

E911 Wireless Service Board Meeting  
Thursday, January 22, 2009  
10:00 AM - CESC

Members Present:	Michael Cline, Chairman Lem Stewart – Ex-Officio Linda Cage David Von Moll Captain John Furlough Chief Ed Frankenstein Fred Vincent Robert Woltz, Jr.	Denise Smith Phil Heins Pat Shumate Bob Layman Battalion Chief Tracy Hanger Sheriff Fred Newman Bobby McAvoy
Members Absent	Chief Ron Mastin	
Remote	Abingdon Culpeper	Roanoke Lyle Hornbaker
Grant Committee	Bill Agee	George Thomas
Staff Present:	Dorothy Spears-Dean, Coordinator Sam Keys Terry Mayo	Lewis Cassada Lisa Nicholson Steve Marzolf

**1. CALL TO ORDER**

Mr. Cline called the meeting to order at 10:10 AM (because of technical difficulties at CESC). Ms. Spears-Dean conducted a roll call of the Regionals. All were on line.

**2. APPROVAL OF THE MINUTES FROM NOVEMBER 20, 2008**

Mr. Cline asked for changes/additions to the November 20, 2008 minutes and there were none. Captain Furlough made a motion to approve the minutes, and Sheriff Newman 2<sup>nd</sup> the motion for approval; all approved **15-0-0**.

**3. FINANCIAL REPORT**

Ms. Spears-Dean addressed the Board and provided a quick recap of the Financial Report as of November 2008. The beginning balance is \$15,213,580.00. The new fund balance is \$9,855,631.21 (See attachment). Expenditures are \$26,205,146.62. Mr. Cline called for questions and comments. There were none.

Ms. Spears-Dean also gave a summary of the PSAP Grant Program. Ms. Spears-Dean said that the amount of funding requested for FY 07, FY 08, and FY 09 is \$1,707,648, \$3,348,369, and \$2,320,995 respectively.

#### **4. CMRS MONTHLY STATUS SUMMARY**

Ms. Spears-Dean briefed the Board on the CMRS status summary. The number of deployments remains the same from the November Board meeting. There are two Phase I and twenty Phase II deployments left. Mr. Robert Layman, of the Board, reported that AT&T has completed all of its Phase II deployments. As a result of Mr. Layman's update, Ms. Spears-Dean will confirm with the PSAPs reporting pending deployments, and make any necessary updates to the CMRS spreadsheet, and report on such at the next Board Meeting. Mr. Cline called for additional comments or questions, and there were none.

#### **5. UPDATE ON WIRELESS PREPAID LEGISLATION**

Mr. Marzolf addressed the Board and said that as a result of the prepaid surcharge legislation in progress, he wanted to follow-up on the Board's request to work with the Carriers to make sure that there was agreement among all moving forward. Mr. Marzolf said that a prepaid wireless bill had been introduced to the Legislature. Mr. Marzolf said the bill is just another way of collecting revenue on the prepaid phone service. The surcharge will be collected by whomever the consumer has a contract with, such as Wal-Mart, etc. The consumer is notified that there will be a 911 surcharged which will be noted on the receipt. There will be a new surcharge of 38 cents rather than the 75 cents. The Carrier's acknowledge that 38 cents is not the right number and it should be 46 cents. They did not want to round up to 50 cents and said that they wanted it to remain constant and revenue neutral. Mr. Marzolf said that currently there are now three ways to collect, and this will make it one way. This will retain the same revenue that the Board had recommended. Mr. Marzolf informed the Board that the Carriers would like to have the support from the Board. Mr. Marzolf also informed the Board that he has not heard from the Retail part and how this change will impact Taxation. However, Mr. Marzolf said that the Retailers have been receptive to the change, as it does not hurt anything. Mr. Marzolf asked for questions about this Legislation. Mr. Von Moll asked for clarification. Mr. Marzolf said that this is new Legislation is just being introduced. Mr. Cline asked if this is a new mechanism. Mr. Marzolf said it is a new surcharge; however, it is not a new collection path. Mr. McAvoy said that he thought you would still be collecting money from the Carriers. Mr. Marzolf said absolutely. Mr. Stewart asked that if the revenue calculations right now take into account this change in collection. Mr. Marzolf said yes. The Governor's proposed budget is to remove the 3% the retailers are using to close the budget gap. There were other comments from the Board. Mr. Marzolf said that this new path just shift's the collection responsibility from the Carrier to the Retailer. Mr. Marzolf said that the Legislation is looking towards January 2010 for this to become effective. Mr. McAvoy asked Mr. Marzolf if he would keep the Board informed as he receives information on this Legislation. Mr. Marzolf said yes he would be happy to do so. Mr. Marzolf is recommending that the Board take no action on recommendations right now. Mr. Woltz commented that he asked Mr. Marzolf to bring this information to the Board, as it seems that it will simplify the process, and that he does not see a down-side to it.

Mr. Marzolf informed the Board about two other bills that were brought before the

Legislature and carried by Senator Watkins. They are Senate Bill 1163 which clarifies the Board Chairmanship. Mr. Marzolf said the Bill was approved by general laws. The next Senate Bill that Senator Watkins is sponsoring is Senate Bill #1164. Senate Bill #1164 clarifies the payment of salaries, operating and administrative costs out of the E911 Fund. This bill was approved and matching codes.

Mr. Marzolf talked about the Governors \$6,000,000 fund transfer. This transfer will remove \$6,000,000 from the CMRS Cost Recovery Program. You would have 30% minus \$6,000,000. The impact to the localities is that a smaller portion, if any, of CMRS cost recovery funding would be available to roll-over into the PSAP Grant Program. Mr. Marzolf said the FY09 and FY10 fiscal reduction will impact FY11 and FY12. It will probably be the base of 10% doing that time. The Governor's proposal does not take fund balance. It takes only Carrier balance. Mr. Layman asked what would happen if there is a shortage in the CMRS fund. How would that impact the program? Mr. Marzolf said that we have never run into that, so he doesn't know. Mr. Woltz said that if this ends up being a raid on the CMRS fund they would have to go to the Legislature to fix it. Mr. Woltz asked if language could be put into the next biennial budget to address this issue, anticipating that if this problem does occur how it could be handled. Mr. Cline asked for more questions. Mr. Robert Layman asked how the money is accounted for in the Grant Program. Mr. Marzolf said that in the Annual Report it has been so new that we have not had a chance to address this issue and that there has always been enough money to address all the needs. Mr. Marzolf said that this will have to be addressed. Mr. Cline asked for questions, and there were none.

## **6. REPORT ON FY10 PSAP GRANTS**

Mr. Vincent addressed the Board and thanked the Committee for its hard work. As of the Committee's last meeting on December 19, 2009, the Committee had proposed funding recommendations of \$15,042,681, which included \$8,442,596 in projects for the Continuity and Consolidation Program; and \$6,600,085 in projects for the Enhancement Program. However, Mr. Vincent said, with the Governor's proposed fund transfer, the Committee has several concerns. One of the concerns was should un-awarded grant funds be flushed. Another concern is should the Committee keep some funding back to have more funding in future years. Or finally, should the funding all go towards the current funding cycle. Mr. Vincent said that staff made a recommendation to cap funding at \$8,000,000 a year for the FY10 grants, and two subsequent funding cycles. To address its concerns, the Committee is recommending that the report on the FY10 Public Safety Grant funding cycle be tabled until after the General Assembly has met, and be given at the March Board Meeting. Ms. Spears-Dean began her discussion on staff recommendations by stating that FY 10 is the first year that PSAP grant requests exceeded available funding. Staff's approach was an attempt to keep funding consistent with FY09 levels and to ensure adequate funds, based on historical levels of Continuity and Consolidation project awards, for FY 11 and FY 12.

The Committee is in agreement that another meeting is needed and recommends that FY10 PSAP grant awards, as well as Board review of exceptional requests and appeals, be tabled to the March Board meeting . In addition, the Committee requested direction from the Board. Mr. McAvoy asked if you do not flush the fund is there a risk that the Governor can come in and raid the fund. Ms. Spears-Dean said yes. Mr. Von Moll said the reality is to not flush the money out quickly – he would not advise that. Mr. Stewart said that the General Assembly is not over so we do not know what they are going to do. He feels on the other hand that we should not just wait. Mr. Stewart thinks that if it sits there and just grows that will bring attention to the fund’s level. Chief Frankenstein addressed the Board and said that he agrees with Mr. Stewart and that we need to move forward and help the PSAPs out as they are having hard times. Mr. Woltz has a concern that he said the Board was formed to help and make sure that the small PSAPs out there would have the funds to get the equipment, etc. that they need. He thinks that we need to make sure that there is money in the fund to help the PSAPs when they need it rather than just flush the fund. Mr. Vincent said that money aside, the Grant Committee has been working from a set of priorities. Other Board members made comments. All agree that the Committee should look at the funding again and decide what really needs to be funded as oppose to what they would like to have funded. Mr. Cline said he would like the Committee to meet again before the March meeting and look at the Continuity and Consolidation Program projects and set priorities, then look at the Enhancement Program priorities. Mr. Cline said that then the Board would be willing to look at the priorities and determine funding. Mr. Cline is charging the Committee to come up with a consensus. Mr. Vincent said that they will go with the Board’s recommendation and come back to the Board in March.

## **7. UPDATE ON 9-1-1 COMPREHENSIVE PLAN**

Ms. Spears-Dean briefed the Board on the 911 Statewide Comprehensive Plan. Ms. Spears-Dean also gave the Board a copy of the NENA document (see copy). Ms. Spears-Dean reminded the Board that Mr. Hardesty, at the previous Board meeting, gave an update on the Baseline Initiative Action Team (IAT). The Team has completed a baseline survey to provide a comprehensive inventory of all assets, resources, services, and capabilities of 911 centers in the Commonwealth. Staff has undertaken outreach programs for the baseline survey, which are occurring in January and February as part of the joint VITA 911/RPAC-I meetings. The plan is for the Baseline survey to be released in late February and for the data to be compiled in March/April.

Ms. Spears-Dean also informed the Board that the IP Backbone IAT will be re-engaged in February. The Guidelines and Recruitment and Retention IATs will begin sometime in May.

## **8. UPDATE ON WIRELESS FUNDING COMMITTEE**

Ms. Spears-Dean addressed the Board and was asked to recommend some participants for the committee. The Staff is recommending tabling this until the next Board meeting. The staff will continue to find interested parties to be on this committee and the committee will be established after the March Board Meeting, Mr. Cline asked if there were any opposition to holding off on this issue until next Board meeting, and there were none.

## **9. OLD BUSINESS**

**PSAP Grant Award Amendment:** Ms. Spears-Dean said that Augusta County requested in FY09 PSAP Grant Award be amended to reflect an individual PSAP project and a Regional Initiative that includes Staunton and Waynesboro. There is no additional funding requested. Staff is recommending approval of this amendment request. Mr. Woltz made a motion to approve, and Mr. Vincent 2<sup>nd</sup> the motion; all approved **14-0-0** (Mr. Stewart had to leave).

**Funding Request for PSAP Grant program** – Mr. Marzolf addressed the Board to address a request from Board Members at the last meeting to research the possibility of funding the travel expenses of Regional staff members to state meetings through the PSAP Grant Fund. Mr. Marzolf said that according to counsel that funding of travel for staff through the PSAP Grant Fund is not allowed. Mr. Marzolf said that only essential travel is being funded through his own operating budget. Mr. Cline made a suggestion that maybe the Regional Coordinator located in a particular area where a meeting is held would go to that meeting and report back to the rest of the Regional Coordinators. Mr. Cline asked if there any more discussion, and there were none.

## **10. NEW BUSINESS**

Mr. Terry Hall addressed the Board, on behalf of the City of Williamsburg, for funding for that locality's PSAP to participate in a current consolidation project between the York County and Poquoson PSAPs. The following addressed the Board on behalf of the Emergency Grant Request: The Chief of Poquoson; Fire Chief of Williamsburg; Chief of Police of Williamsburg; Fire Chief of York County; Sheriff of York County and Poquoson; and the Financial Supervisor of York County. Mr. Hall asked if the Board had any questions. Several Board members had questions concerning why Mr. Hall was bringing the request to the Board and not to the PSAP Grant Committee. Also, the Board had questions as to the total amount of funding that is being requested. The Board made a recommendation that the decision to fund this request should be tabled until the PSAP Grant Committee meets and makes its recommendation, and then the Committee will bring it before the Board for consideration at a special Board

meeting. Chief Frankenstein made a motion that the Board table this request until the March 26 meeting and have the grant committee look at the request first. Sheriff Fred Newman 2<sup>nd</sup> the motion and the motion failed; **3-8-0**. Captain Furlough made a motion that the PSAP Committee meets to discuss the grant request, and that the Board would meet sometime in February at a Special Board Meeting to consider the Committee's recommendation. Pat Shumate 2<sup>nd</sup> the motion and the motion passed; **11-0-0** (Denise Smith and Robert Woltz, Jr. had to leave the meeting).

**Emporia – Resubmission of FY08 True-Up data:** Staff is recommending not approving this request. The request is to allow Emporia to resubmit the FY08 True-Up data. Mr. Fred Vincent made a motion that this request be denied. Captain John Furlough 2<sup>nd</sup> the request to deny, and all approved **10-1-0**. (Mr. Robert McAvoy had to leave, and Linda Cage voted against the motion).

**CMRS Report:** Ms. Spears-Dean addressed the Board and said the CMRS Subcommittee met before the Board meeting. A motion was made from the Chair that the CMRS Report be accepted. All approved of the motion, and the motion passed; **10-0-0**.

**Other Questions or Comments:** A question was asked from the SWVHEC Satellite Meeting in Abingdon if the emergency meeting will cover other appeals as well as the York/Poquoson. Mr. Robert Layman said that he would prefer bringing all before the Board at the Emergency Meeting. Mr. Cline said that none of the others have the time constraints as the York/Poquoson/Williamsburg Consolidation. Counsel, Carrie Nee, said the "Special Board Meeting in February" could have a limited agenda, and that would free up the agenda for the March Meeting. All agreed that this would be okay.

Mr. Cline asked for any more comments or questions, and there were none.

## **11. ADJOURN MEETING OF THE BOARD**

Mr. Cline adjourned the meeting at 1:40 PM.

**Respectfully Submitted:**

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**Terry D. Mayo**

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**(Date)**