



# STAFF REPORT

**Report To:** Board of Supervisors

**Meeting Date:** Sept 7, 2017

**Staff Contact:** Iris Yowell, Deputy District Attorney; iyowell@carson.org

**Agenda Title:** For Possible Action: To introduce, on first reading, Bill No. \_\_\_\_, an ordinance amending Title 4, Chapter 4.05 (Surcharge for Enhancement or Improvement of Telephone System Used for Reporting Emergencies), with an estimated revenue increase of \$645,000 for FY 2019.

**Staff Summary:** The ordinance proposes to amend sections of Title 4 of the Code as follows:

- 1) 4.05.020: Adding "portable event recording device" into our CCMC, and "vehicular event recording device" into our CCMC, consistent with Senate Bill 176.
- 2) 4.05.030: Non-Substantive Changes.
- 3) 4.05.070: Non-Substantive Changes.
- 4) 4.05.080: Increases the surcharge amount on phone lines (access and mobile phones) to \$1.00 per month, and trunk lines to \$10.00 per month.
- 5) 4.05.090: establishes the way the funds may be used with respect to portable event recording devices and vehicular event recording devices, consistent with Senate Bill 176.

**Agenda Action:** Formal Action/Motion

**Time Requested:** 10 minutes

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## **Proposed Motion**

I move to introduce, on first reading, Bill No. \_\_\_\_, an ordinance amending Title 4, Chapter 4.05 (Surcharge for Enhancement or Improvement of Telephone System Used for Reporting Emergencies), with an estimated revenue increase of \$645,000 for FY 2019.

## **Board's Strategic Goal**

Safety

## **Previous Action**

The 911 surcharge was implemented in 2008.

## **Background/Issues & Analysis**

SB 176, proposed during the 2017 legislative session, introduced revisions to the Nevada Revised Statutes related to public safety. It was signed into law by Governor Sandoval. The result is that law enforcement agencies (as defined by NRS 289.830) must require their uniformed peace officers who routinely interact with the public to wear portable event recording devices ("body cameras") by July 1, 2018. These body cameras will be worn while on duty.

The legislators recognized that funding body cameras for law enforcement officers will be a challenge. To fund implementation by July 2018, SB 176 included a revision to NRS 244A.7643 that allows the 911 surcharge fund

to be increased up to \$1.00 per access line and \$10.00 per trunk line, with this money to be used for this public safety enhancement.

The surcharge amount is currently set at .25 cents per access line, and \$2.50 per trunk line. CCMC 4.05.080. The revenue that will be generated as a result of the current surcharge amount is estimated at \$215,000 per year. This amount is inadequate to fulfill the requirements of SB 176, and it is also insufficient to meet the current line item needs of reporting and responding to emergencies. Even without taking into consideration the requirements of the new law, it is estimated that \$285,726 will be needed from the general fund for FY 2019 to meet the pre SB 176 needs.

Therefore, the 911 Surcharge Committee recommends the surcharge be increased to \$1 for each access line, \$10 for each trunk line, and \$1 for each telephone number assigned to a customer by a supplier of mobile telephone service, in order to remedy these shortages and provide sufficient revenue for the surcharge to effectively fund the requirements of the new law and existing 911 costs.

**Applicable Statute, Code, Policy, Rule or Regulation**

SB 176; NRS 289.830; NRS 244A;

**Financial Information**

Is there a fiscal impact?  Yes  No

If yes, account name/number: 911 Surcharge Fund, 287-0000-321.40-36

Is it currently budgeted?  Yes  No

Explanation of Fiscal Impact: With implementation, revenues generated by the Franchise Fee will increase, allowing for the transfer of expenditures currently paid by the "General Fund" into the "Surcharge Fund."

There is an estimated revenue increase of \$645,000 for FY 2019.

**Alternatives**

The board may modify or deny the proposed changes.

**Attachments:**

- 1) Ordinance
- 2) 911 Expenditures Spreadsheet

**Board Action Taken:**

Motion: \_\_\_\_\_

1) \_\_\_\_\_

Aye/Nay

2) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
(Vote Recorded By)

Summary – An ordinance revising various provisions relating to the increase of the 911 Surcharge.

BILL NO. \_\_\_\_

ORDINANCE No. 2017-\_\_\_\_

AN ORDINANCE RELATING TO THE SYSTEM USED FOR REPORTING EMERGENCIES AMENDING TITLE 4, (LICENSES AND BUSINESS REGULATIONS) TO REVISE PROVISIONS OF CHAPTER 4.05 GOVERNING THE INCREASE OF THE 911 SURCHARGE; AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO.

The Board of Supervisors of Carson City does ordain:

SECTION I:

That Title 4 (Licenses and Business Regulations), Chapter 4.05 (Surcharge for Enhancement or Improvement of Telephone System Used for Reporting Emergencies), Section 4.05.020 (Definitions) is hereby amended, in part, as follows (**bold, underlined** text is added, ~~stricken~~ text is deleted):

**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.

**"Portable event recording device" has the meaning ascribed to it in NRS 289.830.**

"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.

**“Vehicular event recording device” means a device which is affixed to a marked vehicle of a law enforcement agency, as defined in NRS 289.830, and which records both audio and visual events.**

## SECTION II:

That Title 4 (Licenses and Business Regulations), Chapter 4.05 (Surcharge for Enhancement or Improvement of Telephone System Used for Reporting Emergencies), Section 4.05.030 (Establishment of an advisory committee to develop a plan to enhance or improve telephone system for reporting emergency) is hereby amended, in part, as follows (**bold, underlined** text is added, ~~stricken~~ text is deleted):

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

1. The ~~Board~~ **Board of Supervisors** hereby creates an 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 advisory committee shall be comprised of a minimum of five (5) members and a maximum of seven (7) members.

- 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 one hundred thousand (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 ~~{b}~~**Board of Supervisors** at its discretion.

3. The ~~{b}~~**Board of Supervisors** must appoint members for a term of two (2) years. In order to stagger the terms, the ~~{b}~~**Board of Supervisors** must set the appointed members' terms to provide for terms of three of the appointed members to end in odd numbered years. A member may be reappointed to subsequent terms of two years. Any vacancy occurring during a member's term will be filled by the ~~{b}~~**Board of Supervisors**. A person appointed to fill a vacancy occurring during a term must serve out the unexpired term of the member replaced.

### SECTION III:

That Title 4 (Licenses and Business Regulations), Chapter 4.05 (Surcharge for Enhancement or Improvement of Telephone System Used for Reporting Emergencies), Section 4.05.070 (Meetings) is hereby amended, in part, as follows (**bold, underlined** text is added, ~~{stricken}~~ text is deleted):

#### **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 **the Nevada Revised Statutes**. ~~{(Nevada Open Meeting Law).}~~

### SECTION V:

That Title 4 (Licenses and Business Regulations), Chapter 4.05 (Surcharge for Enhancement or Improvement of Telephone System Used for Reporting Emergencies), Section 4.05.080 (Imposition of telephone surcharge) is hereby amended, in part, as follows (**bold, underlined** text is added, ~~{stricken}~~ text is deleted):

#### **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 ~~the~~ **Board of Supervisors** 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)~~] **one dollar (\$1.00)** 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)~~] **ten dollars (\$10.00)** 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)~~] **one dollar (\$1.00)** 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.

#### **SECTION VI:**

That Title 4 (Licenses and Business Regulations), Chapter 4.05 (Surcharge for Enhancement or Improvement of Telephone System Used for Reporting Emergencies),

Section 4.05.090 (Creation of special revenue fund; use of money in fund) is hereby amended, in part, as follows (**bold, underlined** text is added, ~~stricken~~ text is deleted):

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

1. The ~~the~~ **Board of Supervisors** 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~~ **With respect to** 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) **With respect to purchasing and maintaining portable event recording devices and vehicular event recording devices:**

**(1) Paying costs associated with the acquisition, maintenance, storage of data, upgrade and replacement of equipment and software necessary for the operation of portable event recording devices and vehicular event recording devices or systems that consist of both portable event recording devices and vehicular event recording devices.**

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 ~~the~~ **Board of Supervisors** 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.

SECTION XIII:

That no other provisions of Title 4 of the Carson City Municipal Code are affected by this ordinance.

PROPOSED on \_\_\_\_\_, 2017.

PROPOSED by \_\_\_\_\_.

PASSED \_\_\_\_\_, 2017.

VOTE: AYES: SUPERVISORS: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

NAYS: SUPERVISORS: \_\_\_\_\_

\_\_\_\_\_

ABSENT: SUPERVISORS: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Robert Crowell, Mayor

ATTEST:

\_\_\_\_\_  
SUE MERRIWETHER  
CLERK/RECORDER

This ordinance shall be in force and effect from and after the \_\_\_\_\_ day of \_\_\_\_\_, 2017.



911 Surcharge Expenditures by Vendor

items in yellow are approximate

Acct	Vendor	Status	FY18	FY19	FY20	FY21	FY22	FY23	Comments
04-31	AT&T	Current	122,040	122,040	122,040	122,040	122,040	122,040	based on \$10,170 per month
04-31	AT&T	New in FY18	52,560	52,560	52,560	52,560	52,560	52,560	increase of \$4,380 per month - paid by General Fund
04-31	AT&T one time charge	New in FY18	4,340						one-time charge - paid by General Fund
04-32	Body Cameras	New in FY18	55,040	95,040	95,040	95,040	95,040	60,544	new contract needed in FY23 - added 10% to FY18 amount
04-32	MDC Connection	New in FY19		19,800	19,800	19,800	19,800	19,800	currently paid by General Fund - 101-2017-421.07-10
04-32	MDC Connection	New in FY19		11,103	11,103	11,103	11,103	11,103	currently paid by General Fund - FD's Budget
04-32	AT&T - Frame Relay	New in FY19		6,000	6,000	6,000	6,000	6,000	currently paid by General Fund - 101-2017-421.07-10
04-32	Internet Connection for Body Cameras	New in FY18	3,000	3,000	3,000	3,000	3,000	3,000	waiting for Eric to provide amount
04-32	Internet Connection one time charge	New in FY18	5,000						waiting for Eric to provide amount current agreement ends March 2019, however, maintenance will still be needed -- new quote from vendor 6/7/17 July - March 2019 based on \$16,319 per year April - June 2019 based on \$21,759 per year
04-32	NICE Maintenance	Current	16,319	17,679	21,759	21,759	21,759	21,759	
04-32	Priority Dispatch	New in FY18	7,200	7,200	7,200	7,200	7,200	7,200	have been paying from surcharge but was never included in the budget
04-32	Smart911	New in FY18	11,500	7,500	7,500	7,500	7,500	7,500	
04-32	Text to 911	New in FY19		19,200	19,200	19,200	19,200	19,200	\$200 for each 911 line (8 lines total)
04-32	Text to 911 one time charge	New in FY19		12,000					\$1,500 for each 911 line (8 lines total)
04-32	Tiburon - Brazos Interface	New in FY19		905	950	998	1,048	1,100	5% increase per year - paid by General Fund - IT's Budget
04-32	Tiburon - Command CAD	New in FY19		91,325	95,891	100,686	105,720	111,006	5% increase per year - paid by General Fund - IT's Budget
04-32	Tiburon - ICS Interface	New in FY19		1,436	1,508	1,583	1,662	1,745	5% increase per year - paid by General Fund - IT's Budget
04-32	Tiburon - JailRecords	New in FY19		43,343	45,510	47,786	50,175	52,684	5% increase per year - paid by General Fund - IT's Budget
04-32	Tiburon - LawRecords	New in FY19		41,743	43,830	46,022	48,323	50,739	5% increase per year - paid by General Fund - IT's Budget
04-32	Tiburon - Mapping	New in FY19		8,441	8,863	9,306	9,771	10,260	5% increase per year - paid by General Fund - IT's Budget
04-32	Tiburon - Mobility	New in FY19		3,065	3,218	3,379	3,548	3,725	5% increase per year - paid by General Fund - IT's Budget
04-32	Tiburon - VINE Interface	New in FY19		1,005	1,055	1,108	1,163	1,221	5% increase per year - paid by General Fund - IT's Budget
06-75	Body Cameras	New in FY18	55,687					61,256	new contract needed in FY23 - added 10% to FY18 amount
06-75	Equipment Replacement	New in FY18	5,000	5,000	5,000	5,000	5,000	5,000	includes items such as headsets, monitors, UPS batteries, keyboards, etc - paid by the General Fund - 101-2017-421.06-75
06-75	Smart 911 Server Equipment	New in FY18	5,000						waiting for Eric to provide amount
06-99	Undesignated Projects	New in FY19		50,000	50,000	50,000	-	-	
09-01	Internal Service Charge	New in FY19		9,430	9,430	9,430	9,430	9,430	per Sheri
72-66	Bond Payment	Current	102,272	102,272	102,272	102,272	102,272	102,272	
new	Radio Infrastructure	New in FY20			100,000	100,000	100,000	100,000	
77-27	Equipment Reserves	New in FY20			40,000	40,000	40,000	40,000	
77-43	Workstation Replacement	New in FY19		85,000	10,000	10,000	10,000	10,000	
			444,958	816,087	882,729	892,772	853,314	891,144	