

ALABAMA 9-1-1 BOARD MEETING
1 Commerce Street
Montgomery, AL 36104
Minutes of November 13, 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
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, Vice Chairman	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent
John Nettles	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent
Betty Sanders	<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
Roger Wilson	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent

(*There is one current vacancy on the Board due to Jerry Renfroe's retirement; awaiting Governor's appointment.)

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. Alan Campbell 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 October Board Meeting. Jim Sasser stated that a concern as to whether Jerry Renfroe could actively participate in the previous board meeting following his resignation announcement. Mr. Sasser stated that according to the appointment guidelines laid out in the statute, Mr. Renfroe could actively participate until his vacancy was filled. Roger Wilson made the motion to approve the minutes and Donnie Smith seconded this. There was no discussion. A vote was taken and the motion was carried.

The Chairman then requested those in attendance introduce themselves.

Chuck Murph of Alabama Law Enforcement Agency presented to the Board on the Alabama First Responder Wireless Commission's activities.

Cost Recovery Report:

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

Cellular South for \$9,363.08 (Phase I-recurring)
Southern Link for \$90,049.13 (Phase I-recurring)
Phase I Total \$99,412.21

Cellular South for 20,074.35 (Phase II-recurring)
Southern Link for 19,156.83 (Phase II-recurring)
Phase II Total \$39,231.18

He recommended approval of all, as these are all within their plans. The Chairman entertained a motion to approve the Cost Recovery report. Roger Wilson made a motion and 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 for the previous month with board member expenses totaling \$948.61, contract expenses totaling \$20,555.06, ANGEN expenses totaling \$6,242.80, and office expenses totaling \$9,575.65.

The breakdown of all expenses is as follows:

Ernie Blair for \$402.00 (Meeting),
Jerry Renfroe for \$234.08 (Board Meeting),
Donnie Smith for \$153.44 (Board Meeting),
Donnie Smith for \$159.09 (Meeting),
Ellison Consulting for \$200.00 (website),
MDA Professional Group for \$8,637.04 (accounting),
Jim Sasser for \$11,718.02 (attorney-routine & litigation),
AUM for \$6,242.80 (ANGEN project facilitation),
SEIB for \$1,521.00 (state insurance),
One Commerce Holding for \$2,215.00 (office space & parking),
GE Capital for \$424.91 (office equipment lease),
Wells Fargo for \$4,322.79 (credit card-conferences/travel and office),
Leah Missildine for \$499.51 (travel reimbursement),
Jason Jackson for \$492.44 (travel reimbursement), and
Legislative Reference Service for \$100.00(rules filing/publication).

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

Legal Report:

Jim Sasser reported there had been little headway made in the TracFone litigation and that settlement negotiations were ongoing, but that TracFone has now filed an Emergency Petition for Declaratory Ruling with the Federal Communications Commission (FCC); comments in response are due to the FCC by December 8, 2014. Mr. Sasser noted that he has contacted David Byrne the Governor's office for assistance in filing these comments, and perhaps with financial support as well. Wayne Hutchens requested that a draft of the comments to the FCC be distributed to each Board member as soon as it is available. Fred Johnson questioned the role of the Attorney General's as well as the Governor's office in making the comments to the FCC. Mr. Sasser responded that the comments would come only from the 9-1-1 Board, and that the Governor's office is only assisting in the filing. There is no involvement of the Attorney General's office. Fred Johnson stated that he believes that the final comments should reflect both the views of the Alabama 9-1-1 Board as well as the State of Alabama.

Mr. Sasser reported that new legislation was passed that does not allow former state employees to earn more than \$24,000 in 2015 from contract employment and retain their state retirement benefits. The concern is that John Ellison's contract with the Board and Auburn University Montgomery (AUM) on the ANGEN project would cause Mr. Ellison's earnings to be over the maximum amount of \$24,000. Mr. Sasser has been in conversation with the Retirement Systems of Alabama (RSA) and their legal team to try to retain Mr. Ellison as a contract employee of the Board for the amount he had previously agreed upon without it costing Mr. Ellison.

Donnie Smith questioned whether the (AUM) contract vote should be tabled for today's Board Meeting due to the new development over Mr. Ellison's situation. Mr. Sasser responded that it would be best to hold the vote on renewing the AUM contract until a response has been attained from the RSA.

Mr. Sasser reported that the trial date for the TracFone litigation is set for April 13, 2015 and that motions are due by February 6, 2015. Depositions in the case should be expected to start in the next month to six weeks.

Accountants' Report:

Ralph Dowdy explained that the reports now show the comparison of this month's finances to the finances of the same month of the previous year. Mr. Dowdy also brought attention to the change in revenue generated from the rate change from \$1.60 to \$1.75. An update was also given on the increase in wireless connections and total connections reported for the month as well as the stabilization of landline connections reported.

Mr. Dowdy also covered the following:

- Assets
 - Current \$15,695,686.20
 - Fixed \$ 18,096.29

▪ Total		\$15,713,782.49
• Liabilities & Fund Equity		
• Total liabilities		\$ 5,274.59
• <u>Total fund equity</u>		<u>\$15,708,507.90</u>
▪ Total		\$15,713,782.49
	<u>Current Month</u>	<u>YTD</u>
• Revenue & Expenses		
• Total Revenue	\$9,536,035.47	\$ 9,536,035.47
• <u>Total Expenses</u>	<u>\$8,892,452.15</u>	<u>\$ 8,892,452.15</u>
▪ Excess	\$ 643,583.32	\$ 643,583.32
• Escrow Accounts		
• Cash in bank escrow accounts		\$ 4,682,732.27
• Payments to ECDs		
	<u>Current Month</u>	<u>YTD</u>
Total	\$ 8,814,315.40	\$ 8,814,315.40

Donnie Smith expressed that he has received several questions from Emergency Communication Districts on population adjustments. Mr. Smith requested an educational meeting between Jason Jackson, Roger Wilson, Donnie Smith, and Ralph Dowdy in Huntsville to discuss this. Alan Campbell suggested a document be published that uses “plain language” to explain how these population figures are collected, calculated, and remitted that is accessible to all.

Finance and Grants Committee

Donnie Smith reported that the Finance and Grants Committee met yesterday and reviewed three contracts. The first of those was the contract with AUM. This contract was to be voted on for renewal in this meeting, but will be tabled until the next meeting due to new developments involving Mr. Ellison. Mr. Smith entertained a motion to hold voting on this contract renewal until the next meeting. Roger Wilson made the motion and Melissa Dove seconded. There was no discussion and the motion was carried.

The second contract reviewed was the contract with MDA Professional Group, PC. The new contract increased the monthly fee for their services by \$1,000 a month, raising their yearly fee from \$96,000 to \$106,000. Mr. Smith commented that this is still a competitive rate and substantially less than competitors. The committee recommended the approval of this contract, Mr. Humphrey refrained from the vote due to a prior professional relationship with MDA. Wayne Hutchens made the motion to renew the contract with MDA Professional Group, PC and Fred Johnson seconded. Mr. Johnson questioned Jim Sasser as to whether a competitive bid had to be obtained or if the contract can just be renewed. Mr. Sasser answered that because it was a renewal of an existing contract, no bids were needed. A vote was taken and the motion was carried unanimously.

The final contract reviewed by the committee was the bid to retain Mr. Sasser as legal counsel. The new contract contains no new changes to fees or rates and was passed for renewal by the committee with a 2:1 vote.

Fred Johnson respectfully requested to go into executive session for the express purpose of discussing whether or not any changes to Mr. Sasser's contract may affect outstanding litigation. Chris Heger seconded. Mr. Sasser stated that because the discussion could affect pending or future litigation, an executive session could be called. A roll call vote was taken and the results were as follows:

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 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 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
Roger Wilson	<input checked="" type="checkbox"/> Yea	<input type="checkbox"/> Nay	<input type="checkbox"/> Abstain	<input type="checkbox"/> Absent

The vote passed unanimously and the Board went into executive session at 10:51 a.m.

The Board meeting reconvened at 11:11 a.m.

Fred Johnson requested clarification from the Finance and Grants Committee as to whether they supported continuing with Mr. Sasser's existing contract. Donnie Smith confirmed that they did support the continuation based on a 2:1 vote. Mr. Johnson then asked Mr. Sasser whether his contract contained a thirty-day cancellation clause. Mr. Sasser confirmed.

Mr. Johnson motioned for the Board to authorize the continuation of Mr. Sasser's contract on its current basis requiring the Board in an open session to conduct a review of his performance within ninety days. Roger Wilson seconded the motion. Alan Campbell expressed the desire for the next legal counsel to be a local firm with more depth and broader representation. A vote was taken and the motion was carried unanimously.

Mr. Smith reported that the Finance and Grants Committee also reviewed the grant process and legislation allows for grant money to be taken only from the 1% of Board funds allotted for office expenses. This was noted to be only enough money to support one to two small districts for a year. The committee suggested that instead the Board use this money to offer optional in-house or online educational programs, but no decisions

were made during the committee's meeting. The committee is also looking at how other states are funding their grant programs.

ANGEN Committee

Alan Campbell reports that a new company is interested in acquiring the ANGEN project from Bandwidth. It was determined that it would be prudent to invite representatives of the new company to the next committee meeting in order to answer questions because the committee and Board as a whole would need more information regarding the possible transfer to take any sort of action. The new company will be invited to come before the ANGEN Committee to discuss the project, budget and financial plans sometime in December 2014.

Mr. Campbell reported that the Alabama Supercomputer Authority suggested the use of a wireless LTE circuit as a redundant circuit for the fiber circuits that are currently being used to run the ANGEN project to each PSAP. This should be a low cost option and the ANGEN committee will be gathering pricing information to be shared at the next board meeting. Mr. Campbell suspects that the committee will approve a pilot project to test the LTE circuits.

Legislative and State Plan Committee

Ernie Blair stated that the Legislative and State Plan Committee is calling a meeting on December 2, 2014 at 2:00 p.m. in Suite 610 of 1 Commerce Street. Mr. Blair also stated that Riley Blount was nominated to serve on that committee.

Chris Heger posed a question on when Jason Jackson's evaluation was to be conducted. Riley Blount answered that his anniversary date is in August.

Chris Heger also questioned when a new board member would be named and if that member would replace Jerry Renfroe in the committees he previously served. The Chairman answered that the Board Member appointment was waiting on the Governor and that it was probable that the new member would fill Mr. Renfroe's seat in the committees he previously served.

Executive Director's Report

In the absence of Executive Director, Jason Jackson, the Chairman made a few comments on his behalf. The Chairman stated that contracts had been reviewed in a previous committee report. Regarding the ANGEN project, Alan Campbell advised that AT&T should be completely converted prior to their December freeze, which would mean that all wireless carriers will have moved over to the ANGEN project by the end of December 2014. The Chairman called attention to the Attorney General's Opinion, TracFone's FCC filing, and the Emergency Communication District audits found in the board meeting packet.

Public Comments

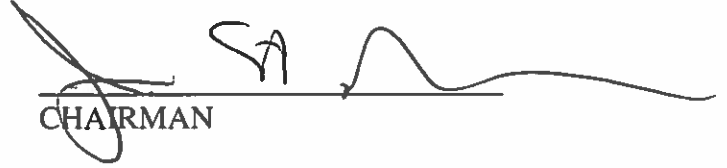
A reminder of the Public Hearing on December 17, 2014 prior to the regularly scheduled board meeting was made. No further comments were given.

A motion to adjourn the meeting was entertained by the Chairman. Roger Wilson made the motion. Donnie Smith seconded. The meeting was adjourned at 11:25 a.m.

Approved this 17th day of December, 2014



SECRETARY/TREASURER



CHAIRMAN

MEETING SIGN-IN SHEET

Agency: Alabama 9-1-1 Board Date/Time: November 13, 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
Bill Brodeur	Special Projects	ETOWAH County	256 458-0911	bbrdeur@etowahcountyga.com
Roger Humphrey	Advisor	Dallas County GA	256 734-0911	evl1911@att.net
Larry Fisher	Director	Montgomery	240-4111	lfisher@montgomeryga.gov
Wendal Chandler	911 Ops Mgr	Montgomery	240-4111	wchandler@montgomeryga.gov
TERRI THOMPSON	Ph.	Bandsville	8487163450	thompson@bandsville.com
Denise Timmer	911 Communications Coordinator	Jeff Co Comm	205 3255276	ttimmer@jccal.org
Donna Key	Dir. of Event Sched	ACCA	205-7594	dkey@alabamacounties.org
Carol Davis	EA & Outreach Mgr	ALEA	334 353-0017	carol.davis@alea.org
Mark Wilkerson	Attorney	William Bragg	334-330-0380	mark@wilkersonserver.com
CHRIS BEYANT		ETC	(256) 638-2144	cbeyant@tfggawards.com
SHANE TROTMAN	OPERATIONS	FITC	(566) 638-2144	strotman@staff.tnoverstel.com
Lee Moore		911 Consultant, Inc.	334 451-0513	lee.moore@911consult.com
RAY PRESTON	Application Sales Exec III Public Safety	AT&T	2054518610	raypreston@att.com

MEETING SIGN-IN SHEET

Agency: **Alabama 9-1-1 Board** Date/Time: **November 13, 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
Marcus M Haples	Attorney	Sinote/Tractone	205 930-5144	mmhaples@sinote.com
John Schrewser	Director	Century Link	334 531 2985	john.j.schrewser@centurylink.com
Susan Masterton	Council	Century Link	850-577-1900	Susan.masterton@centurylink.com
Charlie McNeill	Oppty Director	Mobile 911	251-635-2308	cmneill@mad911.com
Kristi Stammers	Director	Livingston County 911	334-427-4911	kstammers@coalliem.com
Larry Wethermark	Attorney	Mobile 911	251-476-4493	lwethermark@gafling11.com
Greg Silas	Director	B'ham 911	205-500-0496	greg.silas@birmingham11.com
Gary Torrice	Director	Mobile 911	251-639-1134	gtorrice@MCCD911.com
Alex Brown	Admin. Director	City of Auburn	334-591-3101	abrown@auburnalabama.org
Janet Patton	Manager	Central Ala. Mountain	205-257-4911	jpattont@artures.com