WASHOE COUNTY

Integrity Communication Service

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CM/ACM	**JS**
Finance	**JB**
DA	**PL**
Risk Mgt	**n/a**
HR	**n/a**
Other	**-**

STAFF REPORT

BOARD MEETING DATE: *February 20, 2018*

DATE: January 24, 2018

TO: Board of County Commissioners

FROM: Jamie Rodriguez, Management Analyst - Government Affairs
(775) 328-2010, JARodriguez@washoecounty.us

THROUGH: John Slaughter, County Manager

SUBJECT: Recommendation to adopt the Washoe County Regional 911 Emergency Response Advisory Committee Five Year Master Plan Update, prepared by the Galena Group Incorporated, as recommended by the 911 Emergency Response Advisory Committee on January 18, 2018; and approve the 911 Emergency Response Advisory Committee's recommendation to increase the 911 telephone line surcharge to $0.85 per month for each customer access line to the local exchange of a telecommunications provider; $0.85 per month for each telephone number assigned a customer by a supplier of mobile telephone service; and $8.50 per month for each customer trunk line to the local exchange of a telecommunications provider. (All Commission Districts.)

SUMMARY

NRS 244A.7643, as amended by NV Senate Bill 176 (2017), provides that a board of county commissioners may not impose a 911 surcharge unless the board first adopts a 5-year master plan for the enhancement of the 911 telephone system and/or for the purpose of purchasing and maintaining portable event recording devices ("body cameras") and vehicular event recording devices ("vehicle cameras"), as applicable.

In 2017, the 79th Nevada Legislature passed Senate Bill 176 ("SB 176"), which requires uniformed peace officers employed by a law enforcement agency and who routinely interact with the public to wear a portable event recording device. SB 176 expands the permissible use of 911 telephone line surcharge funds to be used for the purchase and maintenance of portable event recording devices and vehicular event recording devices, provided that the board of county commissioners first adopts a 5-year master plan which includes:

- An estimate of the cost of purchasing and maintaining portable event recording devices and vehicular event recording devices; and
- All proposed sources of money for funding those costs.

AGENDA ITEM # _____

SB 176 also allows the board of county commissioners to increase the 911 surcharge. The previous statutory cap was $0.25 per month for each customer access line to the local exchange of a telecommunications provider; $0.25 per month for each telephone number assigned a customer by a supplier of mobile telephone service (including VoIP); and $2.50 per month for each customer trunk line to the local exchange of a telecommunications provider. SB 176 provides that the board may increase the 911 telephone line surcharge in an amount up to: $1.00 per month for each customer access line to the local exchange of a telecommunications provider; $1.00 per month for each telephone number assigned a customer by a supplier of mobile telephone service (including VoIP); and $10.00 per month for each customer trunk line to the local exchange of a telecommunications provider.

SB 176 also provides that if the 911 surcharge's unencumbered fund balance exceeds $5,000,000 at the end of any fiscal year, the board shall reduce the amount of the surcharge by the amount necessary to ensure that the unencumbered fund balance at the end of the next fiscal year does not exceed $5,000,000.

Washoe County's current Five Year Master Plan Update, which provides a plan for the enhancement of the 911 telephone system, expires in January 2018. The Galena Group, Inc. was hired to update the existing Five Year Master Plan Update (January 2013) for the enhancement of the 911 telephone system for reporting emergencies, and also to formulate a Five Year Master Plan for the purchase and maintenance of portable and vehicular event recording devices.

At the January 18, 2018 911 Emergency Response Advisory Committee ("911 Committee") meeting, the Committee moved to recommend that the board of county commissioners adopt the proposed Five Year Master Plan Update (January 2018) prepared by the Galena Group, Inc.

This proposed Five Year Master Plan Update (January 2018) includes a plan to enhance the existing 911 telephone system for reporting emergencies, and a plan to fund the purchase and maintenance of both body cameras and vehicle cameras for the City of Reno, City of Sparks and Washoe County. The Update also includes the 911 Committee's recommendation to increase the 911 surcharge from the previous statutorily capped maximum amount of $0.25 per month for each customer access line to $0.85 per month, and includes supporting documentation for this request.

Accordingly, Washoe County staff ask the board to adopt the proposed Five Year Master Plan Update (January 2018), as recommended by the 911 Committee at the Committee's January 18, 2018 meeting; and also, to approve the 911 Committee's recommendation to increase the 911 surcharge amount for each access line to the local exchange of a telecommunications provider and for each telephone number assigned a customer by a supplier of mobile telephone service to $0.85 per month.

Department Strategic Objective supported by this item: Safe, secure and healthy communities.

PREVIOUS ACTION

On September 12, 2006, upon recommendation by the 911 Committee, the board of county commissioners approved a contract with Matrix Consulting Group in response to Washoe County RFP No. 2545-06 for an E911 Review and Audit Report. The board authorized Washoe County's Purchasing and Contracts Administrator to execute an agreement for the same in the estimated amount of $49,000.

On January 8, 2008, upon recommendation by the 911 Committee, the board of county commissioners accepted the 911 Emergency Response Five-Year Strategic Plan prepared by the Matrix Consulting Group. It was noted that acceptance of the report did not include approval of the specific recommendations made in the report.

On June 25, 2013, upon recommendation by the 911 Committee, the board of county commissioners adopted the Washoe County Regional 911 Emergency Response Advisory Committee Five Year Master Plan Update to the 911 Strategic Master Plan; and adopted the Regional 911 Emergency Response Advisory Committee Guidebook prepared by the Galena Group.

On October 10, 2017, the board of county commissioners adopted Ordinance No. 1601, which amended Washoe County Code ("WCC") Chapter 65 by: (1) expanding the permissible use of the 911 telephone line surcharge to include the purchase and maintenance of portable event recording devices and vehicular event recording devices, as permitted by NV SB 176 (2017); (2) clarifying the powers and duties of the 911 Committee; (3) adding definitions of "law enforcement agency", "portable event recording device" and "vehicular event recording device"; and (4) amending the 911 Committee's membership as required by NV SB 176 (2017).

On January 16, 2018, the board of county commissioners adopted the Washoe County Board of County Commissioners' Policy for the Use of 911 Surcharge Funds for the Body Camera Mandate Set Forth in Nevada Senate Bill 176 (2017).

On January 18, 2018, the 911 Committee voted to recommend that the board of county commissioners adopt the current proposed Five Year Master Plan Update that was drafted by the Galena Group, Inc. by a 6-2 vote with 1 member absent. The 911 Committee also recommended that the board increase the 911 surcharge from the previous statutorily capped maximum amount of $0.25 per month for each customer access line/ mobile telephone number to $0.85 per month to support on-going costs for the 911 telephone system and to provide funding for SB 176's body camera mandate.

LEGISLATIVE BACKGROUND

In 1995, the Nevada Legislature passed SB 473, which allowed a board of county commissioners to impose a telephone line surcharge for the enhancement of the 911 telephone system for reporting an emergency in that county. In December 1995, Washoe County's board of county commissioners established a telephone line surcharge, and created the 911 Emergency Response Advisory Committee. The 911 Committee was

tasked with developing a plan to enhance the region's 911 system and to make recommendations to the County on expenditures of monies collected through the 911 surcharge.

In 1999, the Nevada Legislature passed SB 485, which clarified the definition of "mobile telephone service" and the definition of a "supplier" of the services related to mobile telephones.

In 2001, the Nevada Legislature passed SB 563, which provided that the 911 surcharge would be applied to a mobile telephone customer whose place of primary use is within the county assessing the surcharge.

In 2003, the Nevada Legislature passed AB 38, which specified that if a board of county commissioners were to impose a 911 surcharge, the board must first adopt a 5-year master plan for the enhancement of the emergency telephone system.

In 2007, the Nevada Legislature passed AB 122, which mandated certain requirements for members serving on the 911 Emergency Response Advisory Committee.

In 2009, the Nevada Legislature passed SB 59, which requires an annual review of the 5-year master plan, and if necessary, updates to the master plan. The bill also provided that the 911 surcharge fund could not exceed $1,000,000 of unencumbered expenditures at the end of any fiscal year. If that were to happen, the board of county commissioners must reduce the surcharge by the amount necessary to ensure that the unencumbered fund balance at the end of the next fiscal year does not exceed $1,000,000.

In 2017, the 79th Nevada Legislature passed SB 176, which:

1. Requires uniformed peace officers who routinely interact with the public to wear a portable event recording device while on duty;
2. Requires that all recordings be maintained for not less than 15 days;
3. Adds "a department, division or municipal court of a city or town that employs marshals" to the definition of "Law enforcement agency";
4. Allows for the board of county commissioners to expand the permissible use of E911 telephone line surcharge funds to be used for the purchase and maintenance of portable event recording devices and vehicular event recording devices;
5. Requires that prior to payment for any portable event recording devices or vehicular event recording devices, the county must adopt a 5-year master plan, to include an estimate of the cost for these devices and all proposed sources of money for funding these costs;
6. Makes changes to the required E911 Advisory Board membership, to include: the chief law enforcement officer (or their designee) from the county sheriff, the police departments of an incorporated city within the county, and the divisions or municipal courts of a city or town that employs marshals within the county;
7. Allows for the board of county commissioners to increase the county's 911 telephone line surcharge in an amount up to: $1.00 per month for each customer access line to the local exchange of a telecommunications provider; $1.00 per month for each telephone number assigned a customer by a supplier of mobile

telephone service (including VoIP); and $10.00 per month for each customer trunk line to the local exchange of a telecommunications provider.

8. Increases the statutory surcharge fund cap to $5,000,000 at the end of any fiscal year.
9. Requires that the use of the portable event recording devices must be in effect by July 1, 2018.

FISCAL IMPACT

There is no direct fiscal impact as a result of the board of county commissioners adopting the Master Plan Update. A fiscal impact analysis will be provided with any future ordinance change regarding the 911 telephone line surcharge.

RECOMMENDATION

It is recommended that the Board of County Commissioners move to adopt the Washoe County Regional 911 Emergency Response Advisory Committee Five Year Master Plan Update, prepared by the Galena Group Incorporated, as recommended by the 911 Emergency Response Advisory Committee on January 18, 2018; and approve the 911 Emergency Response Advisory Committee's recommendation to increase the 911 telephone line surcharge to $0.85 per month for each customer access line to the local exchange of a telecommunications provider; $0.85 per month for each telephone number assigned a customer by a supplier of mobile telephone service; and $8.50 per month for each customer trunk line to the local exchange of a telecommunications provider.

POSSIBLE MOTION

Should the Board of County Commissioners agree with the recommendation, a possible motion would be:

"Move to adopt the Washoe County Regional 911 Emergency Response Advisory Committee Five Year Master Plan Update, prepared by the Galena Group Incorporated, as recommended by the 911 Emergency Response Advisory Committee on January 18, 2018; and approve the 911 Emergency Response Advisory Committee's recommendation to increase the 911 telephone line surcharge to $0.85 per month for each customer access line to the local exchange of a telecommunications provider; $0.85 per month for each telephone number assigned a customer by a supplier of mobile telephone service; and $8.50 per month for each customer trunk line to the local exchange of a telecommunications provider."