

# ALABAMA 9-1-1 BOARD MEETING

Monte Sano Lodge  
5105 Nolen Avenue SE  
Huntsville, AL 35801

Minutes of April 23, 2014

Prior notice of this regularly scheduled meeting of the Alabama 9-1-1 Board was given in accordance with the Alabama Open Meetings Act.

The roll was called as follows by the Board Chairman, Roger Wilson:

Roger Wilson, Chairman	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent
Riley Blount, Vice Chairman	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent
Ernie Blair	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent
Alan Campbell	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent
Melissa Dove	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent
Chris Heger	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent
Wayne Hutchens	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent
Fred Johnson	<input type="checkbox"/> Present <input checked="" type="checkbox"/> Absent
John Nettles	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent
Jerry Renfroe	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent
Donnie Smith, Secretary/Treasurer	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent
Chad Sowell	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent
Rick Wolfe	<input type="checkbox"/> Present <input type="checkbox"/> Absent (joined via teleconference)

A quorum was established. Chairman Roger Wilson who acted as presiding officer of the meeting called the meeting to order at 10:00 a.m.

The Chairman entertained a motion to approve the agenda. Jerry Renfroe made the motion and Chris Heger seconded this. A vote was taken and the motion was carried unanimously.

The Chairman entertained a motion to approve the minutes from the March board meeting. Jerry Renfroe made the motion and Chris Heger seconded this. A vote was taken and the motion carried with Alan Campbell abstaining.

## Cost Recovery Report:

Mr. Brodeur reported the following Cost Recovery reimbursements for September 30, 2014 that were paid in April are as follows:

Cellular South requested \$7,173.44 (Phase I-recurring)  
PineBelt Wireless requested \$8,229.77 (Phase I-recurring)  
Cellular South for \$18,491.25 (Phase II-recurring)  
PineBelt Wireless for \$5,544.00 (Phase II-recurring)

He recommended approval of all, as these are all within their plans. Jerry Renfroe made a motion to approve these payments and Chris Heger seconded this. A vote was taken and the motion carried unanimously.

**Financial Report:**

Donnie Smith presented the Board's expense reports for the month of March with board member expenses totaling \$1,948.63, contract expenses totaling \$267, 754.50, and office expenses totaling \$4,974.28.

The breakdown of all expenses is as follows:

Donnie Smith for \$201.70 (POC & Board Meetings),  
Johnny Hart for \$336.45 (Board Meeting),  
Fred Johnson for \$177.52 (Board Meeting),  
Bill Brodeur for \$316.88 (Board Meeting),  
Ernie Blair for \$297.88 (Board Meeting),  
Melissa Dove for \$95.25 (Board Meeting),  
Roger Wilson for \$295.05 (Board Meeting),  
John Nettles for \$61.02 (ANGEN Committee Meeting),  
Chris Heger for \$166.88,  
Ellison Consulting for \$200.00 (website),  
AUM for \$8,290.52 (IT consulting),  
Bandwidth for \$53,450.00 (ANGEN),  
Jim Sasser for \$9,406.27 (attorney),  
MDA Professional Group for \$8,435.21 (accounting),  
Examiners for \$187,852.50 (audits),  
Legislative Reference for \$ \$120.00 (publication),  
Charter Communications for \$125.00 (internet),  
Berney Office for \$75. 29 (office supplies),  
SEIB for \$1,521.00 (state insurance),  
GE Capital for \$424.91 (office equipment lease), and  
Wells Fargo for \$2,828.08 (credit card).

Jerry Renfroe made a motion to approve payment of all board expenses and Alan Campbell seconded this. A vote was taken and the motion carried unanimously.

**Legal Report:**

Jim Sasser began his report stating that there were a couple of items that the Board would need to go into executive session about and by thanking those that expressed their thoughts and prayers since he missed the last board meeting due to a health-related matter.

He outlined the legislative changes brought on by Act 2014-431, which are the updated "subscriber" definition, the Board's responsibility to come up with a line cap for institutional clients by January 1, 2015, and the Governor's requirement of having at least two names to choose from which to choose Board appointments. Before turning the floor back over to the

Chairman, Mr. Sasser stated that TracFone litigation is ongoing and subject to Executive Session; he added that due to issues that have arisen with Bandwidth regarding the ANGEN project, there is potential for litigation there as well, which may also merit the Board going into Executive Session.

The Chairman stated that going into Executive Session may be time-consuming; therefore, Chairman Wilson suggested going into session after committee reports were given, but before public comments were taken, which was amenable to the Board.

### **Accountants' Report:**

Ralph Dowdy of MDA Professional Group began the accountants' report stating that this report serves as the mid-point of the year and that Board funds are at all-time low. He stated that the revenue funds of \$8,984,960.28 are set aside for ECD distributions, and the operating funds of \$570,782.84 remain for the operations and activities of the Board. Mr. Dowdy highlighted that the administrative function of the Board costs less than that of the Examiner's fees. In continuing his report, Mr. Dowdy reported that \$116,667.00 goes into the Examiner's account each month, which currently stands at \$466,666.68 to cover the audit fees. The cost recovery account is at \$2,185,501.31, with approximately \$416,667.00 going into it monthly and a potential excess of \$3 million by the end of the year depending on decisions made regarding ANGEN funding and projections of current Cost Recovery reimbursements. Mr. Dowdy stated that the payroll account is a small account used only for processing payroll; he went on to detail the depreciation of the office equipment and vehicle. Mr. Dowdy briefly outlined the Board's liabilities, which is made up mostly of payroll tax for the two office employees. As of March 31, 2014, the Board's total assets amount to \$12,209,695.92.

Mr. Dowdy then introduced Kristina Hutcherson and explained the role she has played in their firm for 9-1-1 accounting since 2004. He also expressed gratitude to Ernie Blair and the rest of the Board for the close proximity of April's board meeting to their office.

Mr. Dowdy continued by reviewing the revenue and expense statement, which shows an excess of revenue over expenses of \$289,250.90 for the month of March 2014, but a shortage of revenue under expenses of \$4,766,816.03 for the year-to-date. Mr. Dowdy went on to state that the next section of the report breaks down the current month and year-to-date distributions for the ECDs, noting that last month's distribution letters to the districts were not processed correctly and would be remedied by his firm next month. Alan Campbell asked for clarification of the ECD escrow accounts, which was provided by Mr. Dowdy and Chairman Wilson. Mr. Dowdy stated that his financial report was complete.

Donnie Smith made note that the monthly goal for receivables is approximately \$8.8 million for the Board to break even, but that the Board had once again fallen short during the month of March.

The Chairman entertained a motion to approve the financial report. Chris Heger made this motion and Jerry Renfro seconded this. A vote was taken and the motion carried unanimously.

**Executive Director's Report:**

Jason Jackson began his report by turning the floor over to John Ellison, Ellison 9-1-1 Consulting LLC, for an ANGEN update. Mr. Ellison stated that the current PSAP count is either 117 or 118. 101 taking 9-1-1 calls via ANGEN through T-Mobile, Sprint, SouthernLINC, and Verizon. He also recognized Jean Martin's (SouthernLINC) commitment to converting PSAPs. Conversions with AT&T were scheduled later in the week, but tweaking of their testing procedure needs to be addressed so as not to overwhelm a call-taker with test calls. Twenty-three of the PSAPs have not responded to requests for a Kickoff Call (KOC), so the project has continued without a formal KOC. Chris Heger asked if board members could have a list of the 23 outstanding, so that those on the Board may reach out to their colleagues in the 9-1-1 community, to which Mr. Ellison agreed.

The first action item in the Executive Director's report was the AUM contract, for which Mr. Ellison is also the technical consultant. Because the money funding the current AUM contract had been depleted, an amendment to the contract was requested for a total of \$141,000, which is an addition of \$50,000 for the remainder of this fiscal year to the original contract amount of \$91,000. Mr. Jackson requested approval by the Board. A motion for approval was made by Ernie Blair and seconded by Donnie Smith. A vote was taken and the motion carried unanimously.

The next action item in the Executive Director's report was the recommended rate by the Permanent Oversight Commission on 9-1-1 following the meeting held on April 2, 2014. Mr. Jackson recapped for the Board that Mr. Dowdy, Mr. Sasser, and he presented to the POC for the \$1.80 rate that the Board had previously voted for. He stated that the POC responded with a recommendation for the Board to adopt \$1.75 as the adjusted rate. While Mr. Dowdy prepared to present projections based on the \$1.75 rate, Donnie Smith complimented the three presenters on their conduct in front of the POC; he stated that they demonstrated poise and in-depth knowledge of the subject matter leading up to and during the proceedings. Mr. Dowdy summarized the projections for the current \$1.60 rate, the Board's \$1.80 recommended rate, and the POC's \$1.75 recommended rate stating that they would provide for a shortfall, excess, and breakeven, respectively. Mr. Jackson reminded the Board about the potential for excess Cost Recovery funds devoted to ANGEN to cover a slight shortage, if needed. Mr. Smith then asked Mr. Sasser for clarification of the language contained in Act 2014-431, specifically inquiring if the Board enacts a cap, can the Board then adjust the rate one time to make up the loss due to the cap without going out to committee again. Mr. Sasser confirmed that the legislation allows the Board a one-time exemption to adjust the rate. Discussion continued about the Board imposing a cap and the need to be mindful and deliberate with any future rate adjustment decisions. Mr. Dowdy and Mr. Jackson answered a few follow-up questions by board members regarding the rate change projections until the Board was ready to entertain a motion. Jerry Renfro made a motion that the Board approve a rate of \$1.75 by a roll call vote and it was seconded by Donnie Smith.

Ernie Blair	<input checked="" type="checkbox"/> Yea	<input type="checkbox"/> Nay	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
Riley Blount	<input checked="" type="checkbox"/> Yea	<input type="checkbox"/> Nay	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
Alan Campbell	<input checked="" type="checkbox"/> Yea	<input type="checkbox"/> Nay	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent

Melissa Dove	<input checked="" type="checkbox"/> Yea <input type="checkbox"/> Nay <input type="checkbox"/> Abstain <input type="checkbox"/> Absent
Chris Heger	<input checked="" type="checkbox"/> Yea <input type="checkbox"/> Nay <input type="checkbox"/> Abstain <input type="checkbox"/> Absent
Wayne Hutchens	<input checked="" type="checkbox"/> Yea <input type="checkbox"/> Nay <input type="checkbox"/> Abstain <input type="checkbox"/> Absent
Fred Johnson	<input type="checkbox"/> Yea <input type="checkbox"/> Nay <input type="checkbox"/> Abstain <input checked="" type="checkbox"/> Absent
John Nettles	<input checked="" type="checkbox"/> Yea <input type="checkbox"/> Nay <input type="checkbox"/> Abstain <input type="checkbox"/> Absent
Jerry Renfroe	<input checked="" type="checkbox"/> Yea <input type="checkbox"/> Nay <input type="checkbox"/> Abstain <input type="checkbox"/> Absent
Donnie Smith	<input checked="" type="checkbox"/> Yea <input type="checkbox"/> Nay <input type="checkbox"/> Abstain <input type="checkbox"/> Absent
Chad Sowell	<input checked="" type="checkbox"/> Yea <input type="checkbox"/> Nay <input type="checkbox"/> Abstain <input type="checkbox"/> Absent
Rick Wolfe	<input type="checkbox"/> Yea <input type="checkbox"/> Nay <input type="checkbox"/> Abstain <input type="checkbox"/> Absent (joined via teleconference; non-voting)

The Chairman stated that the motion carried.

The Chairman then entertained a motion from Jerry Renfroe, based on a recommendation by Wayne Hutchens, that the rate be effective May 1, 2014 with a 90-day grace period for remittance compliance; it was seconded by Ernie Blair. A vote was taken and the motion carried unanimously.

The Chairman then went on to state that analysis had been conducted by Mr. Dowdy, Mr. Jackson, and him on the line counts received for the original rate study versus what is actually being remitted on by the providers and discovered that five providers are significantly exceeding the estimated annual 12% wireline loss. Chairman Wilson proposed that the Executive Director send a certified letter to each of the five providers requesting that they provide a list of customers refusing to pay the 9-1-1- fee as well as any large business that is not paying the fee on all of their lines. Mr. Jackson responded with an expanded proposal requesting if letters could be sent to all carriers inquiring about their business line count totals in an attempt to satisfy the newly legislated line cap study as well as what the Chairman proposed. The Chairman entertained a motion from Ernie Blair, seconded by Jerry Renfroe that letters be sent to all providers in an effort to obtain current data to work with regarding remittance compliance as well as a line cap study. Discussion commenced with several board members offering suggestions as to the approach taken in the letters, after which a vote was taken and the motion carried.

**Standards & Training Report:**

Committee co-chair Larry Fisher, City of Montgomery 9-1-1, reported on the activities of the Standards & Training Committee stating that they would meet later this date and that minutes are now available for the past committee meetings. He informed the Board of the committee’s work on a survey to be sent to all districts in an effort to determine what is already being done at the local level for training and to possibly establish a registry of trainers. The Chairman thanked Mr. Fisher for his comments.

**Policy & Procedures Report:**

Chris Heger reminded the Board that an updated job description for the Executive Director as well as personnel policies for the Board’s office staff had been available for their review since before the last board meeting and encouraged them not to prolong the approval of either any

longer. A motion was made by Jerry Renfroe to approve both; it was seconded by Chad Sowell. A vote was taken and the motion carried unanimously.

**Executive Session:**

At 11:06 a.m., the Board went into Executive Session with a Roll Call vote to discuss ongoing TracFone litigation as well as potential litigation with Bandwidth. It was stated an estimated length of time for Executive Session could not be determined.

Ernie Blair	<input checked="" type="checkbox"/> Yea <input type="checkbox"/> Nay <input type="checkbox"/> Abstain <input type="checkbox"/> Absent
Riley Blount	<input checked="" type="checkbox"/> Yea <input type="checkbox"/> Nay <input type="checkbox"/> Abstain <input type="checkbox"/> Absent
Alan Campbell	<input checked="" type="checkbox"/> Yea <input type="checkbox"/> Nay <input type="checkbox"/> Abstain <input type="checkbox"/> Absent
Melissa Dove	<input checked="" type="checkbox"/> Yea <input type="checkbox"/> Nay <input type="checkbox"/> Abstain <input type="checkbox"/> Absent
Chris Heger	<input checked="" type="checkbox"/> Yea <input type="checkbox"/> Nay <input type="checkbox"/> Abstain <input type="checkbox"/> Absent
Wayne Hutchens	<input checked="" type="checkbox"/> Yea <input type="checkbox"/> Nay <input type="checkbox"/> Abstain <input type="checkbox"/> Absent
Fred Johnson	<input type="checkbox"/> Yea <input type="checkbox"/> Nay <input type="checkbox"/> Abstain <input checked="" type="checkbox"/> Absent
John Nettles	<input checked="" type="checkbox"/> Yea <input type="checkbox"/> Nay <input type="checkbox"/> Abstain <input type="checkbox"/> Absent
Jerry Renfroe	<input checked="" type="checkbox"/> Yea <input type="checkbox"/> Nay <input type="checkbox"/> Abstain <input type="checkbox"/> Absent
Donnie Smith	<input type="checkbox"/> Yea <input type="checkbox"/> Nay <input type="checkbox"/> Abstain <input checked="" type="checkbox"/> Absent
Chad Sowell	<input checked="" type="checkbox"/> Yea <input type="checkbox"/> Nay <input type="checkbox"/> Abstain <input type="checkbox"/> Absent
Roger Wilson	<input checked="" type="checkbox"/> Yea <input type="checkbox"/> Nay <input type="checkbox"/> Abstain <input type="checkbox"/> Absent
Rick Wolfe	<input type="checkbox"/> Yea <input type="checkbox"/> Nay <input type="checkbox"/> Abstain <input type="checkbox"/> Absent (joined via teleconference; non-voting)

At 12:37 p.m., the Chairman entertained a motion to return to Regular Session. John Nettles made the motion to return and Ernie Blair seconded.

Alan Campbell made a motion to allow Jim Sasser, the Board's attorney, to negotiate for counsel to represent the Board in pending claims with TracFone and Virgin Mobile as well as to negotiate with the Board's insurance carrier for counsel to defend on the Board's behalf. Chris Heger seconded, a vote was taken, and the motion carried.

The Chairman then entertained a motion regarding the ANGEN issue from Wayne Hutchens, who moved that the Board exercise their option to extend the contract for the ANGEN project with Bandwidth, with Chris Heger seconding the motion. Donnie Smith made note that based on the information presented during Executive Session, he wished to acknowledge the commitment and investment that districts have made to ANGEN and that a "nay" vote on the motion was not a vote against the districts. A vote was taken, and the motion carried, with all board members present voting for the extension of the contract, with the exception of Alan Campbell and Donnie Smith.

**Public Comments:**

The Chairman opened the floor to the public.

Charlie McNichol, Deputy Director of Mobile County Communications District, reported that their district would be hosting a workshop, Leadership in the 9-1-1 Center, July 9-11, 2014 I downtown Mobile. The event is limited to 35 attendees; speakers include Director Maureen Will (9-1-1 Director, Newtown, CT), Deputy Director Chris Carver (Fire Dispatch Operations, City of New York), and Hope Curtis Hicks (Attorney at Law of Webb and Ely, Montgomery, AL).

As a representative of a number of local districts, Lee Moore requested if the Board could provide any elaboration to the audience about the ANGEN discussion during the Executive Session. The Chairman responded that it was concerning the Bandwidth contract and possibility for extension beyond what was outlined in the original RFP. Chris Heger added that the Board was basically deciding if they wanted to exercise their right to extend the contract with Bandwidth or go another direction.

Gary Tanner asked if the money that provided for the one-time distribution of funds from the excess Cost Recovery money that AT&T forfeited was available in FY13 or FY14. The Chairman reiterated that the legislation that took effect on October 1, 2013 made the funds available in FY14. Mr. Tanner went on to ask when the Board expected to be able to make all districts whole. The Chairman stated that the aforementioned law required districts to be made whole by the end of FY14.

Chairman Wilson reported that the next board meeting would be May 21, 2014 in Montgomery at 1 Commerce Street. He asked if any board members had any further to add. Chad Sowell thanked the Executive Director for his efforts to bring him up to speed on all board-related matters prior to his first meeting as a board member.

Melissa Dove made a motion to adjourn the April 2014 board meeting, which was seconded by Riley Blount. A vote was taken and the motion was carried unanimously. The meeting was adjourned at 12:44 PM.

Approved this 25<sup>th</sup> day of June, 2014

  
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SECRETARY

  
\_\_\_\_\_  
CHAIRMAN

# Meeting Sign-In Sheet

Project: April 23, 2014 Board Meeting

Meeting Date:

Facilitator: Huntsville, AL

Name	Title	Company	Phone	Fax	E-mail
Dan Wright	Director	Chilton Co 911	205-294-0944		dwright@chilton911.org
R.V. WHITE	DIRECTOR	LIMESTONE Co 911	256-230-0911		rvwhite@peak911.org
Bill Brodeur		ETOVAC Co 911	256-458-0911		
Terry Thoenes	PM	Bandwidth	348-716-3450		thoenes@bandwidth.com
Jane Reed	Director	Montgomery	334-832-7711		jonebrown@mc-ala.org
Victor Kennedy	Director	Tallevada Co 911	256-24-4117		
Greg Silas	Director	Birmingham CCO	205-500-0496		Greg.Silas@Birminghamal.org
Ray Preston	APPL SALES SPECIALIST	AT&T	205-451-8610		ray.preston@ATT.com
John Elmsan	CONSULTANT		256-664-5911		John.Elmsan@OVT.net
Lon E Jones	Coordinator	Enterprise 911	334-348-2697		Jones@enterprise911.com
John Schreurs	Director	CenturyLink	334-542-885		john.j.schreurs@centurylink.com
JERRY RENFROE	DIRECTOR	T E L S E	(334)265-1660		JERRY.RENFROE@TELSER.DIG
Terry Ryan	Pres	RPS	256-271-0082		terry.ryan@rps5911.com
HOWARD SANDERSON	STATE REP	STATE OF ALA	256-533-1984		HS1989@aol.com



# Meeting Sign-In Sheet

Project: April 23, 2014 Board Meeting

Meeting Date:

Place: Huntsville, AL

Facilitator:

Name	Title	Company	Phone	Fax	E-mail
Chad Sowell	Director	Henry Co.	334 585-1911		C50well@henrycountyal.net
MARVIN McINTOSH	Co-ordinator	PolSeq Co.	334 897-8564		
Lee Moore	Consultant	911Consult	334 457-0513		lee.moore@911consult.com
Rod Coleman	Director	Tuscaloosa 911	205- 464-8284		rocoleman@tusocco.com
Kristi Starnes	Director	Covington County	334- 427-4911		kstarnes@ccqillema.com
Jhannelle	911 Buss	Pinebeltc	334-785 5001		Jdneepinebelt.net
Melissa Carpenter	Director	Autauga 911	334-531-9152		melissa.carpenter@prattville.al.gov
<del>R.V. DAVIS</del>	<del>DIRECTOR</del>	<del>ANNISTONE 911</del>	<del>256-230-7911</del>		<del>rvd</del>



