

LEGISLATIVE SUBCOMMITTEE MEETING MINUTES

November 29, 2005
9:00 a.m.

Richmond Plaza Building, 4th Floor Auditorium

Members Present: John Howell, Chairman
Linda Cage, Co-Chairman
Shannon Williams
Roger Wiley
David Ogburn

Remote: Southwest Virginia

Staff Present: Steve Marzolf, Coordinator
Dorothy Spears-Dean, Analyst
Sam Keys, Analyst
Terry Mayo, Administrative Assistant

CALL TO ORDER

Mr. Howell, Chairman, called the meeting of the Legislative Subcommittee to order at 9:06 AM. Mr. Howell informed the Subcommittee and public that this is the 4th meeting of the Legislative Subcommittee.

APPROVAL OF THE LAST MEETING MINUTES

Mr. Howell called for approval of the last meeting's minutes. Ms. Cage made a motion, seconded by Mr. Ogburn, that the minutes be approved as written; passed 5-0-0.

REVIEW OF COMMENTS SUBMITTED

Mr. Marzolf advised that he would use the same slides used at the Board meeting to briefly review the comments received regarding the legislative language previously approved by the Subcommittee (see hand-out). Mr. Marzolf also informed the Subcommittee and audience that no additional comments or letters were received since the last Board meeting. Copies of all letters and comments were provided to the Subcommittee (see attachment).

POINT-BY-POINT DISCUSSION

Mr. Marzolf suggested the issues be discussed point-by-point.

Funding Change

The issues were identified to be: percent split (50%/50%, 60%/40%, Adjusted annually); guarantee of funding; recalculation of distribution; end of year distribution of balance; grant Subcommittee; and grants 100% replacing equipment funding.

Percentage split – Mr. Marzolf presented a spreadsheet that showed the difference between the currently proposed 50/50 split and a 60/40 split (attached). The overall difference between 50/50 to 60/40 would be about \$5 million less funding for the grant. The spreadsheet also included an analysis of the impact of the annual recalculation of the distribution formula. Several individual localities were examined with an explanation provided for why their funding increased or decreased. Mr. Marzolf said that the idea of a recalculation is that there are some localities that will grow faster or slower than others. He said the recalculation is based on call volume and the costs to the PSAP.

Mr. Howell suggested that the committee consider the 60/40 split instead of the 50/50 with an annual calculation of the funding distribution formula and no guarantee of a particular funding level.

After the motion, Mr. Howell asked for comments from the audience. Comments from the audience supported the change but requested provision for assuring the no PSAP received less funding from one year to the next. Mr. Wiley asked how this could be done in a fair and equitable manner. Mr. Staylor (Chesapeake) suggested using part of the grant funding to automatically offset any shortfall. Mr. Howell questioned how a guarantee of funding could be made when there is no guarantee that there will be sufficient revenue to support such a commitment. He acknowledged trying to get more funding to the PSAPs. Mr. Marzolf suggested that there should be nothing preventing any locality from seeking a grant to replace any shortfall.

Mr. Wiley made a motion, seconded by Mr. Howell, to recommend changing the split of funding to 60/40 with an annual adjustment of the percentage rate; passed 5-0-0.

End of Year Distribution of Balance – Mr. Marzolf presented the issue to the Subcommittee with a recommended change to address the issue. There was no opposition expressed to the recommended change, but some slight wording changes were made. Mr. Ogburn made a motion, seconded by Ms. Cage, to add a phrase to the end of Section 56-484.17(C) that states “; however, the Board may retain some or all of this uncommitted funding for an identified wireless E-911 funding need in the next fiscal year”; passed 5-0-0.

Establishing a Grant Subcommittee – Mr. Marzolf presented the issue to the Subcommittee saying that a comment was received that a grant subcommittee of the Board should be created in the legislation. Mr. Hall (York County) commented that the groups he is representing want a Subcommittee to be formed with specific representation from the Sheriff’s Association and other professional organization. Mr. Agee (Franklin County) expressed concern that not identifying a grant subcommittee may result in a delay of the disbursement of the grant funding. After significant discussion regarding whether legislation was required for the Board to form a committee, the Subcommittee

failed to make any motions. Mr. Howell stated that this issue would be given to the full Board for them to address.

Grants 100% Replacing Equipment Funding – Mr. Marzolf presented this issue with the suggestion that it be addressed through the future development of grant guidelines and not through legislation. After discussion, the Subcommittee took no action.

Board Role in VoIP

Mr. Marzolf made a presentation about the issues associated with the role of the Board in VoIP. Since the prior position of the Subcommittee was to expand the Board's role, any action by the committee would need to change or eliminate this recommendation. Mr. Howell commented that this recommendation should not be changed and that though there was a relationship with the IP network role, that they were two different issues. To clarify, he stated that this issue was about providing assistance to PSAPs with the deployment of VoIP E-911 solutions. He stated that from lessons learned in wireless E-911 deployment that having the Board involved was an invaluable resource.

Mr. Nibarger (City of Virginia Beach) opposed to the Board's involvement in VoIP saying that insufficient analysis had been conducted to justify such a change. Mr. Hall (York County) stated that the group he represented also did not support expanding the Board's role. Mr. Gentry (Hanover County) said that VITA should be the driving force to implement the future IP network. Mr. Agee (Franklin County) said he thinks that VoIP should be a local issue and not a Board issue. He also expressed concern that by expanding the Board's role to VoIP, a legislator could assume that the Board should also receive the VoIP surcharge rather than having it go locally as the Subcommittee previously recommended to the Board.

Mr. Wiley made a motion, seconded by Ms. Cage to rescind the previous recommendation to expand the Board's role to include VoIP, failed 3-2-0.

Composition of the Board – Mr. Marzolf presented to comments received that a VoIP Carrier and additional PSAP representatives be added to the Board. After discussion, Mr. Williams made a motion, seconded by Ms. Cage, to recommend the telecommunications provider positions be combined into one category and reduced from three to two; and add two PSAP members; passed 3-1-1. (Mr. Wiley abstaining)

Referencing professional organizations in Code – Mr. Marzolf presented the comment that the professional organizations that should be listed in the legislation. The committee took no action.

At 12:00 PM, the Subcommittee broke for lunch reconvening at 1:00 PM by the Chairman without Mr. Wiley.

Board Role in NG9-1-1 (IP Network)

Mr. Howell opened the discussion agreeing with the comment that VITA will be the entity to actually build any future IP network. He commented that Mr. Stewart's comments at the last Board meeting were that the IT Investment Board will likely look to

the Board for assistance regardless of any change, but that the change will help make the Board more accountable by forcing open meeting, etc. He agrees the Board should be designing the network, but should be the subject matter experts for VITA. Ms. Cage commented that there seemed to be too many things unknown at this point. She made a motion to table the expansion of the Board's role until next year. The motion died for lack of a second.

Mr. Marzolf suggested that even if the Subcommittee wanted to keep the recommendation that a clarification was probably warranted in Section 56-484.13 (A) by adding a "c." stating that the Board is to work with VITA and not develop the network themselves. Mr. Hall (York County) stated that this change would take away local authority and control. Mr. Staylor (Chesapeake) suggested a change to the word "assist" in proposed language for Section 56-484.13A. After discussing several alternatives, the terms "plan, promote and offer assistance" were proposed to address the concern.

Mr. Ogburn made a motion, seconded by Mr. Williams, to change "promote and assist" in Section 56-484.13A to "plan, promote and offer assistance" and to add a third item ("c.") to the same section stating "to VITA and other stakeholder agencies, in the development and deployment of a statewide public safety network that will support future E-911 and other public safety applications."; passed 3-1-0.

VoIP Grant Funding

Mr. Marzolf presented the concern that the proposed section 56.484-14(4) could be too broadly interpreted and applied. He acknowledged that with as little as was known at this point about costs that there would likely not be an appropriation request until next year to go with the authorization to distribute VoIP grants. As a result, he suggested that this item could be removed and reconsidered next year.

Ms. Cage made a motion, seconded by Mr. Howell, to remove the recommended language that would have authorized the establishment of grant funding to support the comprehensive plan.

Ms. Adams (York County) expressed concern that section 56-484.14(3) could be interpreted to include wireline E-911 services in the Board's planning role. After discussion, it was proposed to add "with the exclusion of traditional circuit-switched wireline 9-1-1 service" to the last sentence at the end of that section.

Mr. Ogburn made a motion, seconded by Mr. Howell, to add the phrase, "with the exclusion of traditional circuit-switched wireline 9-1-1 service," to the end of section 56-484.14(3); passed 4-0-0.

Best Practices

Mr. Marzolf presented the history of this issue outlining the original request and its evolution from a request for standard to an allowance for best practices. Mr. Hall (York County) expressed opposition to the current recommendation of the committee stating that the Board should only publish best practices on wireless E-911. He stated that best

practices were available from a number of other organizations. Mr. Williams commented that those other organizations may not have the local standing to effect change and that having them from the Board would be helpful. Mr. Ogburn asked how permitting the Board to publish best practices harmed Mr. Hall's PSAP. Mr. Hall responded that it did not. Mr. Ogburn then asked if that is the case and the publishing the best practices helps other PSAPs like Mr. Williams' then would it not be beneficial to allow the Board to publish them. Mr. Hall agreed withdrawing his opposition. The Subcommittee took no action allowing their original recommendation to stand.

Other Points

Mr. Marzolf presented three additional issues for the Subcommittee's consideration:

- o Change term to Enhanced 9-1-1 Services – to change the term “enhanced emergency telecommunications services” to “enhanced 9-1-1 service” throughout the legislation to avoid any future confusion with radio issues.
- o Correct VoIP Definition reference – to correct the reference to the federal regulations in the definition for VoIP.
- o Need to retain true-up for FY2006 – The true-up process needs to be retained to close out the final fiscal year under the old funding policy. Mr. Ogburn question whether the proposed language was restrictive enough to just being conducted one last time, but agreed to allow the Attorney General's office to word it properly.

Ms. Cage made motion, seconded by Mr. Williams, to accept the three changes as presented; passed 4-0-0.

Other Comments

Mr. Hall (York County) commended the Subcommittee for having this open forum and allowing them to comment on these items.

Ms. Adams (York County) expressed concern about the deletion of the word “wireless” from (i) in section 56-484.14(7) saying that this would allow the Board to report on the state of wireline E-911 as well as all other forms of E-911. Mr. Marzolf commented that this was part of the previous recommendation of the Subcommittee and that the Board current reports on the state wireline deployment as part of the annual report. Mr. Hall (York County) said the proposed wording was acceptable. The Subcommittee took no action on this issue.

ADJOURNMENT

Mr. Howell adjourned the meeting at 2:54 PM.

Respectfully submitted,

Steve Marzolf
PSC Coordinator
Public Safety Communications

Approved by Subcommittee: _____
(date)