

Enhancing Statewide
Communications Interoperability:
*SAFECOM Assessment and Recommendations
on the Status of Governance in the State of Nevada*



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Introduction

SAFECOM is a communications program of the Department of Homeland Security's (DHS) Office for Interoperability and Compatibility (OIC). SAFECOM provides—with its federal partners—research, guidance, tools, and templates on communications-related issues to local, tribal, state, and federal public safety agencies. OIC is managed by the Science and Technology (S&T) Directorate's Office of Systems Engineering and Development (SED). SAFECOM believes that any successful effort to improve public safety communications interoperability must take into account the views of first responders on the front lines in large, small, rural, and urban communities across this Nation.

OIC was authorized by Section 7304 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458) to address communication issues facing public safety. As such, OIC, through SAFECOM, is conducting two Regional Communications Interoperability Pilot (RCIP) projects. The purpose of each RCIP is to improve interoperable communications by developing models and tools that can be used nationwide. In this way, the RCIPS will build upon the work that SAFECOM has done with other states and localities.

This report to the Nevada Communications Steering Committee (NCSC) presents the results of SAFECOM's recent assessment of the State of Nevada's communications interoperability governance model. SAFECOM agreed to provide this assessment and recommendations for improving the state's governance model in a Memorandum of Agreement (MOA) signed by the Nevada Department of Information Technology and by SAFECOM on April 4, 2005. This report completes the NCSC request for recommendations on Nevada's governance approach, structure, and process.

Information presented in this document is organized as follows:

- *Background* – Provides a brief overview of the mission of the NCSC, phases of the Nevada RCIP, and a discussion on how the Nevada RCIP relates to the nationwide initiative to achieve communications interoperability.
- *Assessment and Recommendations on Nevada's Communications Interoperability Governance* – Analyzes the status of interoperability-related governance in the state, assesses the NCSC's authority and draft bylaws, and offers specific recommendations for enhancing the state's governance structure and processes.
- *Conclusion* – Provides a summary of the recommendations.

Background

NCSC Mission

The mission of the NCSC is to assist the planning, development, and operation of interoperable communication systems for use between government officials and emergency response agencies. The NCSC includes a broad range of communications stakeholders representing northern and southern Nevada; urban, rural, and tribal perspectives; and local and state agencies. Through the Nevada RCIP, SAFECOM collaborated with the NCSC to advance communications interoperability through strategic planning and implementation.

RCIP Phases

The RCIP took place in two phases: strategic planning and strategic implementation.

Phase I: Development of a Statewide Strategic Plan

During Phase 1 of the Nevada RCIP, SAFECOM worked with the NCSC to complete a strategic planning process to inform and further improve the statewide communications interoperability plan. During this process, six regional focus groups were assembled across the state. The focus groups gathered input and comments from public safety practitioners, representatives from local, tribal, state, and federal agencies, and elected and appointed officials. The focus group participants addressed the current realities of regional communications interoperability in Nevada. They shared a vision of improved communications interoperability and suggested a course of action to move Nevada closer to that vision. Phase I culminated in a strategic planning session, conducted in Las Vegas on September 14, 2005.

During this session, members of the public safety community validated and prioritized four strategic initiatives related to governance, capabilities assessment, funding, and public education.

The four initiatives were:

- *Governance* – Establish a governance structure to allow a single point of contact for all interoperability activities.
- *Capabilities assessment* – Conduct a capabilities assessment and gap analysis, using the results to:
 - Maximize existing capabilities pending the development of improved communications interoperability.
 - Increase training and awareness of first responders on how to operationalize current equipment and systems most effectively.
- *Funding* – Secure consistent funding for ongoing development, capital replacement, and maintenance costs, and identify partnerships in which resources will be provided.

- *Public education* – Increase education of the public, elected officials, and policy makers on the requirements and priorities for public safety communications so that they have realistic expectations and provide appropriate levels of support.

SAFECOM used the practitioner input and strategic initiatives to develop a strategic recommendations report with specific implementation tasks to enhance public safety interoperable communications capabilities. On January 10, 2006, the NCSC adopted SAFECOM's recommendations. It also established a subcommittee to determine how to incorporate the recommendations, and any modifications, into the Nevada Communications Interoperability Plan.

Phase II: Support for Implementation of the Statewide Plan

In the MOA, SAFECOM committed to developing several specific guidance documents and working in partnership with one of Nevada's urban areas during Phase 2 of the Nevada RCIP. These guidance documents specifically address the state's needs related to funding, procurement, and governance. The documents also inform the development of case studies and models that may be useful to communities across the Nation. In the area of governance, SAFECOM agreed to provide Nevada with recommendations on a governance approach, structure, and process.

Assessment and Recommendations on Nevada's Communications Interoperability Governance

The recommendations of this document incorporate insight from collaboration with the public safety community, NCSC leadership, and SAFECOM philosophy and principles. SAFECOM's assessment and recommendations on the communications interoperability governance model in the State of Nevada are:

- *Existing Communications Interoperability Governance Model* – Summarizes the history, authority, and strengths of the current governance model.
- *Highlights of Draft NCSC Bylaws* – Discusses the roles and responsibilities, limits, and makeup of the NCSC.
- *Additional Recommendations for Enhancing Governance* – Offers further suggestions that Nevada may consider to strengthen the governance model.

Existing Communications Interoperability Governance Model

The State of Nevada's existing communications interoperability governance model reflects several of the recommendations that SAFECOM has advocated in states across the Nation. For example:

- Obtain an executive order or legislation to establish the party responsible for the statewide strategic planning effort on communications interoperability. In Nevada, the plan that the NCSC developed goes to the Nevada Commission on Homeland Security (NCHS) for approval.

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- Promote accountability and transparency through bylaws (i.e., authority, purpose and mission, rules of engagement, organizational structure, and processes for voting and decision making).
- Encourage membership that reflects balance and diversity across disciplines, levels of government, and jurisdictions.
- Provide the authority to create working groups¹ to collect data and conduct research needed for decision making.

The State of Nevada's governance model has evolved over the last few years. Development of the model began in December 2002, with a statewide radio communication conference in Carson City. In the 2003 Nevada legislative session, Assembly Bill 441 authorized creation of the NCHS. The law gave the NCHS explicit responsibility for approving the statewide communications plan. Then, through an executive order, signed in July 2005, Nevada's Governor confirmed and established the NCSC in order to:

- Address the duties assigned by the NCHS Chair
- Advise the director of the Nevada Department of Information Technology on communication technology issues
- Act as the State Interoperability Executive Committee (SIEC) for issues involving the Federal Communications Commission (FCC)²

As an advisory committee to the NCHS, the NCSC was charged with developing the statewide communications interoperability plan. In July 2005, the *Nevada Communication Interoperability Plan, version 1.0*, was released. Although the NCSC has the authority to draft the statewide plan, and the NCHS has the authority to approve it, neither the Governor nor the State Legislature has identified the responsibility for putting the plan into effect. As the process shifts from planning into actual execution, ambiguity in leadership and accountability could arise.

Recommendation

The State of Nevada may wish to consider additional legislation or an executive order to provide clear-cut authority and support for timely and cost-efficient implementation of statewide interoperability. At this point, there is no authority to put the statewide communications interoperability plan into effect. Clear authorization from the State Legislature or the Governor, however, would provide the authority to advance efforts to accomplish communications interoperability.

¹ SAFECOM uses the phrase "working groups" to refer to the same entities that are referenced in the official NCSC bylaws as "subcommittees."

² The FCC determined that administration of the radio frequency spectrum in the 700 megahertz band should occur at the state level, either by an SIEC (State Interoperability Executive Committee) or an existing equivalent agency.

Highlights of Draft NCSC Bylaws

General Membership

Nevada's governance structure reflects a broad representation of stakeholders. They include law enforcement, firefighting, public health, public safety, transportation, information technology, tribal, public broadcasting, and natural resources representatives. Currently all members of the NCSC are appointed by the Governor.

Recommendation

The NCSC should consider developing a recruiting strategy for identifying practitioners who could be tapped as new or future replacement NCSC members. Such an effort would promote both the sustainability of the organization and the diversity of representation, which is one of its greatest strengths. Incorporating local practitioner representatives into every level of the governance structure helps gather input used in decision making and helps create buy-in for Nevada's communications interoperability efforts.

General Membership Terms

Except for initial members, each member of the NCSC serves a 3-year membership term that commences on July 1 of the year of appointment. Members serve at the pleasure of the Governor and may be reappointed an unlimited number of times. If a member leaves the entity he or she represents on the NCSC, then the member must offer his or her resignation to the NCSC.

Recommendation

It may be appropriate to establish terms for the initial members of the NCSC for the same reasons it was appropriate to establish terms for subsequent members.

Executive Board Membership and Terms

Upon the vote and recommendation of the NCSC members, the Governor appoints the NCSC Chair. In turn, the Chair appoints the Vice Chair and any Subcommittee Chairs. The bylaws do not explain the basis for the establishment of subcommittees. As with the initial general membership of the NCSC, no terms were established for the initial executive board.

Recommendation

SAFECOM recommends that the NCSC establish a process for narrowly chartering subcommittees that disband upon the completion of designated tasks. By setting clear and limited objectives for subcommittees, the NCSC can leverage the experience of its members without overextending them. Additionally, SAFECOM recommends the establishment of terms for the Chair, Vice Chair, and Subcommittee Chairs. Doing so would encourage the Governor to periodically review the executive board leadership of the NCSC, which would help ensure the effectiveness of the leadership. At different stages of planning and implementation, leadership needs may change.

Operation of the NCSC

An effective governance model requires that the oversight body describe its authority, purpose and mission, rules of engagement, and organizational structure. In December 2005, a subcommittee drafted the NCSC bylaws. On March 7, 2006, the NCSC's full membership adopted the official bylaws. The bylaws describe the organization's authority, purpose and mission, and rules of engagement (i.e., membership terms, voting, termination, and meeting procedures). In addition, the bylaws empower the Chair, at his or her discretion, to appoint any subcommittees deemed necessary to assist in carrying out the duties of the NCSC. However, the bylaws do not specify the roles and responsibilities of individual members, except for the Chair and Vice Chair. Defining clear roles and responsibilities for all members will help to ensure greater transparency and accountability. In addition, the NCSC has not defined the NCSC role in the ongoing review and improvement of the Nevada Plan.

Recommendation

To build support for statewide interoperability efforts, NCSC should consider explicitly including the responsibility of all members to regularly communicate NCSC's actions and decisions with their own communities. Further, SAFECOM recommends the NCSC identify a method for continuous review and improvement of the Nevada Plan and define an explicit role for the organization in this critical process.

Decision Making

The official bylaws, adopted on March 7, 2006, provide clear direction on what constitutes a quorum and what is required before the NCSC can take official action. According to the official bylaws, a majority of the voting members of the NCSC constitutes a quorum for the transaction of business, and a two-thirds majority of the voting members present at any meeting is sufficient for any official action taken by the NCSC. Each member possesses a single vote.

These official bylaws offer clear definition and direction compared to the draft NCSC bylaws that described three options for voting procedures, after a quorum of voting members is established. The options listed in the draft bylaws include:

- Decision making based on a simple voting majority
- A two-step process requiring a six-tenths voting majority in the first step and radio systems users who are present voting in a second step. Proportional consideration is given according to the number of users supported by the system represented. (This second step also requires a six-tenths majority.)
- Two-thirds voting majority.

Although the draft bylaws lacked an explanation of when each option was triggered, the official bylaws eliminated possible confusion by providing a single voting option.

Recommendation

NCSC members should communicate the NCSC decision-making process back to the organizations that they represent. This action should be part of the regular communications each member has with his or her own community about NCSC's actions and decisions, as recommended above.

Additional Recommendations for Enhancing Governance

Location of the NCSC

The NCSC may also consider having an established, full-time position within the Governor's Office to secure a champion for the state's interoperability efforts as well as funding and program sustainability. This approach has proven effective in the Commonwealth of Virginia and may benefit Nevada.

Under the Virginia model, the Commonwealth Interoperability Coordination Office (CICO) coordinates initiatives, communicates information, and assists discussion on interoperability efforts among the Commonwealth's regions and jurisdictions as well as the Federal Government. As a coordinator, the CICO advances the interests of the Governor as well as the interests of Virginia's communications interoperability Executive Committee and Advisory Group, represents state needs, and advocates the practitioner-driven approach for solving communications interoperability issues. The CICO gained more direct access to state leadership after moving from the state Department of Public Safety to the Office of Commonwealth Preparedness, within the Governor's Office. This move also increased the public profile of communications interoperability efforts.

In considering this approach, the NCSC should keep in mind, however, that proximity to the Governor would not lessen the need for the NCSC to regularly update the appropriate legislative committees and the public on the state's interoperability work. Moreover, the NCSC would still need to include diverse stakeholder input from the public safety community.

Development of Working Groups

To improve communications interoperability, SAFECOM recommends that Nevada look for ways to coordinate and collaborate with the state's major public safety communications systems. For example, the NCSC could establish a working group to formalize the working relationships with the "Core Four" systems (Las Vegas Metro Police, Southern Nevada Area Communication Council or SNACC, Washoe County Regional Communications System, and Nevada Shared Regional System).

The Core Four concept capitalizes on communications systems investments made by each of the Core Four system operators for the benefit of all Nevada citizens. This initiative will provide an immediate improvement in interoperability between public safety users on the four major systems and offer opportunity for improved interoperability with conventional system operators across the state. Leveraging the coverage of these large trunked systems offers immediate benefits to emergency responders and puts into practice the "system of systems" envisioned by SAFECOM.

Conclusion

SAFECOM recommends the State of Nevada continue to build upon the progress of its existing communications interoperability governance model. The model reflects several of the recommendations advocated by SAFECOM in states across the Nation. Examples include establishment of the executive committee or oversight body through an executive order or state legislation, promotion of accountability and transparency through bylaws, and reflection of balanced membership from diverse stakeholder perspectives.

To strengthen the governance model, SAFECOM recommends that the NCSC:

- Develop a recruiting strategy.
- Set terms for initial general members and the executive board.
- Define the roles and responsibilities of all members.
- Communicate the NCSC decision-making process back to the public safety community.
- Recommend that the Governor or State Legislature authorize a body to put into effect the statewide communications interoperability plan.

In addition, the Governor or State Legislature can act to enhance governance to achieve communications interoperability. The prospects of achieving communications interoperability may improve if an established position is created within the Governor's Office. Further, as the State of Nevada moves forward, it is critical for the Governor or the State Legislature to identify who is responsible for executing the statewide communications interoperability plan that the NCSC has developed.