A mature, robust, and reliable public safety communications center is the heart of any community's public safety infrastructure. To accomplish this, there must be adequate funding to insure that the proper technology is in place to support not only the public safety user but the community as well. To provide for this, the community, along with the Board of Supervisors, has chosen to support the 911 system via a surcharge.

As time and technology have moved forward, expanded services and networks are needed to provide 911 services for wireless and Voice over Internet Protocol (VoIP) users who subscribe to services on today's telephone networks. In addition to currently existing services, emerging technologies will continue to challenge our community 9-1-1 system and must be planned for. The Board of Supervisors chose in 2008 to impose a service fee on telephone lines in accordance with NRS 244A.7641 through NRS 244A.7647. This five-year master plan has been developed to comply with that law.

The 9-1-1 Surcharge Advisory Committee must also adopt a plan for the accomplishment of the Goals as established in this Master Plan. This document shall serve as both the Board of Supervisors Master Plan, as well as the 9-1-1 Surcharge Advisory Committee Plan.

Vision

The vision of this document is to insure that the Carson City 911 system will remain current and reliable so that all the citizens and visitors of Carson City may connect to 911 emergency services using any device from any location.

Mission

The mission of this advisory committee is to develop a five-year master plan for the enhancement or improvement of the telephone system for reporting emergencies in Carson City and to oversee 911 surcharge funds in accordance with **Carson City Municipal Code Chapter 4.05**.

Goals

To assess the technical needs of the 911 system on a regular basis.

To insure that the 911 equipment is meeting an adequate and proper level of service.

To insure that the technology is supporting the operations within the communications center and meeting the needs of those using the equipment.

To insure the proper use of funds collected under the surcharge.

Attainment of Goals

The goals of this Master Plan will be attained by utilizing staff available through the Fire Department and Sheriff's Department. The staff members will work with industry experts and utilize their own

knowledge, skills and abilities to assess technical needs and equipment utilization/needs. Staff will make reports to the 9-1-1 Surcharge Advisory Committee as needed to keep committee members informed.

Review and Update

This plan will be reviewed and updated in the first quarter of each year or at other times when the committee deems appropriate. The Emergency Management Director and the Sheriff are responsible for making recommendations to the committee as they relate to the 911 system and surcharge.

Revenues / Expenditures

Critical to this plan are accurate funding projections on which to build a budget. At each meeting of the committee, city staff will provide the committee with a current budget indicating the revenue that has been collected and the expenses that have been charged against this revenue fund. Annual revenues are estimated to be at \$220,000. This amount is anticipated to be static since there is little population growth in Carson City. The projected use of these funds is listed below for a five-year period.

<u>Budget Year</u>	<u>Use of Funds by Priority</u>	<u>Estimated Cost</u>
FY 2011	911 equipment charges	\$ 124,500.00
	911 service agreement	\$ 25,500.00
	Software maintenance	\$ 15,000.00
	Hardware/software upgrades	\$ 55,000.00
FY 2012	911 equipment charges	\$ 124,500.00
	911 service agreement	\$ 25,500.00
	Software maintenance	\$ 15,000.00
	Hardware/software upgrades	\$ 55,000.00
FY 2013	911 equipment charges	\$ 124,500.00
	911 service agreement	\$ 25,500.00
	Software maintenance	\$ 15,000.00
	Hardware/software upgrades	\$ 55,000.00
FY 2014	911 equipment charges	\$ 124,500.00
	911 service agreement	\$ 25,500.00
	Software maintenance	\$ 15,000.00
	Hardware/software upgrades	\$ 55,000.00
FY 2015	911 equipment charges	\$ 124,500.00
	911 service agreement	\$ 25,500.00
	Software maintenance	\$ 15,000.00

Hardware/software upgrades \$ 55,000.00

In the event revenues surpass projected funding, those funds may be used for any purpose authorized by ordinance or NRS, with the approval of the 911 Surcharge Advisory Committee, to enhance the operation and effectiveness of the 911 system.

Capital and Major Project Timeline

FY 2012	911 network redesign to accommodate wireless and VoIP (Voice over Internet Protocol) and replacement of 911 answering equipment
FY 2013	Review and plan for interconnect with neighboring jurisdictions to improve redundancy and call transfers

Carson City Municipal Code

Chapter 4.05 SURCHARGE FOR ENHANCEMENT OR IMPROVEMENT OF TELEPHONE SYSTEM USED FOR REPORTING EMERGENCIES

4.05.010 Authority and purpose.

1. This chapter is enacted pursuant to NRS 244A.7641 through 244A.7647 for the following purposes:

a. To establish an advisory committee to develop a plan for the enhancement or improvement of the telephone system for reporting emergencies in Carson City and to oversee any money allocated for that purpose.

b. To impose a surcharge for the enhancement or improvement of the telephone system for reporting an emergency in Carson City on:

1. Each access line or trunk line of each customer to the local exchange of any telecommunications provider providing those lines in Carson City; and

2. The mobile telephone service provided to each customer of that service whose place of primary use is in Carson City.

4.05.020 Definitions.

As used in this chapter, the words and terms defined in this section have the meanings ascribed to them unless the context requires otherwise.

"Incumbent local exchange carrier" has the meaning ascribed to it in 47 U.S.C. § 251(h)(1), as that section existed on October 1, 1999, and includes a local exchange carrier that is treated as an incumbent local exchange carrier pursuant to that section.

"Mobile telephone service" means cellular or other service to a telephone installed in a vehicle or which is otherwise portable.

"Place of primary use" has the meaning ascribed to it in 4 U.S.C. § 124(8), as that section existed on August 1, 2002.

"Supplier" means a person authorized by the Federal Communications Commission to provide mobile telephone service.

"Telephone system" means a system for transmitting information between or among points specified by the user that does not change the form or content of the information regardless of the technology, facilities or equipment used. A telephone system may include, without limitation:

(a) Wireless or internet technology, facilities or equipment; and

(b) Technology, facilities or equipment used for transmitting information from an emergency responder to the user or from the user to an emergency responder.

"Trunk line" means a line that provides a channel between a switchboard owned by a customer of a telecommunications provider and the local exchange of the telecommunications provider.

4.05.030 Establishment of an advisory committee to develop a plan to enhance or improve telephone system for reporting emergency.

1. The board hereby creates a five member advisory committee called the "9-1-1 surcharge advisory committee" to develop a plan to enhance or improve the telephone system for reporting an emergency in Carson City and to oversee any money allocated for that purpose.

a. Members will serve without compensation.

b. A member appointed to the committee must:

(1) Be a resident of Carson City.

(2) Possess knowledge concerning telephone systems for reporting emergencies; and

(3) Not be an elected public officer.

c. As Carson City has a population of less than 100,000, at least one member of the committee must be a representative of an incumbent local exchange carrier which provides service to persons in Carson City.

2. Members will be selected at large by the board at its discretion.

3. The board must appoint members for a term of two years, except for the initial terms. In order to stagger the terms, the board must set the initial appointed members' terms to provide for terms of three of the appointed members to end on December 31, 2009, and for the terms of two of the appointed members terms to end on December 31, 2008. A member may be reappointed to subsequent terms of two years. Any vacancy occurring during a member's term will be filled by the board. A person appointed to fill a vacancy occurring during a term must serve out the unexpired term of the member replaced.

4.05.040 Chairman, election and duties.

1. The committee must elect from its membership a chairman and vice-chairman.

2. The chairman will preside at meetings and be the signatory of any correspondence necessitated by operation of the committee.

3. The vice-chairman will carry out the duties of the chairman in his/her absence.

4.05.050 Rules, regulations and bylaws.

The committee may adopt rules, regulations and/or bylaws regarding its meetings and procedures.

4.05.060 Quorum.

Three members of the committee will constitute a quorum. The approval of a majority of all members present to vote is necessary on any action the committee desires to take.

4.05.070 Meetings.

The committee must hold a public meeting not less than quarterly. Any member of the committee may request a meeting of the committee for special purposes. Such requests shall be made to the chairman, or in his absence, the vice-chairman. Notice of the meetings and the conduct of the meetings of the committee, including the taking of minutes and their transcription and retention, must comply with the provisions of chapter 241 of NRS, Nevada Open Meeting Law.

4.05.080 Imposition of telephone surcharge.

1. For the duration of the imposition of the surcharges, the Board of Supervisors shall, at least annually, review and if necessary, update the master plan.
2. The board imposes surcharges for the enhancement of the telephone system for reporting an emergency in Carson City on:
 - (a) Each access line or trunk line of each customer to the local exchange of any telecommunications provider providing those lines in Carson City; and
 - (b) The mobile telephone service provided to each customer of that service whose place of primary use is in Carson City.
3. The surcharge on access lines to the local exchange of a telecommunications provider is twenty-five cents (\$0.25) per month per line.
4. The surcharge on trunk lines to the local exchange of a telecommunications provider is two dollars and fifty cents (\$2.50) per month per line.
5. The surcharge for each telephone number assigned to a customer by a supplier of mobile telephone service is twenty-five cents (\$0.25) per month per telephone number.
6. A telecommunications provider that provides access lines or trunk lines in Carson City and a supplier that provides mobile telephone service to customers in Carson City must collect the surcharge from its customers each month. Except as otherwise provided in NRS 244A.7647, each telecommunications provider and supplier must remit the surcharge it collects to the treasurer of the county in which the surcharge is imposed not later than the 15th day of the month after the month it receives payment of the surcharge from its customers. In accordance with NRS 244A.7647, a telecommunications provider or supplier which collects the surcharge imposed pursuant to this section is entitled to retain an amount of the surcharge collected which is equal to the cost to collect the surcharge.
7. The committee or city manager may adopt procedures as necessary to effectuate the provisions of this section.

4.05.090 Creation of special revenue fund; use of money in fund.

1. The board hereby creates a special revenue fund for the deposit of any money collected pursuant to NRS 244A.7643 and CCMC 4.05.080. The money in the fund must be used only for the following purposes:
 - (a) To enhance the telephone system for reporting an emergency so that the number and address from which a call received by the system is made may be determined, including only:
 - (1) Paying recurring and nonrecurring charges for telecommunication services necessary for the operation of the enhanced telephone system;
 - (2) Paying costs for personnel and training associated with the routine maintenance and updating of the database for the system;
 - (3) Purchasing, leasing or renting the equipment and software necessary to operate the enhanced telephone system, including, without limitation, equipment and software that identify the number or location from which a call is made; and
 - (4) Paying costs associated with any maintenance, upgrade and replacement of equipment and software necessary for the operation of the enhanced telephone system.

2. If the balance in the fund created pursuant to subsection 1 of this section which has not been committed for expenditure exceeds \$1,000,000 at the end of any fiscal year, the board must reduce the amount of the surcharge imposed during the next fiscal year by the amount necessary to ensure that the unencumbered balance in the fund at the end of the next fiscal year does not exceed \$1,000,000.

4.05.100 Penalty for failure to remit surcharges

Any telecommunications provider or mobile telephone service supplier that fails to remit surcharges due within 90 days after the date on which the telecommunications provider or supplier must otherwise remit the surcharges to the county treasurer will be subject to a penalty of 5% of the cumulative amount of surcharges owed by the telecommunications provider or supplier.

4.05.110 Dispute of amount of surcharge or designation of place of primary use by customer of supplier of mobile telephone service: Notice by customer; review by supplier; refund, credit or explanation.

1. If a customer of a supplier of mobile telephone service believes that the amount of a surcharge imposed pursuant to NRS 244A.7643 or the designation of a place of primary use is incorrect, the customer may notify the supplier of mobile telephone service in writing of the alleged error. The notice must include:

- (a) The street address for the place of primary use of the customer;
- (b) The account number and name shown on the billing statement of the account for which the customer alleges the error;
- (c) A description of the alleged error; and
- (d) Any other information which the supplier of mobile telephone service may reasonably require to investigate the alleged error.

2. Within 60 days after receiving a notice sent pursuant to subsection 1, the supplier of mobile telephone service shall review the records that the supplier of mobile telephone service uses to determine the place of primary use of its customers.

3. If the review indicates:

- (a) That the alleged error exists, the supplier of mobile telephone service shall correct the error and refund or credit the customer for the amount which was erroneously collected for the applicable period, not to exceed the 24 months immediately preceding the date on which the customer notified the supplier of mobile telephone service of the alleged error.
- (b) That no error exists, the supplier of mobile service shall provide a written explanation to the customer who alleged the error.

4. A customer may not bring a cause of action against a supplier of mobile telephone service for surcharges incorrectly imposed pursuant to NRS 244A.7643 unless he first complies with this section.

NRS 244A.7641 911 SURCHARGE

SURCHARGE FOR ENHANCEMENT OR IMPROVEMENT OF TELEPHONE SYSTEM USED FOR REPORTING EMERGENCY

NRS 244A.7641 Definitions. As used in NRS 244A.7641 to 244A.7647, inclusive, unless the context otherwise requires:

1. "Mobile telephone service" means cellular or other service to a telephone installed in a vehicle or which is otherwise portable.
2. "Place of primary use" has the meaning ascribed to it in 4 U.S.C. § 124(8), as that section existed on August 1, 2002.
3. "Supplier" means a person authorized by the Federal Communications Commission to provide mobile telephone service.
4. "Telephone system" means a system for transmitting information between or among points specified by the user that does not change the form or content of the information regardless of the technology, facilities or equipment used. A telephone system may include, without limitation:

(a) Wireless or Internet technology, facilities or equipment; and

(b) Technology, facilities or equipment used for transmitting information from an emergency responder to the user or from the user to an emergency responder.

NRS 244A.7643 Surcharge: Imposition; master plan required in certain counties; amount; collection; penalties for delinquent payment.

1. Except as otherwise provided in this section, the board of county commissioners in a county whose population is 100,000 or more but less than 400,000 may by ordinance, for the enhancement of the telephone system for reporting an emergency in the county, impose a surcharge on:

(a) Each access line or trunk line of each customer to the local exchange of any telecommunications provider providing those lines in the county; and

(b) The mobile telephone service provided to each customer of that service whose place of primary use is in the county.

2. Except as otherwise provided in this section, the board of county commissioners in a county whose population is less than 100,000 may by ordinance, for the enhancement or improvement of the telephone system for reporting an emergency in the county, impose a surcharge on:

(a) Each access line or trunk line of each customer to the local exchange of any telecommunications provider providing those lines in the county; and

(b) The mobile telephone service provided to each customer of that service whose place of primary use is in the county.

3. A board of county commissioners may not impose a surcharge pursuant to this section unless the board first adopts a 5-year master plan for the enhancement or improvement, as applicable, of the telephone system for reporting emergencies in the county. The master plan must include an estimate of the cost of the enhancement or improvement, as applicable, of the telephone system and all proposed sources of money for funding those costs. For the duration of the imposition of the surcharge, the board shall, at least annually, review and, if necessary, update the master plan.

4. The surcharge imposed by a board of county commissioners pursuant to this section:

(a) For each access line to the local exchange of a telecommunications provider, must not exceed 25 cents each month;

(b) For each trunk line to the local exchange of a telecommunications provider, must equal 10 times the amount of the surcharge imposed for each access line to the local exchange of a telecommunications provider pursuant to paragraph (a); and

(c) For each telephone number assigned to a customer by a supplier of mobile telephone service, must equal the amount of the surcharge imposed for each access line to the local exchange of a telecommunications provider pursuant to paragraph (a).

5. A telecommunications provider which provides access lines or trunk lines in a county which imposes a surcharge pursuant to this section or a supplier which provides mobile telephone service to a customer in such a county shall collect the surcharge from its customers each month. Except as otherwise provided in NRS 244A.7647, the telecommunications provider or supplier shall remit the surcharge it collects to the treasurer of the county in which the surcharge is imposed not later than the 15th day of the month after the month it receives payment of the surcharge from its customers.

6. An ordinance adopted pursuant to subsection 1 or 2 may include a schedule of penalties for the delinquent payment of amounts due from telecommunications providers or suppliers pursuant to this section. Such a schedule:

(a) Must provide for a grace period of not less than 90 days after the date on which the telecommunications provider or supplier must otherwise remit the surcharge to the county treasurer; and

(b) Must not provide for a penalty that exceeds 5 percent of the cumulative amount of surcharges owed by a telecommunications provider or a supplier.

7. As used in this section, "trunk line" means a line which provides a channel between a switchboard owned by a customer of a telecommunications provider and the local exchange of the telecommunications provider.

NRS 244A.7645 Establishment of advisory committee to develop plan to enhance or improve telephone system; creation of special revenue fund; use of money in fund.

1. If a surcharge is imposed pursuant to NRS 244A.7643 in a county whose population is 100,000 or more but less than 400,000, the board of county commissioners of that county shall establish by ordinance an advisory committee to develop a plan to enhance the telephone system for reporting an emergency in that county and to oversee any money allocated for that purpose. The advisory committee must consist of not less than five members who:

- (a) Are residents of the county;
- (b) Possess knowledge concerning telephone systems for reporting emergencies; and
- (c) Are not elected public officers.

2. If a surcharge is imposed pursuant to NRS 244A.7643 in a county whose population is less than 100,000, the board of county commissioners of that county shall establish by ordinance an advisory committee to develop a plan to enhance or improve the telephone system for reporting an emergency in that county and to oversee any money allocated for that purpose. The advisory committee must:

- (a) Consist of not less than five members who:

- (1) Are residents of the county;
- (2) Possess knowledge concerning telephone systems for reporting emergencies; and
- (3) Are not elected public officers; and

- (b) Include a representative of an incumbent local exchange carrier which provides service to persons in that county. As used in this paragraph, "incumbent local exchange carrier" has the meaning ascribed to it in 47 U.S.C. § 251(h)(1), as that section existed on October 1, 1999, and includes a local exchange carrier that is treated as an incumbent local exchange carrier pursuant to that section.

3. If a surcharge is imposed in a county pursuant to NRS 244A.7643, the board of county commissioners of that county shall create a special revenue fund of the county for the deposit of the money collected pursuant to NRS 244A.7643. The money in the fund must be used only:

- (a) In a county whose population is 40,000 or more but less than 400,000, to enhance the telephone system for reporting an emergency, including only:

(1) Paying recurring and nonrecurring charges for telecommunication services necessary for the operation of the enhanced telephone system;

(2) Paying costs for personnel and training associated with the routine maintenance and updating of the database for the system;

(3) Purchasing, leasing or renting the equipment and software necessary to operate the enhanced telephone system, including, without limitation, equipment and software that identify the number or location from which a call is made; and

(4) Paying costs associated with any maintenance, upgrade and replacement of equipment and software necessary for the operation of the enhanced telephone system.

(b) In a county whose population is less than 400,000, to improve the telephone system for reporting an emergency in the county.

4. If the balance in the fund created in a county whose population is 40,000 or more but less than 400,000 pursuant to subsection 3 which has not been committed for expenditure exceeds \$1,000,000 at the end of any fiscal year, the board of county commissioners shall reduce the amount of the surcharge imposed during the next fiscal year by the amount necessary to ensure that the unencumbered balance in the fund at the end of the next fiscal year does not exceed \$1,000,000.

5. If the balance in the fund created in a county whose population is less than 40,000 pursuant to subsection 3 which has not been committed for expenditure exceeds \$500,000 at the end of any fiscal year, the board of county commissioners shall reduce the amount of the surcharge imposed during the next fiscal year by the amount necessary to ensure that the unencumbered balance in the fund at the end of the next fiscal year does not exceed \$500,000.

NRS 244A.76455 Requiring deposit of business license fees imposed in county whose population is less than 100,000 on providers of personal wireless service into special revenue fund; exceptions. Repealed. (See chapter 165, Statutes of Nevada 2007, at page 562.)

NRS 244A.7646 Dispute of amount of surcharge or designation of place of primary use by customer of supplier of mobile telephone service: Notice by customer; review by supplier; refund, credit or explanation.

1. If a customer of a supplier of mobile telephone service believes that the amount of a surcharge imposed pursuant to NRS 244A.7643 or the designation of a place of primary use is incorrect, the customer may notify the supplier of mobile telephone service in writing of the alleged error. The notice must include:

(a) The street address for the place of primary use of the customer;

(b) The account number and name shown on the billing statement of the account for which the customer alleges the error;

(c) A description of the alleged error; and

(d) Any other information which the supplier of mobile telephone service may reasonably require to investigate the alleged error.

2. Within 60 days after receiving a notice sent pursuant to subsection 1, the supplier of mobile telephone service shall review the records that the supplier of mobile telephone service uses to determine the place of primary use of its customers.

3. If the review indicates:

(a) That the alleged error exists, the supplier of mobile telephone service shall correct the error and refund or credit the customer for the amount which was erroneously collected for the applicable period, not to exceed the 24 months immediately preceding the date on which the customer notified the supplier of mobile telephone service of the alleged error.

(b) That no error exists, the supplier of mobile service shall provide a written explanation to the customer who alleged the error.

4. A customer may not bring a cause of action against a supplier of mobile telephone service for surcharges incorrectly imposed pursuant to NRS 244A.7643 unless he first complies with this section.

NRS 244A.7647 Recovering cost of collecting surcharge. A telecommunications provider or supplier which collects the surcharge imposed pursuant to NRS 244A.7643 is entitled to retain an amount of the surcharge collected which is equal to the cost to collect the surcharge.