

ALABAMA 9-1-1 BOARD MEETING
1 Commerce Street
Montgomery, AL 36104
Minutes of December 17, 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, Ernie Blair.

Ernie Blair, Chairman	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent
Riley Blount	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent
Alan Campbell	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent
Evelyn Causey	<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 (Arrived 10:07 a.m.)
Wayne Hutchens	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent
Fred Johnson, Vice Chairman	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent
John Nettles	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent (Arrived 10:09 a.m.)
Betty Sanders	<input type="checkbox"/> Present <input checked="" type="checkbox"/> Absent
Donnie Smith, Secretary/Treasurer	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent
Chad Sowell	<input type="checkbox"/> Present <input checked="" type="checkbox"/> Absent
Roger Wilson	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent

A quorum was established. Chairman Ernie Blair 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. Wayne Hutchens made the motion and John Nettles seconded this. There was no discussion. A vote was taken and the motion was carried unanimously.

The Chairman entertained a motion to approve the minutes from the November Board Meeting. There was concern that the draft of the minutes in the packet showed question marks instead of check marks representing those present or absent from the meeting. Discussion commenced. A decision was made to accept the minutes after the printing error had been remedied. Donnie Smith made the motion and Alan Campbell seconded. There was no further discussion and the motion was carried unanimously.

Public Hearing:

Jim Sasser began the public hearing at 10:07 a.m. by explaining Rule 585-X-4-.07, which was to be considered. A transcript of the hearing is available by request to the Board's attorney Jim Sasser.

Donnie Smith made the motion to permanently adopt the Rule and Chris Heger seconded. There was no further discussion and the motion was carried unanimously. The Rule will go into effect no later than 35 days from December 19, 2014. The public hearing was then closed at 10:30 a.m.

The Chairman asked for guest introductions.

Cost Recovery Report:

Bill Brodeur presented the Cost Recovery Report.

Mr. Brodeur stated that C-Spire, Pine Belt Wireless, SouthernLINC, and Sprint/Nextel would need to continue to have cost recovery payments through 2015. He stated that these were all within their plans and that the Cost Recovery Committee requested approval of all. Roger Wilson made the motion and Donnie Smith seconded. There was no discussion and the motion was carried unanimously.

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

Sprint for	\$13,440.00 (Phase I-nonrecurring)
Sprint for	\$585,279.82 (Phase I-recurring)
Cellular South	\$20,289.95 (Phase I- recurring)
<u>Pine Belt Wireless</u>	<u>\$22,393.80 (Phase I- recurring)</u>
Phase I Total	\$641,403.57

Cellular South for	\$10,318.12 (Phase II-recurring)
<u>SouthernLINC for</u>	<u>\$12,320.00 (Phase II-recurring)</u>
Phase II Total	\$22,638.12

Mr. Brodeur recommended approval of all, as these are all within their plans. The Chairman entertained a motion to approve the Cost Recovery report. Melissa Dove made a motion and Chris Heger seconded. There was no discussion. A vote was taken and the motion was carried unanimously.

Financial Report:

Donnie Smith presented the Board's expense reports for the previous month with board member expenses totaling \$3,036.25, committee member expenses totaling \$324.02, contract expenses totaling \$20,808.51, ANGEN expenses totaling \$633,908.00, and office expenses totaling \$7,561.98.

Jason Jackson explained the increase in this month's bill from Alabama Supercomputer Association (ASA) was due to it including bills from 2012 that had not yet been paid. He stated that future monthly fees from ASA should be around \$20,000 a month.

The breakdown of all expenses is as follows:

Ernie Blair for \$447.88 (Committee Meeting)
Ernie Blair for \$ 402.00 (Board Meeting)
Chad Sowell for 119.84 (Board Meeting)
Roger Wilson for \$295.24 (Board Meeting)
Chris Heger for \$318.37 (Board Meeting)
Alan Campbell for \$160.46 (Board Meeting)
John Nettles for \$61.02 (Board Meeting)
John Nettles for \$61.02 (Board Meeting)
Donnie Smith for \$100.85 (Board Meeting)
Donnie Smith for \$338.20 (Board Meeting)
Donnie Smith for \$159.09 (Committee Meeting)
Donnie Smith for \$153.44 (Board Meeting)
Melissa Dove for \$168.00 (Board Meeting)
Melissa Dove for \$250.84 (Board Meeting)
Bill Brodeur for \$324.02 (Committee Meeting)
Ellison Consulting for \$200.00 (Website)
MDA Professional Group for \$9,568.80 (Accounting)
James Sasser for \$3,702.21 (Attorney)
James Sasser for \$12,337.50 (Attorney-TracFone)
Bandwidth for \$42,800.00 (ANGEN)
Bandwidth for \$42,800.00 (ANGEN)
ASA for \$173,202.00 (ANGEN)
ASA for \$105,360.00 (ANGEN)
ASA for \$296,746.00 (ANGEN)
SEIB for \$1,521.00 (State Insurance)
One Commerce Holding for \$4,680.00 (office rent & parking)
GE Capital for \$424.91 (office equipment lease)
VISA for \$754.57 (credit card purchases)
Berney for \$137.50 (office printer supplies)
Eternal Networks for \$44.00 (network/file storage)

Mr. Smith recommended approval of all expenses. Fred Johnson made a motion to approve payment of all expenses and Chris Heger seconded. There was no discussion. A vote was taken and the motion was carried unanimously.

Executive Director's Report:

Jason Jackson reported that the total assets as of this month are \$15,929,743.63 and that the total liabilities are also \$15,929,743.63. Total revenue for the month was \$9,202,143.76, total expenses were \$8,986,623.36, leaving an excess of \$215,520.40. The excess of the year to date is \$859,103.72. Mr. Jackson stated that the effect of the business cap had not yet been seen.

The total in escrow accounts was reported as \$5,194,961.51. Payments to the Emergency Communications Districts totaled \$8,782,327.84 for this month and \$17,596,643.24 for the year to date.

Mr. Jackson then brought to the Board's attention that there were still a few districts that had not signed the agreement to assign their excess cost recovery funds to support the ANGEN project. Mr. Jackson questioned the Board as to what action he needed to take next. Mr. Jackson suggested a billing system based on call volume for each of the three remaining districts for use of call routing by ANGEN. Roger Wilson suggested a certified letter be sent to the Chairman of each of those districts notifying them that they would begin to receive invoices. Discussion ensued of how the fees would be assessed for each district or call and how to enforce those fees. It was decided that a certified letter be sent to the Chairman of each district's board. If no response, a certified letter should then be sent to the creating authority of each of those boards. This should occur before any fees are assessed.

Mr. Jackson then discussed resolutions involving the cost recovery cap. Mr. Jackson questioned if that excess cost recovery funds are given to each district, can that district use that money for anything other than wireless communications. Further, if that district then remitted it to the Board, would the Board then have to use it solely for advancing wireless communications or could it be used for other 9-1-1 advancements. Mr. Wilson stated that a change in the wording of the assignment letter could allow for the movement of excess funds from cost recovery to fund ANGEN instead of distributing it to each Emergency Communications District. Several Board members stated that a change in legislation is not recommended or desired at this time. Mr. Jackson requested an increase of the cap to 13% of the possible 20% for the purpose of funding ANGEN. Discussion commenced as to whether this is statutorily possible. Donnie Smith expressed concern that the technology has not caught up with the program yet and suggested that the program be placed in a "holding pattern". Mr. Smith also voiced concerns as to how long this process will take. Fred Johnson stated concern that the Board would be taking away money received by the districts each month. It was stated that the monthly excess or overage checks could decrease but that the districts would each still receive the amount that they had been promised. The decreased amount would be due to some of the excess cost recovery funds now going to ANGEN instead of all of the excess going to the districts. Mr. Wilson stated that it should have been funded this way all along but that due to not having signed letters from all districts, that the ANGEN program was currently being funded by the Board's portion of the funds. Mr. Johnson discussed the implications of a holding plan on ANGEN until funding and technology is established. Mr. Wilson suggested that the exact dollar amount spent on ANGEN through 2014 should be removed from the Cost Recovery fund to reimburse the Board's operational budget. Donnie Smith suggested that the Finance and Grants Committee meet in conjunction with the ANGEN Committee at a date in the near future to discuss all of the above mentioned information.

Jason Jackson requested approval of the financial statement. Chris Heger made the motion, Melissa Dove seconded. Alan Campbell requests a spreadsheet be added to the packets showing where each district is in being made whole. A vote was taken and the motion was carried unanimously.

Training Committee Update:

Jason Jackson discussed the various training models and their benefits and effectiveness. Chris Heger commented that in her experience, dispatchers have seen success in the self-paced model courses due to their job schedules and requirements.

Legislative and Planning Committee Update:

Jason Jackson reported that this was simply a work session, as a quorum was not established. A suggestion was made, during the committee meeting, to replace the cost recovery fund with a trust fund or something similar. This fund could help with ANGEN as well as provide funding for local districts in the form of grants, training, hardship funds, etc. Another suggestion made was the conducting of an operational study as required by statute and the forming of a strategic plan for ANGEN. Wayne Hutchens suggested an outsourcing of the operational study to a third-party, non-biased source on feasibility and consolidation. Mr. Jackson will provide examples of these reports to the Board at the next meeting.

Mr. Jackson mentioned that he hoped new updates will be made to the website, perhaps including photos and short bio of each board members.

ANGEN Update:

AT&T completed their wireless conversion as of the first week in December. Also, call-routing through ANGEN continued to see an increase as AT&T completed their conversions.

Annual Certification Letters:

Mr. Jackson stated that letters are due in by January 31, 2015 and an example of the letter sent to the Emergency Communication Districts is included in the meeting packet.

Quarterly Non-Paid Reports from Carriers:

Mr. Jackson stated that carriers are required by law to report, on a quarterly basis, their unpaid 911 fees. Mr. Jackson stated that a copy of the letter to be sent out to all carriers requesting that information is included in the meeting packet.

TracFone Litigation Update:

Mr. Jackson stated that the discovery period is currently ongoing and that a hearing is scheduled with Judge Price for December 19, 2014 at 10:00 a.m. Depositions are being scheduled for January 12-22, 2015, but are subject to change. Those dates will be distributed to the Board members as they are assigned.

Mr. Jackson suggested waiting to discuss the comments filed with the Federal Communications Commission until the end of the meeting in case an executive session must be called.

Administrative Rule for Carrier Electronic Remittance:

Mr. Jackson called the Board's attention to the Indiana Statewide 911 Board's resolution for requiring that carriers and Emergency Communications Districts report electronically and receive direct deposit that was included in the meeting packet. Mr. Jackson suggested that the Alabama 911 Board adopt a similar resolution.

Jim Sasser will draft a rule requiring the above and will have it available for a vote at the next board meeting.

Office Lease:

Mr. Jackson discussed the possibility of moving the office to another larger suite in the building. The reasons for moving the office were explained by Mr. Jackson. Chris Heger requested the cost of the current office for the next five years, anticipating the increase in rent after the expiration of the current lease, as well as the cost for the proposed office for the next five years, be made available in a report by the next board meeting. Alan Campbell noted that the need for space needed to weigh heavily into the decision, not just the amount of money it may cost. Ernie Blair encouraged the use of and expressed the need for a strategic plan to assist in making decisions such as these.

ANGEN Committee Report:

Mr. Jackson expressed that both AT&T and a joint project between General Dynamics and Emergency CallWorks have an interest in meeting with the ANGEN Committee to present their approach to the project.

Mr. Jackson stated that he does not agree with the moving of the ANGEN project from Bandwidth to Camellio. Mr. Jackson stressed the need for a strategic plan to direct the ANGEN project. Mr. Jackson stated that two states' Next Generation 911 strategic plans have been included in the meeting packet as examples.

John Nettles questioned whether there is a legal need to call for bids again.

Alan Campbell discussed that Camellio desires to obtain ANGEN and all its components from Bandwidth and continue the ANGEN project. Mr. Campbell stated that there would be a price increase for ANGEN and that there is a concern with regard to their revenue stream. Mr. Campbell stated that the ANGEN Committee voted to allow Camellio to move forward in providing the Board with a new price, timeline, etc. for review. Mr. Jackson again expressed concerns over how ANGEN will be funded.

Mr. Campbell stated that with a 60 day notice, Bandwidth will place ANGEN in maintenance mode. Mr. Campbell stated that a decision needs to be made at the next board meeting whether that decision is to place ANGEN in maintenance mode, or whether to move forward in some fashion. Mr. Campbell expressed that in order to move forward, a strategic plan and funding needs to be secured.

Line Audit RFP:

Mr. Jackson asked Jim Sasser for legal clarification of whether or not the Board is given authority to require audits of carriers and Emergency Communications Districts. Mr. Sasser responds that the Board is legally allowed to require audits and can enter into contracts with others who provide those services. A letter to that effect is included in the meeting packet. Mr. Jackson discussed the draft letter included in the meeting packet that invites carriers to a board meeting to discuss discrepancies as legally allowed by the statute. Mr. Jackson charged Roger Wilson with drafting the information describing the discrepancies mentioned above to place in the letter. Discussion commenced amongst the Board members over whether or not the carriers should be audited prior to inviting them to discuss the discrepancies with the Board and then over whether or not the Board had any authority to audit the records that were not given to the Board. Chris Heger states she feels that clarification is needed on whether the carriers must be audited. Fred Johnson is concerned about how to pay for these audits and how they will audit all 185 carriers in 10 months. Mr. Johnson suggested that Mr. Jackson prepare a one page summary to detail the price of the audits and approach the Legislature about how the Board should pay for it. Mr. Johnson suggested that Mr. Jackson assemble a modified and highly specific RFP by the next board meeting for review.

AUM Contract:

Mr. Jackson reported that John Ellison's possible issue with the Retirement Systems of Alabama is through Auburn University Montgomery and not through the Alabama 911 Board. Mr. Jackson also stated that Mr. Ellison cannot be paid until the contract is approved by the Board. Mr. Jackson requested approval of the contract. Alan Campbell makes a motion to approve. Donnie Smith seconds. There is no discussion, the motion is carried unanimously.

Proposed Meeting Dates:

Mr. Jackson proposed that the monthly Alabama 911 Board meetings be reduced to every other month. The list of proposed dates are included in the meeting packet. Donnie Smith made a comment on how expenses and cost recovery would be handled if the Board only meets every other month. Discussion commenced on whether bills that were within budget and associated with existing contracts could be paid without specific approval by the Board. Roger Wilson made a motion to approve the listed, every other month meetings. Wayne Hutchens seconded. There is no discussion, the motion carries unanimously.

Public Comments:

Roger Humphrey made a comment about the auditing.

Executive Session:

Based on advice from counsel, Fred Johnson made a motion to go into Executive Session due to discussion of ongoing litigation. Chris Heger seconds. A roll call vote was taken:

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
Evelyn Causey	<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 checked="" type="checkbox"/> Yea	<input type="checkbox"/> Nay	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
John Nettles	<input checked="" type="checkbox"/> Yea	<input type="checkbox"/> Nay	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent
Betty Sanders	<input type="checkbox"/> Yea	<input type="checkbox"/> Nay	<input type="checkbox"/> Abstain	<input checked="" 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 type="checkbox"/> Yea	<input type="checkbox"/> Nay	<input type="checkbox"/> Abstain	<input checked="" type="checkbox"/> Absent
Roger Wilson	<input checked="" type="checkbox"/> Yea	<input type="checkbox"/> Nay	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent

The motion is carried unanimously and Board meeting moved to Executive Session at 12:22 p.m.

The Board reconvened at 12:42 p.m.

Fred Johnson made a motion to allow the Executive Director, Counsel to the Board, and Outside Counsel to the Board to make an ex parte appearance before the Federal Communications Committee, if in their professional judgment, they deem it necessary on the part of the TracFone litigation. Chris Heger seconds. There is not discussion and the motion is carried unanimously.

Riley Blount posed question of whether a contract needs to be signed with Maynard Cooper & Gale PC in order for them to represent the Alabama 911 Board. Jim Sasser stated that it will be necessary that they are waiting on one to be drawn up.

Roger Wilson made a motion to adjourn at 12:45 p.m., Melissa Dove seconds. The motion is carried unanimously and with no discussion.

Approved this 28th day of January, 2015

JSB



SECRETARY/TREASURER



CHAIRMAN

MEETING SIGN-IN SHEET

Agency: **Alabama 9-1-1 Board** Date/Time: **December 17, 2014 @ 10:00 AM**
 Chairman: **Ernie Blair** Location: **1 Commerce Street, Montgomery, AL 36104**
 Type: **Regular** Purpose: **Monthly Board Meeting**

Name	Title	Agency/Company	Phone	E-Mail
Greg Siles	911 Director	B'ham ECD	205-500-0496	greg.siles@birminghamal.gov
David McNichol	Dep't Director	Mobile 911	251-634-2368	dmcnichol@moed911.com
Gary Lawrence	Director	Mobile 911	"	g.lawrence@moed911.com
Keshi Starnes	Director	Birmingham 911	334-427-4911	kstarnes@ce911ema.com
John Mann	Superintendent	Montgomery (coordinator)	205-254-1100	JMANN@MANNCOOR.COM
Karon Mitchell	Associate	"	" " "	KMITCHELL@MANNCOOR.COM
Adrian Brown	Communications Administrator	City of Auburn	205-725-7100	adrian@ci.auburn.al.us
Prathiba Venkatesh	Communications Administrator	City of Auburn	205-725-7100	prathiba@ci.auburn.al.us
Melissa Carpenter	Director	Montgomery Co 911	205-595-0691	melissa.carpenter@prathiball.com
Carol Grudbeck	Policy Analyst	Alabama Arise	832-9060	carol@alarise.org
Josh Yeager	State of AL Acct Team	ATT Mobility	(334) 273-2130	JYD14K@att.com
Ray Preston	Applications SA Les Public Safety	ATT	205-451-8610	ray.preston@att.com
Terry Thibodeaux	Bandwidth PM	Bandwidth LLC	248-716-8450	thibodeaux@bandwidthllc.com

MEETING SIGN-IN SHEET

Agency: **Alabama 9-1-1 Board** Date/Time: **December 17, 2014 @ 10:00 AM**
 Chairman: **Ernie Blair** Location: **1 Commerce Street, Montgomery, AL 36104**
 Type: **Regular** Purpose: **Monthly Board Meeting**

Name	Title	Agency/Company	Phone	E-Mail
Mark Fortner	Executive VP	RPSS	756-908-11326	Mark.Fortner@RPSS911.com
Lee Moore	Consultant	911Consult Inc.	334-451-0513	lee.moore@911consult.com
Caleb Branch	Director	Blount 9-1-1	205-625-4911	caleb@blount911.org
Roger Humphrey	Advisor	Callman 9-1-1	(256) 531-3007	call911@att.net
Victor Kennedy	Director	Talladega County 9-1-1	256-261-5114	vkennedy@talladega911.org
Marcus Hedges	Attorney SR Corporate Counsel	Tactone/Sirote	(256) 930-5144	muhedges@sirote.com
Susan Masterston	Century Link	CTL	(850) 591-1900	susan.masterston@centurylink.com
Sandy Khazraee	Director - Regulatory	CenturyLink	850-847-0173	Sandy.Khazraee@centurylink.com
John Schweser	Dir. 6th Reg	Century Link	334-531-2985	jhm.j.schweser@centurylink.com
Kevin Jenkins	Director	Call-Hold Co 9-1-1	256-223-1888	Kjenkins@911.callholdco.com
Victoria Dokes	Revenue Examiner	ADOR	334-353-8407	victoria.dokes@revenue.alabama.gov
Amber Hartley	Revenue Examiner	ADOR	334-353-8186	amber.hartley@revenue.alabama.gov
Donna Key	Dir. of event & education	ADOR of counties commi 57.0015 of Ala.	334-268-7594	dkey@albamountaincounties.org