ALABAMA 9-1-1 BOARD MEETING

1 Commerce Street Montgomery, AL 36104 Minutes of May 20, 2015

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	⊠Present □Absent
Alan Campbell	☑Present □Absent
Evelyn Causey	□ Present ⊠ Absent
Melissa Dove	⊠Present □Absent
Chris Heger	□Present ⊠Absent
Wayne Hutchens	⊠Present □Absent
Fred Johnson, Vice Chairman	⊠Present □Absent
John Nettles	
Betty Sanders	⊠Present □Absent
Donnie Smith, Secretary/Treasurer	⊠Present □Absent
Chad Sowell	⊠Present □Absent
Roger Wilson	☑Present □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.

Public Hearing:

Jim Sasser began the public hearing by explaining Rule 585-X-4-.02, which was to be considered. A transcript of the hearing is available by request to the Board's attorney Jim Sasser. Mr. Sasser opened the floor for public comments, of which there were none. Alan Campbell made the motion to permanently adopt the Rule and Betty Sanders seconded. There was no further discussion and the motion was carried unanimously. The public hearing was then closed.

The Chairman entertained a motion to approve the agenda. Betty Sanders made the motion and Alan Campbell 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 March Board Meeting. Fred Johnson made the motion and Melissa Dove seconded. There was no further discussion and the motion was carried unanimously.

The Chairman then asked for guest introductions.

Cost Recovery Report:

Bill Brodeur presented the Cost Recovery Report.

Mr. Brodeur reported the following Cost Recovery reimbursements for September 30, 2015 that were paid in May are as follows:

Cellular South	\$17,956.34 (Phase I- recurring)
Pine Belt Wireless	\$18,659.31 (Phase I- recurring)
Southern Linc	\$92,709.09 (Phase I- recurring)
Sprint	\$538,712.93 (Phase I- recurring)
Sprint	\$1,344.00 (Phase I-nonrecurring)
Phase I Total	\$669,381.67
Cellular South	\$36,250.93 (Phase II-recurring)
Pine Belt	\$13,706.00 (Phase II-recurring)
Pine Belt	\$1,749.00 (Phase II- nonrecurring)
Southern Linc_	\$19,837.72 (Phase II-recurring)
Phase II Total	\$71,543.65

Mr. Brodeur noted that Sprint's total reflected the past six months and recommended approval of all, as these are all within their plans. The Chairman entertained a motion to approve the Cost Recovery report. John Nettles made a motion Melissa Dove 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 calling attention to the two bills from the Department of Examiners of Public Accounts for the ECD Audits being conducted. Explanation was given that these bills were for 90% of the cost of the audits.

Mr. Smith recommended approval of all expenses. John Nettles made a motion to approve payment of all expenses and Alan Campbell seconded. A vote was taken and the motion was carried unanimously.

Executive Director's Report:

Jason Jackson reported that the financial report was "normal" and asked that the board approve this month's financial statements. Donnie Smith asked if the board was taking in enough money to pay its bills. Mr. Jackson responded that it was.

Jason Jackson requested approval of the financial statement. Donnie Smith made the motion, Wayne Hutchens seconded. A vote was taken and the motion was carried unanimously.

Audit RFP Update:

Mr. Jackson then offered an update on the Audit RFP submissions. Mr. Jackson noted that they were due on May the 18th and that some had been received. Mr. Jackson noted that he would review those in the coming week and get them to the financial committee.

Uncollected Service Charges Update:

Mr. Jackson requested that the discussion about the 2014 uncollected service charges be moved to an executive session if needed after the public discussion. Mr. Jackson did note that there were a few carriers who submitted large, physical, lists of nonpaying customers that still need to be reviewed.

Board Member Appointment Terms:

Mr. Jackson noted that the confirmation hearings for both Evelyn Causey and Betty Sanders were delayed until the appointments for the board seats that are to be vacated on July 18, 2015 were made. Mr. Jackson also encouraged the board members to mention to their nominating parties that it was made very clear by the confirmation committee that they favored diversity and that they were seeking 30% minority on each board.

Grant Program:

Mr. Jackson then called the Board's attention to the amended grant program found in the meeting packet that had been submitted by the Finance and Grants Committee. Attention was specifically directed to page 2 under bullet 5.1, to be left as a blank date as that will be changed for each cycle. Mr. Jackson notes that the grants will be awarded over 18 months in 6 month cycles.

Deputy Director, Leah Missildine, then took the floor to discuss the finer points of the grant program. Ms. Missildine invited both Donnie Smith and Roger Humphrey to take the floor in the discussion of the program. Mr. Humphrey expressed his worry over tying the grant program to the state plan. Mr. Humphrey mentioned that in 11-98-4-.01 the board is obligated to submit a plan and then any changes that must have been made to legislation to that must have been submitted by February of 2015. Mr. Humphrey is worried that because no legislative changes were made, the only money that can be given in the form of grants must come from the 1% held for office related expenses and because of that Mr. Humphrey does not feel that it should be connected to the State Plan.

Donnie Smith brought to the Board's attention to the fact that, according to the statute, the grant may be given "upon the showing of hardship". Mr. Smith notes that the word hardship, nor the definition of hardship, is found within the guidelines of the grant program, and instead the word 'needs' is used. Mr. Smith further notes that what is considered a hardship for one ECD might not be considered a hardship for another.

The chairman then entertained a motion to approve the grant program. Chad Sowell made the motion and Wayne Hutchens seconded.

Alan Campbell then asked if giving the grants on 6 months cycles as opposed to 12 month cycles would be too quick of a turnaround for the small staff. Jason Jackson answered that the 6 month cycles were chosen because that way the grants would be more quickly awarded. In the future, those grants could be awarded on a yearly basis. Mr. Campbell then asked what the maximum amount of money a district could ask for is and how much money would be given away in a year. Mr. Jackson responded that \$150,000 is available yearly and that could be dispersed either as ten \$15,000 grants or fifteen \$10,000 grants depending on the applications received.

Roger Wilson expressed concern over the possibility that a larger ECD could "flower up" a grant application where as a smaller ECD would not be able to, even though that smaller ECD was actually more needy. Mr. Wilson is also worried about having the grant be tied to the support of the Alabama Statewide 9-1-1 Plan as noted in 2.1.3. Mr. Jackson notes that the grant money comes from the Board's administrative fund and that if hardship is defined within the grant program, the Board will be indirectly defining how ECDs should operate.

Donnie Smith further notes that the information submitted to the Public Examiner's office annually is also available to those making the decision as to who should be awarded a grant. Mr. Smith views tying the grant program to the State Plan as another way to justify who got awarded the grant, should there ever be a question as to the motives behind the awarding of that grant.

Wayne Hutchens questioned what form of the grant program the motion to approve was for. Ms. Missildine noted that the segments that have been struck through would not remain in the approved grant program, they were only included to show that they had been removed per the suggestions of the Finance and Grants committee. Ms. Missildine further explains that the point in question to be approved is that of whether or not the support of the Alabama Statewide 9-1-1 Plan should be required for a grant to be awarded.

A further question was posed as to who would evaluate the applications. Mr. Jackson stated that he would evaluate the applications and make a recommendation to the Finance and Grants Committee who can then take his recommendation or make their own choice. The Committee would then bring their recommendation to the full board who would make the final decision.

Alan Campbell stated that he understands the need to tie the grant program to the support of the State Plan but does not see how that could be enforced. Mr. Campbell also noted that although tying the grant program to the support of the ANGEN project has already been struck, he sees more value in tying it to that. Mr. Campbell thinks that the most important thing is that the grant program get up and running and noted that amendments could be made in the future.

Alan Campbell then made the motion to approve the Grant Program with the amendment that 8.4.1.1.2, 8.4.2.1.2, 8.4.3.1.3, and 2.1.3 be struck and that the grant program be reviewed after the first cycle of awarded grants.

Melissa Dove noted that the reason that the Finance and Grants Committee decided to strike the requirement that the ECD be in support of the ANGEN project was because if that ECD was experiencing a financial hardship, they may not have been able to afford buying into the ANGEN project. Mr. Jackson countered that the ECDs who opted not to participate in the ANGEN project already receive a disbursement check that is larger than most other ECDs. If a grant is given to an ECD that does not participate in the ANGEN project they might get a \$30,000 check because of their grant combined with the amount they are not sacrificing for ANGEN, while their neighbor of similar size and cash flow does not get a grant. Mr. Jackson expressed worry that this will be an incentive to not participate in the ANGEN project and cause ECDs to evoke their 90 day out clause.

Betty Sanders commented that she believes that the statement requiring participation in the ANGEN project should remain in the Grant Program. Ms. Sanders also recommends that the ways of evaluating need and hardship be noted in the Grant Program.

Roger Wilson seconded the motion to approve the Grant Program with the amendment that 8.4.1.1.2, 8.4.2.1.2, 8.4.3.1.3, and 2.1.3 be struck and that the grant program be reviewed after the first cycle of awarded grants. A vote was taken and Wayne Hutchens voted against the approval of the grant programs with the amendments. The motion was carried.

The original motion to approve the grant program was then voted on. There was no further discussion. The motion was carried unanimously.

Jason Jackson then requested that the expenditure of approximately \$214,000 be approved to use in funding training programs. This would be used to offer four 1-day NENA conferences for call-takers and dispatchers as well as up to eight PST1 APCO conferences and 250 seats for the online HITS program. This information was included in last month's board packet but did not get voted on at that time. The Training Committee is in agreement with this and Mr. Jackson notes that it was budgeted for in last year's budget. The Chairman entertained a motion to approve, John Nettles made the motion and Wayne Hutchens seconded. There was no discussion. A vote was taken and the motion was carried unanimously.

State Plan:

Jason Jackson then directed the Board's attention to the State Plan changes. Mr. Jackson stated that this version of the State Plan was given to each member of the State Plan Committee and he received one response requesting a change in grammar. Mr. Jackson noted that he added a line in Initiative 1, made more significant changes to Initiative 2 as a foundational basis was needed at each initiative, and more details were added to both

Initiative 3 and 4. Initiative 6 was updated. Mr. Jackson recommends that Initiative 9 be struck. Mr. Jackson requested direction from the board as to what to do in the cases where the State Plan refers to the establishment of 'best practices'. Mr. Jackson recommends that this language be struck unless the Board feels that it should enforce these practices across the state. Mr. Jackson's notated changes in the State Plan included in the packet reflect all the previously mentioned recommendations. Mr. Jackson noted that with the approval of this plan, Mr. Jackson will provide a three year plan on how to accomplish these initiatives at the July Board Meeting.

The Chairman entertained a motion. Wayne Hutchens made the motion and Chad Sowell seconded. There was no discussion. A vote was taken, Roger Wilson and Melissa Dove voted against accepting the State Plan as amended. The motion was carried.

Donnie Smith asked whether this had to be forwarded to the Legislature or not. Mr. Jackson responded that it was not required.

ANGEN:

Mr. Jackson explained the Connections Reported spread sheet included in the packet. Mr. Jackson then explained the graph shown in the power point presentation that illustrated the amount each district receives monthly over their promised amounts. In the past six months, \$6.7 million over their promised amount has been given out to the districts.

Mr. Jackson invited consultant, John Ellison to the floor to discuss the outage that was experienced by the Wiregrass region on April 25th. It should be noted that this was not an ANGEN issue. This information can be found in the Board Packet. Chad Sowell thanked John Ellison, Jason Jackson, and the others who helped with handling this situation. Alan Campbell asked who would be responsible for coordinating repair efforts in the future, as it appears the Board will take over responsibility of the ANGEN project for the whole state. Mr. Campbell then asked what Mr. Ellison recommends to ensure that someone will always be available to handle situations like this. Mr. Ellison responded that there needs to be a larger, or new, staff whether on a consultant basis or as a full time staff member. Donnie Smith suggested that perhaps the new hire needs to shadow Mr. Ellison for the last 6-8 months of his tenure. Fred Johnson requested clarification on how these outages are reported to PSAPs, the Board, and carriers. Mr. Johnson recommends that the Board hire someone who will handle this responsibility so that the director, Mr. Ellison, and members of the Board are not having to be on call 24/7 for network monitoring and technical response. Melissa Dove explained that Mr. Jackson was the first one called based on his position as Executive Director, as in each ECD, the director is called in situations such as these.

Jason Jackson then gave an update on the number of ANGEN agreements for 2015 received in the office. 82 are now in hand, the City of Auburn and Lee County are still in continued talks with the office, and one small city is unaccounted for. Three remaining counties are awaiting the Board's distribution of excess cost recovery funds prior to signing the agreement and Mr. Jackson noted that two other ECDs that signed the

agreement, expressed that they would invoke their 90 day out clause if the excess cost recovery funds were not distributed.

Mr. Jackson then asked the board for direction with the following. "Will the districts support the project if their funding does not exceed the promised amount?" Mr. Jackson explained that this is important because there is a possibility that, in the future, there will be no excess money to be distributed and he worries that this will cause more ECDs to opt out then. Mr. Jackson states that he is afraid that, for some districts, their promised amount is not enough. Ernie Blair added that if there continues to be excess, the Board is required by law to go back and change the rate, so if it is not being spent on ANGEN it will go away.

Donnie Smith stated that "failure of ANGEN is not an option." Mr. Smith further stated that long term funding for ANGEN must be based on legislative changes that need to take place next year. Mr. Smith is afraid that the agreements are just a "band aid on an arterial bleed".

Alan Campbell states that the answer to the question Mr. Jackson posed is no.

Mr. Jackson then asked "Does the result of the RFP determine our ability to move forward?" Mr. Jackson does not think that the results should because if the total amount is within \$8 million or less, the Board might think they are able to afford that, but Mr. Jackson does not know whether there is a price that is too high for the Board. Donnie Smith states that the RFP is going to influence legislation. Alan Campbell does not think that the estimated project cost should have any influence on the amount of money that is asked for with legislation. Mr. Campbell thinks that they need to know the exact amount before going to legislation.

This brings Mr. Jackson to his next question to the Board: "Is the Board willing to risk moving forward without a project manager until after the RFP?" Mr. Jackson believes that if the project manager is not found until after the RFP, we will be two years behind. Ernie Blair further agrees that the project manager should be available from the very beginning for experience and continuity.

Donnie Smith asked what Mr. Jackson felt would give the Board the best final project, a project manager as a consultant or as a full time staff member. Mr. Jackson responded that he felt the project manager should be a full time staff membe, if a consultant was used then there wouldn't be a primary focus on ANGEN, travel expenses would have to be paid, etc.

Betty Sanders expressed worry over where a project manager could be found locally and that if there wasn't one, relocation expenses should be taken into account. Chad Sowell asked if a project manager job description could be made and given to the Board by the next Board meeting.

Fred Johnson asked of Mr. Jackson, whether hiring a project manager now would influence the amount of money that needed to be reserved for ANGEN and thus not distributed to the districts. Another question was asked as to whether the project manager would be paid out of the ANGEN fund or the 1% administrative fund. Mr. Jackson stated that he had assumed that it would be paid from the ANGEN fund but that it would not cause a significant change in the amount being reserved for ANGEN. Mr. Jackson states that his worry is not the immediate change in excess, but the 12-18 months down the road when there is no excess, either due to a law required rate change or ANGEN expenses.

Mr. Jackson expressed that his fear was that there would be commitments made and then a lack of support from the ECDs would occur, thus he needs to know if the Board will commit.

Alan Campbell asked for a timeline because if the project moves forward, he believes that a project manager is needed. Mr. Jackson stated that based on the decision made today, a strategic plan would be presented in July that showed the next steps for the Board over the next 3 years.

Wayne Hutchens asked what the 90 day out clause was. Mr. Jackson explained.

The Chairman gave the floor to John Ellison who stated that even if ANGEN does not work out as planned, the calls are not going to go away and something must be handled.

The Chairman entertained a motion to proceed with job description and hiring of an ANGEN project manager. Donnie Smith made the motion, Wayne Hutchens seconded. There was no discussion. A vote was taken and the motion was carried unanimously.

Donnie Smith left the meeting at 11:30am.

A five minute break was taken.

The meeting reconvened at 11:36am.

Kevin Jenkins of Calhoun County, Lon Jones of the City of Enterprise, and Greg Silas of the City of Birmingham addressed the members of the Board to show their support and explain their need for the ANGEN project, as they had requested prior to the meeting.

Kristi Stamnes expressed support from the AAND ANGEN committee for the hiring of a project manager as well as a request that the AAND ANGEN committee be involved in the RFP implementation and process as the Board allows. Chairman Blair asked whether that request for involvement needs to come directly through the AAND Chairman or if it can come from the committee chair.

Jason Jackson then introduced the 911 Authority's proposal that was found in the Board packet. Mr. Jackson called attention to the company's current and past clients. Mr.

Jackson explained that for \$160,000, Phases 1-4 could be accomplished and he recommended that the Board approve this and opting into Phase 5 for \$32,000.

Alan Campbell asked if Phases 1-4 could be approved and then the decision on Phase 5 made later. Mr. Jackson affirmed.

Wayne Hutchens made the motion to approve Phases 1-4 bring 911 Authority "on board" and Alan Campbell seconded. Roger Wilson questioned 911 Authority's experience. Mr. Wilson noted that from the information he found, it was a new entity. Mr. Jackson noted that the company is three years old but that the staff have years of experience in other companies. Mr. Jackson also noted that their current clients followed them to their new company. Mr. Wilson then abstained from the vote based on lack of information. A vote was taken and the motion was carried.

Attorney General Opinion:

Mr. Jackson noted that a letter was sent to the Board concerning a municipality leaving their current ECD. That letter was sent to the Board's legal counsel, James Sasser, who then took the floor. Mr. Sasser noted that this question has been asked before but that this was the first formal letter the Board has received. Mr. Sasser then discussed the questions that were included in the meeting packet. Mr. Sasser discussed that while this can happen, the funding mechanism is in question. Mr. Sasser requests that an Attorney General's Opinion asking the questions noted on the memorandum that can be found in the meeting packet that would clarify if the new ECD could be funded by the Board, be approved.

Alan Campbell expressed worry over this being deconsolidation. Mr. Campbell further states that the Board needs to reply with a letter and asks what that letter could say without an Attorney General's opinion. Mr. Sasser responded that the letter would have to say that that information was not available at the time. Mr. Sasser further stated that someone would ask for an Attorney General's Opinion whether it was the Board or the municipality in question. Chairman Blair noted that the Board would have more control over the situation if the Board asked for the Attorney General's Opinion than if the municipality does.

Fred Johnson made the motion to ask for an Attorney General's Opinion and Wayne Hutchens seconded. There was no discussion. A vote was taken and the motion was carried unanimously.

Excess Cost Recovery:

Jason Jackson noted that the balance of the excess cost recovery from the carriers is \$945,369.06. The balance that was signed over by the districts for ANGEN is \$1,412,848.37. Alan Campbell asked a procedural question as to whether the tabled motion from the last meeting had to be taken up or if a new motion could be introduced. Fred Johnson explained that procedure.

Mr. Campbell then made the motion to distribute the \$945,369.37 to the districts and to withhold the \$1,412,848.12 to continue to use for ANGEN costs. Roger Wilson seconded. Mr. Wilson then explained what he was trying to do in the last meeting. There was no further discussion, a vote was taken, and the motion was carried unanimously.

Chairman Blair requested that the board meeting for July be moved from July 15th due to another meeting. A discussion for another date agreeable to everyone commenced. July 13th was suggested. Chad Sowell made a motion that the July meeting be held July 13th, Alan Campbell seconded, a vote was taken and the motion was carried unanimously.

Public Comments:

Marvin McIlwain expressed his support in all that has been said.

Executive Session:

Based on advice from counsel, Fred Johnson made a motion to go into Executive Session for 10 minutes due to discussion of possible, future litigation. Alan Campbell seconds. A roll call vote was taken:

Ernie Blair	⊠Yea □Nay □Abstain □Absent
Alan Campbell	⊠Yea □Nay □Abstain □Absent
Evelyn Causey	□Yea □Nay □Abstain ⊠Absent
Melissa Dove	⊠Yea □Nay □Abstain □Absent
Chris Heger	□Yea □Nay □Abstain ⊠Absent
Wayne Hutchens	\boxtimes Yea \square Nay \square Abstain \square Absent
Fred Johnson	⊠Yea □Nay □Abstain □Absent
John Nettles	⊠Yea □Nay □Abstain □Absent
Betty Sanders	⊠Yea □Nay □Abstain □Absent
Donnie Smith	□Yea □Nay □Abstain ⊠Absent
Chad Sowell	⊠Yea □Nay □Abstain □Absent
Roger Wilson	□Yea □Nay □Abstain ⊠Absent

The motion is carried unanimously and Board meeting moved to Executive Session.

The Board reconvened at 12:34 p.m.

Roger Wilson made a motion to adjourn, Melissa Dove seconds. The motion is carried unanimously and with no discussion.

Approved this $\frac{13}{3}$ day of $\frac{5 \text{ WLY}}{2}$, 2014

SECRETARY/TREASURER

CHAIRMAN

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Regular	Chairman: Errie Blair	Alabama 9-1-1 Board	MEETING SIGN-IN SHEET
Purpose:	Location:	Date/Time:	
Monthly Board Meeting	AL 36104	Agency: Alabama 9-1-1 Board Date/Time: May 20, 2015 @ 10:00 AM	

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MARVIN Mª ILMOSÍN			334-894-5242	42
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Regular	Chairman: Ernie Blair	Alabama 9-1-1 Board	MEETING SIGN-IN SHEET
Purpose:	Location:	Date/Time:	
Monthly Board Meeting	1 Commerce Street, Montgomery, AL 36104	Alabama 9-1-1 Board Date/Time: May 20, 2015 @ 10:00 AM	

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