



STAFF REPORT

Report To: Board of Supervisors **Meeting Date:** July 7, 2022

Staff Contact: Ken Furlong, Sheriff

Agenda Title: For Possible Action: Discussion and possible action regarding proposed revisions to the 911 Surcharge Master Plan for Fiscal Years 2023 through 2027. (Sheriff Ken Furlong, kfurlong@carson.org)

Staff Summary: In accordance with NRS 244A.7641 through NRS 244A.7648, Carson City is required to adopt a 911 Surcharge Master Plan and review the plan at least annually. The 911 Surcharge Master Plan was approved by the Board of Supervisors in 2017. The proposed revisions are intended to accomplish three primary goals: (1) to provide a stable and adequate funding source for the operation of the 911 emergency communications systems and infrastructure; (2) to avoid the need for future allocations from the General Fund for those same operational costs; and (3) to provide a stable and adequate funding source for the operation of the audio/video recording devices for designated City law enforcement personnel. These revisions are being presented to provide the Board of Supervisors an overview of considered changes and to receive input and direction, if any, from the Board for further edits before a final version is submitted to the Board at a future meeting for final approval.

Agenda Action: Formal Action / Motion **Time Requested:** 5 minutes

Proposed Motion

I move to direct the following revisions be incorporated into the 911 Surcharge Master Plan [if any]:

_____.

Board's Strategic Goal

Safety

Previous Action

October 19, 2017 - The Board of Supervisors approved the final draft of the 911 Surcharge Master Plan.

Background/Issues & Analysis

Applicable Statute, Code, Policy, Rule or Regulation

NRS 244A.7641 through NRS 244A.7648; NRS 289.830

Financial Information

Is there a fiscal impact? No

If yes, account name/number:

Is it currently budgeted? No

Explanation of Fiscal Impact:

Alternatives

Do not request further edits to the proposed revisions.

Attachments:

[911_Surcharge_Master_Plan_2022_Revision.pdf](#)

[Surcharge_Budget_and_5_Year_Plan_2.1.pdf](#)

[NRS 244A.7641 - NRS 244A.7648.pdf](#)

[NRS 289.830.pdf](#)

[CCMC 4.05.pdf](#)

Board Action Taken:

Motion: _____

1) _____

2) _____

Aye/Nay

(Vote Recorded By)



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911 SURCHARGE MASTER PLAN

September 28, 2017[TBD]

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 equipment and technology are 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 infrastructure via a surcharge pursuant to NRS 244A.7643 and CCMC 4.05.080.

As time and technology have developed, 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 continue to challenge the 911 systems in our community. The City must prepare for the impact that changing technology has on our 911 services. In order to ensure funding is available and adequate, a service fee is imposed by the Board of Supervisors on telephone lines in accordance with NRS 244A.7641 through ~~NRS 244A.7647~~ NRS 244A.7648 and CCMC 4.05.010 through 4.05.110.

Additionally, funds from the surcharge authorized by NRS 244A.7643 and CCMC 4.05.080 can be used to purchase and maintain portable event recording devices and vehicular event recording devices for law enforcement.

~~†The most recent 911 Surcharge~~ his five-year master plan was a five-year plan that was recommended by the 911 Surcharge Advisory Committee on October 10, 2017, and adopted by the Board of Supervisors on October 19, 2017.

This 911 Surcharge Master Plan has been developed to provide a five-year plan for funds collected through the surcharge authorized by NRS 244A.7643 and CCMC 4.05.080, to replace the 911 Surcharge Master Plan adopted in 2017, to comply with NRS 244A.7643, and to -

~~This document serves a dual purpose as the 911 Surcharge Master Plan for the City, Board of Supervisors Master Plan and the 911 Surcharge Advisory Committee Master Plan.~~

Purpose

The purpose of this document is to ensure that the Carson City 911 system, ~~and~~ the associated dispatch and radio infrastructure systems, and law enforcement's portable and vehicular event recording devices 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, and that public safety entities are equipped as required by law.

Mission

Carson City's 911 Surcharge Advisory Committee. The mission of this advisory committee is to be charged with developing a five-year master plan for the enhancement or improvement of the systems for reporting emergencies in Carson City and to oversee 911 surcharge funds in accordance with NRS 244A.7641 through 244A.7648 and CCMC 4.05.010 through 4.05.110 Carson City Municipal Code Chapter 4.05, and equipment in accordance with NRS 289.830 inclusive.

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Goals: To maintain the 911 surcharge fund with sufficient stable funding.

1. To assess the technical needs of the 911 system on a regular basis;
2. To ensure that the 911 equipment is meeting an adequate and proper level of service;
3. To ensure that the associated radio and dispatch systems are meeting an adequate and proper level of service to ensure delivery of emergency response personnel to 911 calls for service;
4. To ensure that the technology and equipment are supporting the operations within the communications center and meeting the needs of those using the equipment;
5. To ensure the proper use of funds collected under the surcharge.
6. To ensure compliance with NRS 289.830 for equipping of audio/video devices to public safety entities.

Attainment of Goals

The goals of this Master Plan will be attained by utilizing staff available through the Fire Department, Sheriff's Office, and other appropriate city agencies. The staff members will work with industry experts and utilize their own knowledge, skills and abilities to assess technical needs and equipment utilization and needs. Staff will report to the 911 Surcharge Advisory Committee as needed to keep committee members informed.

Review and Update

This plan will be reviewed and updated once each calendar year or at other times when the [911 Surcharge Advisory Committee](#) ~~committee~~ deems appropriate. The Emergency Manager/[Fire Chief](#) ~~ment Director~~ and the Sheriff are responsible for making recommendations to the committee as they relate to the 911, dispatch, radio systems, audio/video recording devices, -and the applicable surcharge to the fund.

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 [special](#) revenue fund. The five-year budget plan is attached and incorporated into this Master Plan as Exhibit A.

Exhibit A
Fund 287 - 911 Surcharge

		FY23 Requested	FY24 Projected	FY25 Projected	FY26 Projected	FY27 Projected
495000	Beginning Balance	50,000	50,000	50,000	50,000	50,000
Revenue						
421405	Franchise Fees	840,000	840,000	840,000	840,000	840,000
461010	Interest Income	5,000	5,000	5,000	5,000	5,000
462020	Net Inc in Fair Value Inv	-	-	-	-	-
	Total Revenues	845,000	845,000	845,000	845,000	845,000
	Beginning Balance + Revenue	895,000	895,000	895,000	895,000	895,000
593000	Unreserved Fund Balance	50,000	50,000	50,000	50,000	50,000
Expenditures						
500309	Professional Services	-	-	-	-	-
500431	Video Equipment & Maint	211,500	222,075	222,075	233,180	233,180
500432	Maintenance Service Contracts	314,581	306,623	306,623	307,717	44,740
500433	Software Maintenance	146,225	156,248	169,473	184,020	200,022
500625	Operating Supplies	5,000	5,000	5,000	5,000	5,000
500674	Small Tools/Equipment	-	-	-	-	-
500675	Small Furnishings	37,348	37,348	37,348	37,348	10,000
500699	Undesignated Projects	27,432	14,618	104,481	77,735	352,058
507010	Capital Improvements	-	-	-	-	-
507205	Debt Service	102,914	103,088	-	-	-
507727	Tiburon Project	-	-	-	-	-
507743	Furniture and Fixtures	-	-	-	-	-
507775	Equipment	-	-	-	-	-
	Total Expenditures	845,000	845,000	845,000	845,000	845,000
	Total Expenditures + UFB	895,000	895,000	895,000	895,000	895,000
	Ending Fund Balance	50,000	50,000	50,000	50,000	50,000

Note: Tiburon bond to be paid off FY24, currently end of life/replacement not known and not included on 5 year plan

**SURCHARGE FOR ENHANCEMENT OF TELEPHONE SYSTEM USED FOR REPORTING EMERGENCY AND
PURCHASE AND MAINTENANCE OF EVENT RECORDING DEVICES**

NRS 244A.7641 Definitions. As used in [NRS 244A.7641](#) to [244A.7648](#), 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. "Portable event recording device" has the meaning ascribed to it in [NRS 289.830](#).
4. "Supplier" means a person authorized by the Federal Communications Commission to provide mobile telephone service.
5. "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.
6. "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.
(Added to NRS by [1995, 1056](#); A [1999, 1686, 2715](#); [2001, 621, 622, 1642, 2124](#); [2003, 69](#); [2009, 639](#); [2017, 591](#))

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

1. Except as otherwise provided in this section, the board of county commissioners of a county may by ordinance, for the enhancement of the telephone system for reporting an emergency in the county and for the purpose of purchasing and maintaining portable event recording devices and vehicular event recording devices, 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. 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 of the telephone system for reporting emergencies in the county or for the purpose of purchasing and maintaining portable event recording devices and vehicular event recording devices, as applicable. The master plan must include an estimate of the cost of the enhancement of the telephone system or of the cost of purchasing and maintaining portable event recording devices and vehicular event recording devices, as applicable, 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.
3. 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 \$1 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).

4. 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.

5. An ordinance adopted pursuant to this section 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.

6. 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.

(Added to NRS by [1995, 1056](#); A [1997, 2212](#); [1999, 1686](#); [2001, 621, 1643, 2124](#); [2003, 152, 153](#); [2007, 559](#); [2009, 640](#); [2011, 1122](#); [2017, 591](#))

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, 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:

(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.

(b) Subject to the provisions of subparagraph (3) of paragraph (a), include the chief law enforcement officer or his or her designee from each office of the county sheriff, metropolitan police department, police department of an incorporated city within the county and department, division or municipal court of a city or town that employs marshals within the county, as applicable.

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.

(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.

(c) Subject to the provisions of subparagraph (3) of paragraph (a), include the chief law enforcement officer or his or her designee from each office of the county sheriff, metropolitan police department,

police department of an incorporated city within the county and department, division or municipal court of a city or town that employs marshals within the county, as applicable.

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) To pay the costs of adopting and reviewing the 5-year master plan for the enhancement of the telephone system for reporting emergencies in the county that is required pursuant to [NRS 244A.7643](#).

(b) With respect to the telephone system for reporting an emergency:

(1) In a county whose population is 45,000 or more, to enhance the telephone system for reporting an emergency, including only:

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

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

(III) 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

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

(2) In a county whose population is less than 45,000, to improve the telephone system for reporting an emergency in the county.

(c) With respect to purchasing and maintaining portable event recording devices and vehicular event recording devices, to pay:

(1) By an entity described in this subparagraph, 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. Money may be expended pursuant to this subparagraph for the purchase and maintenance of portable event recording devices or vehicular event recording devices only by:

(I) The sheriff's office of a county;

(II) A metropolitan police department;

(III) A police department of an incorporated city;

(IV) A department, division or municipal court of a city or town that employs marshals;

(V) A department of alternative sentencing; or

(VI) A county school district that employs school police officers.

(2) Costs for personnel and training associated with maintaining, updating and operating the equipment, hardware and software necessary for portable event recording devices and vehicular event recording devices or systems that consist of both portable event recording devices and vehicular event recording devices.

(3) Costs for personnel and training associated with the maintenance, retention and redaction of audio and video events recorded on portable event recording devices and vehicular event recording devices or systems that consist of both portable event recording devices and vehicular event recording devices.

(d) To pay any costs associated with performing an analysis or audit pursuant to [NRS 244A.7648](#) of the surcharges collected by telecommunications providers.

4. For the purposes described in subsection 3, money in the fund must be expended in the following order of priority:

(a) Paying the costs authorized pursuant to paragraph (a) of subsection 3 to adopt and review the 5-year master plan.

(b) If the county performs an analysis or audit described in [NRS 244A.7648](#), paying the costs associated authorized pursuant to paragraph (d) of subsection 3.

(c) Paying the costs authorized pursuant to paragraph (b) of subsection 3.

(d) If the county has imposed a portion of the surcharge for purposes of purchasing and maintaining portable event recording devices and vehicular event recording devices:

(1) Paying the costs authorized pursuant to paragraph (c) of subsection 3 other than costs related to personnel and training.

(2) Paying the costs authorized pursuant to paragraph (c) of subsection 3 related to personnel.

(3) Paying the costs authorized pursuant to paragraph (c) of subsection 3 related to training.

5. If money in the fund is distributed to a recipient and:

(a) The recipient has not used the money for any purpose authorized pursuant to subsection 3 within 6 months, the recipient must:

(1) Notify the board of county commissioners and the advisory committee; and

(2) Return the unused money.

(b) The recipient used any portion of the money for a purpose that is not authorized pursuant to subsection 3, the recipient must:

(1) Notify the board of county commissioners and the advisory committee; and

(2) Repay the portion of the money that was used for a purpose not authorized pursuant to subsection 3.

(c) The recipient was not entitled to receive all or a portion of the money, the recipient must:

(1) Notify the board of county commissioners and the advisory committee; and

(2) Repay all money to which the recipient was not entitled to receive.

6. If the balance in the fund created in a county whose population is 100,000 or more pursuant to subsection 3 which has not been committed for expenditure exceeds \$5,000,000 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 \$5,000,000.

7. If the balance in the fund created in a county whose population is 45,000 or more but less than 100,000 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.

8. If the balance in the fund created in a county whose population is less than 45,000 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.

(Added to NRS by [1995, 1056](#); A [1999, 1686](#); [2001, 621, 2125](#); [2007, 561](#); [2009, 641](#); [2011, 1124](#); [2017, 592](#); [2019, 1562, 3253](#))

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 the customer first complies with this section.

(Added to NRS by [2001, 1642](#))

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.

(Added to NRS by [1995, 1057](#); A [1999, 1686](#); [2001, 621](#); [2007, 562](#))

NRS 244A.7648 Engagement of auditor to analyze or audit surcharge.

1. Except as otherwise provided in subsection 3, if a surcharge is imposed in a county pursuant to [NRS 244A.7643](#), the board of county commissioners of that county may, as part of its review of the 5-year master plan adopted pursuant to [NRS 244A.7643](#) for the enhancement of the telephone system for reporting emergencies in the county or for the purpose of purchasing and maintaining portable event recording devices and vehicular event recording devices, as applicable, engage a qualified independent auditor to perform an analysis or audit of the surcharges collected by telecommunications providers in the county.

2. An auditor that performs an analysis or audit pursuant to this section:

(a) Shall not charge a fee exceeding the actual costs of performing the analysis or audit.

(b) Shall submit a report of his or her findings to the advisory committee of the county established pursuant to [NRS 244A.7645](#).

3. If an auditor performing an analysis or audit of the surcharges collected by telecommunications providers finds in the course of conducting the analysis or audit evidence of a violation of the provisions of [NRS 244A.7643](#), with respect to the amount of money collected or remitted to the county treasurer by a telecommunications provider, the board of county commissioners may engage a qualified independent auditor to perform an additional analysis or audit of the surcharges collected by the telecommunications provider before the next review of the 5-year master plan is conducted.

(Added to NRS by [2019, 1562](#))

MISCELLANEOUS PROVISIONS

NRS 289.830 Certain law enforcement agencies shall require certain peace officers to wear portable event recording device while on duty; adoption of policies and procedures governing use; request for and inspection of record made by device.

1. A law enforcement agency shall require uniformed peace officers that it employs and who routinely interact with the public to wear a portable event recording device while on duty. Each law enforcement agency shall adopt policies and procedures governing the use of portable event recording devices, which must include, without limitation:

(a) Except as otherwise provided in paragraph (d), requiring activation of a portable event recording device whenever a peace officer is responding to a call for service or at the initiation of any other law enforcement or investigative encounter between a uniformed peace officer and a member of the public;

(b) Except as otherwise provided in paragraph (d), prohibiting deactivation of a portable event recording device until the conclusion of a law enforcement or investigative encounter;

(c) Prohibiting the recording of general activity;

(d) Protecting the privacy of persons:

(1) In a private residence;

(2) Seeking to report a crime or provide information regarding a crime or ongoing investigation anonymously; or

(3) Claiming to be a victim of a crime;

(e) Requiring that any video recorded by a portable event recording device must be retained by the law enforcement agency for not less than 15 days; and

(f) Establishing disciplinary rules for peace officers who:

(1) Fail to operate a portable event recording device in accordance with any departmental policies;

(2) Intentionally manipulate a video recorded by a portable event recording device; or

(3) Prematurely erase a video recorded by a portable event recording device.

2. Any record made by a portable event recording device pursuant to this section is a public record which may be:

(a) Requested only on a per incident basis; and

(b) Available for inspection only at the location where the record is held if the record contains confidential information that may not otherwise be redacted.

3. As used in this section:

(a) "Law enforcement agency" means:

(1) The sheriff's office of a county;

(2) A metropolitan police department;

(3) A police department of an incorporated city;

(4) A department, division or municipal court of a city or town that employs marshals;

(5) The Nevada Highway Patrol; or

(6) A board of trustees of any county school district that employs or appoints school police officers.

(b) "Portable event recording device" means a device issued to a peace officer by a law enforcement agency to be worn on his or her body and which records both audio and visual events occurring during an encounter with a member of the public while performing his or her duties as a peace officer.

(Added to NRS by [2015, 572](#); A [2017, 588](#); [2019, 3257](#))

Chapter 4.05 SURCHARGE FOR ENHANCEMENT OR IMPROVEMENT OF TELEPHONE SYSTEM USED FOR REPORTING EMERGENCIES¹

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.

(Ord. 2008-21 § 3, 2008).

(Ord. No. 2010-2, § II, 2-18-2010)

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.

¹Editor's note(s)—Ord. No. 2010-2, § I, adopted February 18, 2010 , amended the title of Ch. 4.05 to read as herein set out. See also the Code Comparative Table and Disposition List.

"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.

(Ord. 2008-21 § 4, 2008).

(Ord. No. 2010-2, § III, 2-18-2010 ; Ord. No. 2017-20 , § I, 9-21-2017)

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

1. The 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 Board of Supervisors at its discretion.
3. The Board of Supervisors must appoint members for a term of two (2) years. In order to stagger the terms, the 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 Board of Supervisors. A person appointed to fill a vacancy occurring during a term must serve out the unexpired term of the member replaced.

(Ord. 2008-21 § 5, 2008).

(Ord. No. 2010-2, § IV, 2-18-2010 ; Ord. No. 2014-1 , § I, 1-16-2014; Ord. No. 2017-20 , § II, 9-21-2017)

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.

(Ord. 2008-21 § 6, 2008).

4.05.050 Rules, regulations and bylaws.

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

(Ord. 2008-21 § 7, 2008).

4.05.060 Quorum.

A majority of members of the advisory 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.

(Ord. 2008-21 § 8, 2008).

(Ord. No. 2014-1 , § II, 1-16-2014)

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.

(Ord. 2008-21 § 9, 2008).

(Ord. No. 2017-20 , § III, 9-21-2017)

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 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.

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3. The surcharge on access lines to the local exchange of a telecommunications provider is one dollar (\$1.00) per month per line.
 4. The surcharge on trunk lines to the local exchange of a telecommunications provider is 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 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.

(Ord. 2008-21 § 10, 2008).

(Ord. No. 2010-2, § V, 2-18-2010 ; Ord. No. 2017-20 , § V, 9-21-2017)

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

1. 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) With respect to the telephone system for reporting an emergency:
 - (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 Board of Supervisors must reduce the

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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.

(Ord. 2008-21 § 11, 2008).

(Ord. No. 2010-2, § VI, 2-18-2010 ; Ord. No. 2017-20 , § VI, 9-21-2017)

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.

(Ord. 2008-21 § 12, 2008).

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.

(Ord. No. 2010-2, § VII, 2-18-2010)