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STATE OF TENNESSEE.
DEPARTMENT OF COMMERCE AND INSURANCE
TENNESSEE EMERGENCY COMMUNICATIONS BOARD

TRANSCRIPT OF THE PROCEEDINGS

November 19, 2009

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Reported by: Tracy Foley-Wilkes

1 BOARD MEMBERS PRESENT:

- 2 Mr. Randy Porter, Chair
- Mr. Ike Lowry, Vice Chair
- 3 Ms. Katrina Cobb, Member
- Mr. Robert T. Lee, Member
- 4 Ms. Carolann Mason, Member
- Mr. Freddie Rich, Member
- 5 Mr. Steve Smith, Member
- Mr. James Sneed, Member

6

7 STAFF MEMBERS PRESENT:

- 8 Ms. Lynn Questell, Executive Director
- Mr. James Barnes, Accounting Manager
- 9 Mr. Rex Hollaway, E-911 Technical Services Director
- Mr. Curtis Sutton, Board Attorney
- 10 Mr. Robert McLeod, Director of Audits

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1 CHAIR PORTER: Good to see each and
2 every one of you this morning. Hope everyone had a safe
3 trip coming in this morning.

4 This is the November 19th, 2009, meeting
5 of the Tennessee Emergency Communications Board. I'd
6 like to welcome each one of you.

7 Let the record show that we have a forum
8 and that Members Beehan and Smith are the only two that
9 are absent. Everyone else is present.

10 Pretty short agenda today. So
11 hopefully, we won't be here too long and we can get you
12 out as early as possible.

13 The first item, as always, on the agenda
14 for today is our Executive Director's report.

15 Lynn?

16 MS. QUESTELL: Thank you, Mr. Chairman.

17 I'd first like to update everyone on the
18 status on wireless carrier VoIP deployment. We haven't
19 had any billed out -- or anything this time. But on
20 Veteran's Day -- which was a state holiday -- we were
21 contacted by ClearTalk of their intention to
22 substantially degrade their 911 service in Tennessee on
23 November 15th -- which was a Sunday.

24 They said they'd revert from their
25 Phase II E-911 service to Phase zero for up to 30 days

1 or possibly longer in order to migrate to a new mobile
2 switching center. They've had some technical issues.

3 Under their plan, 911 calls would be
4 routed to a 10-digit non-emergency line without ALI or
5 ANI. And staff -- Rex and our general counsel,
6 Curtis Sutton, had a conference call with these people,
7 and they made it perfectly clear that this was not
8 acceptable. We also wrote a letter telling them that it
9 was not acceptable and contacted the FCC. In the
10 meantime, Rex was good enough to notify every district
11 that would have been impacted by this.

12 On November 17th, we got a communication
13 from ClearTalk that they would be able to deliver
14 Phase I while they are migrating to the new switch. We
15 have stayed in communication with the FCC, and they have
16 indicated that they would be contacting ClearTalk.

17 Misroutes, outages, and call anomaly
18 issues. There were two misroutes reported in Trousdale
19 County, but they involved near-border issues and were
20 deemed within current tolerances.

21 Coffee County received a couple calls
22 originating from a Verizon tower within Franklin County,
23 and Rex thinks this may be due to an automatic overflow
24 arrangement between Franklin and Coffee Counties and the
25 programming is being re-checked.

1 There was a call issue -- call anomaly
2 issue in Clay County. The Twin Lakes Telephone
3 Cooperative recently changed out of the local central
4 office switch and since that time 911 calls -- Clay
5 County has two area codes and all the calls from the 931
6 area code were not delivered with proper ANI -- which
7 resulted in the manual entry and retrieval of ALI data,
8 so staff worked with the Twin Lakes. Our Chairman
9 worked with the situation, too, and Twin Lakes has
10 agreed to fix the problem. They've already ordered the
11 technology necessary to do so, and we're appreciative of
12 that.

13 District activities. We are happy to
14 announce that new PSAPs opened in both Lewis and Morgan
15 Counties.

16 A dispatcher training event that was
17 arranged by the Upper Cumberland 911 Directors
18 Association was held on November 11th and over 100
19 dispatchers attended.

20 Blount County 911 received CALEA
21 accreditation -- and I would just like to take a second
22 to ask you-all to keep Ruth Travis in your thoughts and
23 prayers. She was in an accident over the weekend and
24 she's still in the hospital, and we're very concerned
25 about her.

1 I would also like to announce that every
2 district has gotten in their contingency plans, and we
3 appreciate your hard work on that. It's great to have
4 100 percent compliance with our policy.

5 So thank you-all very much.

6 And thanks to Rex, too, because I know
7 he worked with a lot of you very closely to get those
8 things done.

9 Status of GIS mapping maintenance
10 grants. There are nine districts who are not
11 participating in the GIS mapping maintenance grant
12 program. And of the 91 that are participating, a number
13 of them have not sent out their close-out reports. And
14 I'm going to name you-all, so you can get them in,
15 because you're not going to get more money for the next
16 year until you close out the previous year.

17 So these are Bradley, Cocke, Grundy,
18 Hancock, Lake, Lauderdale, Polk, Roane, Sullivan, and
19 White County. Please, if you have any questions about
20 this, contact Jim Barnes, and let's get those in. We
21 want to continue to provide the grant funding for you.

22 The status of the essential and
23 necessary equipment reimbursement fund. As of
24 November 10th, 93 districts have either been paid or are
25 in the process of being reimbursed for requests totaling

1 \$12,027,000, approximately.

2 Fifty-five of the districts have
3 requested the maximum amount of \$150,000, and seven more
4 have less than \$10,000 remaining on their allocation.
5 Seven have not initiated any documentation toward
6 requesting any of the \$150,000 Essential Equipment
7 Funding. Those would be Anderson, Benton, Brentwood,
8 Clinton, Haywood, Oak Ridge, and White. And this is
9 your -- there's not a time clock ticking on this fund.
10 This is available for essential equipment when you need
11 it.

12 Just because I gave your name out that
13 doesn't mean you've done anything wrong here. I just
14 wanted to make sure that everyone who had that money
15 available knew about it. It will be there for you no
16 matter when you want it.

17 Charter Communications. As you-all
18 probably know, in March we initiated a complaint with
19 the Tennessee Regulatory Authority on Charter. The
20 basis of that was errors in remittances to a number of
21 districts -- probably about 18 had no business line
22 remittances. We brought that to their attention. The
23 TRA issued a data request -- which was great -- asking
24 them to explain a number of issues. They provided an
25 answer to the data request -- which raised more

1 questions -- and the TRA has issued a second data
2 request.

3 Since we filed that we have received
4 reports that you-all are starting to include business
5 lines, coincidentally. And we have now received a
6 number of reports that Charter's remittances are
7 substantially lower, and calls from Charter to districts
8 indicated that they have withheld bad debt accumulation
9 for three years, and we are trying to accumulate that
10 data so that we can report that to the TRA as well. We
11 also intend to communicate with Charter about that as
12 well.

13 If you-all have any information about
14 not getting your usual amount of money from them, we
15 would sure appreciate it if you would send that in so we
16 can compile evidence. We want to make sure that we're
17 capturing all of the activity like this that we can
18 bring to TRA's attention. So just call us or e-mail us
19 your remittance forms. We'd really appreciate it. I
20 guess we've gotten reports from 12 districts who have
21 had that so far, and we tend to think there might be
22 more than that.

23 Charter's bankruptcy plan was approved
24 earlier this week and may be subject to appeal.

25 I met with some representatives from the

1 deaf and hard of hearing community in October -- Staff
2 and I met. They came actually asking for some financial
3 assistance to buy emergency notification systems for the
4 deaf. As you-all know, we don't pay for emergency
5 notification systems for anybody. That's a local
6 decision. And it's certainly an authorized decision,
7 but it's a local decision.

8 So since we felt our funding legislation
9 wouldn't allow us to help them in that way, we got to
10 talking and we're really looking for ways to collaborate
11 with them, and found kind of two ways that we're kind of
12 working with them.

13 One would be that -- if you-all want --
14 the districts want -- I've already sent an e-mail out on
15 this -- you're welcome to let me know that you would
16 like to input information into your CADs when there's a
17 deaf or hard of hearing person in your system. How that
18 would be administered would be -- the representatives we
19 met with have contacts with six deaf and hard-of-hearing
20 associations spread throughout this state, and they will
21 get with their members -- and if their members choose to
22 provide you with that information, they'll fill out this
23 form and the local association will then provide you
24 with that information to input into your CADs. Strictly
25 voluntary on all parts, but we just felt like that might

1 be a great way to work with them and collaborate with
2 them some more.

3 And the other aspect of collaboration
4 would be if you-all are doing some dispatcher training
5 stuff and would like somebody from the deaf and
6 hard-of-hearing community to come and talk about their
7 issues during your session, we can arrange that.

8 And if any of you might be interested in
9 going and talking to some of the community groups -- the
10 six community groups in the state, we can arrange that,
11 too. I mean, I think there's a message that 911 would
12 have the deaf and hard-of-hearing as well, so just let
13 us know and we will try to facilitate that.

14 Another announcement -- the budget. I
15 appeared at the Governor's budget hearing yesterday.
16 This was a big week for us. I think it went pretty
17 well. We asked for a large improvement so we could get
18 started on deploying our next generation 911 project.
19 The Governor asked some really deep questions about how
20 911 worked and what we were doing. We were really
21 struck and impressed by his interest in our program.
22 And he said to me afterwards that this was going to be
23 one of the bright spots in the year -- a tough budget
24 year. So I think that's a good thing to hear from our
25 governor.

1 The inter-tandem transfer project. As
2 you-all may know, this is a project to assist in
3 transferring 911 calls between boundaries, at least in
4 the AT&T covered area -- at this point.

5 The project is moving along, but it was
6 slowed somewhat because there was a need to convert some
7 PSAPs -- many PSAPs from 8-digit ANI delivery to a
8 10-digit prior to implementing the transfer function.
9 They think this conversion will be complete by February,
10 so this project should be completed in June 2010.

11 The NG911 project. Staff is working
12 closely -- staff and chairman -- with the NetTN project
13 team, which consists of personnel from AT&T -- that got
14 the bid on the NetTN project -- with other
15 collaborators -- and the Office of Information Resources
16 from the Department of Finance and Administration. And
17 we've been -- Rex and Randy, in particular, have been
18 really delving down into the real granular stuff, as far
19 as what is needed.

20 Basically, the point of this is to make
21 sure that we're all on the same page with some
22 amendments to the contract that ORI has with AT&T to
23 make sure all the 911 functionality is exactly what we
24 need.

25 And just to give you a little bit more

1 of an update, we're already in the process of starting
2 to prepare an RFP or RFI. We're not quite sure how
3 that's going to roll out. Meaning, a request of
4 proposal or request for information -- which would
5 hopefully get kind of more creative bids. But,
6 basically, we're going to use this IP platform that the
7 State has provided, but also do an RFP to get a 911
8 management professional in there to actually manage --
9 24 by 7 for 365 days a year -- the 911 aspect of this
10 platform to have a -- if the State -- a network
11 operation -- someplace you can call if you have
12 problems, basically.

13 And so that -- this will hopefully all
14 come together and our plan would be -- if everything
15 goes right, we would start some type of limited
16 deployment in the summer -- which is why we asked for
17 this big improvement to the budget.

18 Non-initialized phones. This summer I
19 sent a letter to the new FCC chairman nudging him,
20 saying please resurrect the non-initialized phone docket
21 that they opened after we filed our petition to address
22 that issue. And I have heard -- this is secondhand -- I
23 have heard from NENA that they are expecting FCC to move
24 on this soon and open a notice of proposed rulemaking.
25 This would be great. And we will keep on this because

1 we all know this is a very serious problem.

2 Since our last meeting we have received
3 Federal grant funding. The US Department of
4 Transportation has a specific 911 grant, and we were
5 told initially that we were eligible for around \$700,000
6 of it.

7 Curtis did all the heavy lifting on
8 that, and deserves all the credit. And we got almost
9 twice what they said we were going to have available.
10 We deeply appreciate it.

11 So that's -- that money -- what we asked
12 for, it for was for routers for the districts for the
13 next gen projects. So you-all will be seeing the
14 benefit of that grant.

15 TEMA activities. Rex participated in
16 the Statewide Interoperability Committee meeting at
17 Montgomery Bell State Park on November 5th. This
18 committee is working on several projects, and Rex's
19 involvement is to stay strictly -- is strictly to stay
20 informed on all issues that would affect our PSAPs.

21 The Committee voted to make a
22 concentrated effort during the last six months of 2010
23 to complete the narrowbanding process mandated by the
24 FCC. Rex also participated in the annual training
25 workshop recently held at Paris Landing.

1 That's all I have, Mr. Chairman.

2 CHAIR PORTER: Okay. Any questions of
3 Lynn on anything that was in the executive director's
4 report?

5 (Pause)

6 CHAIR PORTER: Hearing none, thanks.

7 Next item on the agenda is to consider
8 staff recommendations for extension of landline rates in
9 Bradley, Cocke, Gibson, Lawrence, and Montgomery County
10 ECDs, and Oak Ridge ECD.

11 You have it in your packet.

12 Lynn, you want to say anything about
13 this?

14 MS. QUESTELL: What we've provided you
15 is some spreadsheets.

16 We've analyzed the rates of each of
17 these districts. Each of them filed reports as
18 required. We note that the contributions by other
19 governmental entities to this -- these districts have
20 not be reduced and that the justifications for the rate
21 increases that they came in and asked for are still
22 valid. Staff has found no reason not to allow their
23 current rates to be continued.

24 The landline rates in Cheatham, Warren,
25 and Hawkins were scheduled for review. The directors

1 indicated that they intended to seek rate increases at
2 our first quarter meeting, so instead of making them
3 jump through two hoops, we gave them permission to wait
4 and do a full-blown rate increase request at the first
5 quarter meeting. And if they do not do that, we'll
6 review their rates at that time.

7 We're including these rate extension
8 requests primarily to make a record and to make sure the
9 Board doesn't object to the continuation of these fees.

10 CHAIR PORTER: Does any member object to
11 any of the rate increases staying in effect?

12 (Pause)

13 CHAIR PORTER: Hearing none, next item
14 on the agenda is Consider Adopting Proposed Budget for
15 the Fiscal Year 2010 through 2011. I think you have
16 that in your packet, also.

17 I'm sure Lynn and Robert -- whoever will
18 answer any questions that you might have.

19 Is this something we need to officially
20 adopt?

21 MS. QUESTELL: Yes. This budget is
22 essentially the same as the one you adopted last year
23 with two exceptions. We asked for about a 2.7 increase
24 to cover the management contract for the next generation
25 911 project and wanted to make sure that we had more

1 money in the budget to pay for that.

2 And then we've also asked for about --
3 what -- about 25 million in additional money for the
4 next generation 911 project. As I mentioned several
5 times, we intend to really get the thing rolling and at
6 least start deployment in the summer, and we wanted to
7 make sure that everything was in order to make sure so
8 that we could proceed without having to make any special
9 arrangements of the funding for it. We wanted
10 everything ready up front.

11 CHAIR PORTER: Any questions about the
12 budget?

13 (Pause)

14 CHAIR PORTER: Don't see any line item
15 for board members' salaries, so it's still a tough year
16 in state government. I don't guess -- don't count on
17 that for Christmas.

18 (Laughter)

19 MS. QUESTELL: You have to talk to the
20 General Assembly on that one.

21 CHAIR PORTER: Do I hear a motion to
22 approve the budget?

23 MEMBER COBB: I so move.

24 CHAIR PORTER: Do I have a second?

25 MR. SNEED: I second.

1 CHAIR PORTER: Motion by Ms. Cobb and
2 second by Mr. Sneed that we adopt the 2010/2011 budget
3 that was presented to us by staff.

4 Any discussion?

5 (Pause)

6 CHAIR PORTER: Hearing none, all in
7 favor say "aye."

8 BOARD MEMBERS: Aye.

9 CHAIR PORTER: All opposed, like sign?

10 (Pause)

11 CHAIR PORTER: Motion carried.

12 MS. QUESTELL: Thank you very much for
13 that.

14 CHAIR PORTER: Next item on the
15 agenda -- boy a year goes by in a hurry, doesn't it?

16 Time to elect officers for the TECB
17 again. Currently, of course, I'm the chairman and
18 Mr. Lowry is the vice chairman. I'll say, as I told you
19 before, any time you get tired of me -- if you're tired
20 of me now, all you have to do is vote somebody else. I
21 assure you I will not cry. I enjoy serving, but I want
22 the Board to be happy with the way things are going and
23 the job that I do. Mr. Lowry will probably say the same
24 thing.

25 So I'll open the nominations for the

1 chairman of the TECB.

2 MEMBER SMITH: Chairman, I would move
3 that we retain current officers for the coming year and
4 that all nominations cease.

5 CHAIR PORTER: I have a motion that we
6 retain current officers of TECB and that nominations
7 cease.

8 Do I have a second?

9 MEMBER COBB: Second.

10 CHAIR PORTER: We have a motion by
11 Mr. Smith and second by Ms. Cobb.

12 And let the record reflect that
13 Mr. Smith is in attendance now. He came in a little
14 late due to traffic. So make sure we have him on the
15 record as present.

16 Any discussion?

17 MS. QUESTELL: Could I just say
18 something?

19 MEMBER SMITH: Could I just correct the
20 record just a moment?

21 It wasn't traffic. It was Mr. Lowry had
22 my parking spot.

23 (Laughter)

24 CHAIR PORTER: You have to realize with
25 the entourage that he carries around it takes multiple

1 vehicles, so it takes a lot of parking spaces.

2 MS. QUESTELL: I just want to make sure
3 that everybody knows how much Randy and Ike have done
4 throughout the year in their positions as board
5 officers. They're involved almost daily in the
6 operations of the Board. They offer great advice. And
7 it's not just decoration, they really do a lot of heavy
8 lifting and thinking about things, and I want to express
9 my real deep appreciation to both of you.

10 You just add so much to the Board's
11 operation.

12 CHAIR PORTER: Thank you.

13 Any discussion?

14 (Pause)

15 CHAIR PORTER: Hearing none, all in
16 favor say "aye."

17 BOARD MEMBERS: Aye.

18 CHAIR PORTER: All opposed, like sign?

19 (Pause)

20 CHAIR PORTER: Motion carried.

21 I know I take this job very seriously,
22 and we deal with an operation that handles life and
23 death situations on a day-to-day basis, and this board
24 oversees that, not -- we're not out there -- maybe not
25 out there -- well, us as directors are. We're out there

1 every day in the ruts and the gullies of our counties.
2 But, you know, it's a serious business, and I appreciate
3 the confidence that you have in us.

4 MEMBER LOWRY: Same thing.

5 CHAIR PORTER: We'll try to continue to
6 do the very best job we can. But I still make my
7 statement -- and it holds true any time, it doesn't have
8 to be time for election -- if you don't feel comfortable
9 with the way that I'm leading the Board or the way
10 things are going, feel free to make that change. You
11 won't hurt my feelings. I want everyone to be happy
12 with the way 911 is going.

13 Next item on the agenda is consider
14 recommendations by the Policy Advisory Committee to
15 modify the Dispatcher Training Funding Program. Boy, we
16 just -- we try, we try, we try -- and take a big deep
17 breath, Lynn, and don't say any cuss words and give us
18 an update on where we're at right now.

19 MS. QUESTELL: Thank you, Mr. Chairman.

20 In October the Policy Committee met and
21 agreed on a process to administer the dispatcher
22 training funding. They wanted to make sure that it was
23 a separate fund because they felt that would encourage
24 districts to truly spend the money for dispatcher
25 training if it was there available for that.

1 Their recommendation involved changing
2 four aspects of the chart of account codes -- which is
3 used when the districts get their annual audits. And
4 the recommendation was contingent upon the comptroller's
5 office agreeing to these changes in the chart of
6 accounts.

7 And on November 4 Staff was -- met with
8 representatives from the comptroller's office to discuss
9 this recommendation. And that's why the agenda says.
10 What it says -- Consider Recommendations by the Policy
11 Committee to Modify the Dispatcher Funding Program.

12 I -- we learned Thursday that the
13 comptroller's office was not going to allow the changes
14 to the chart of accounts, so Staff has had to kind of
15 come up with some ideas on-the-fly because it's so
16 important to get this money out to the districts. We
17 want them to be able to count on it. We want them to
18 make sure they're in compliance with the required
19 dispatcher training. So we kind of came up with some
20 ideas, and we provided them to the Policy Advisory
21 Committee.

22 I have received no objections to those
23 ideas from the Policy Advisory Committee, so I'm just
24 going to throw out what we came up with.

25 As I said, we want to expedite the

1 funding to the districts for this very, very important
2 item. So we figured the best way -- the most direct way
3 to get the money to the districts would be to make
4 this -- make an additional payment to the districts in
5 the amount recommended by the Policy Advisory
6 Committee -- which would be \$4,000 per position.

7 That -- usually about five people staff
8 a position. We had some problems with the -- last year
9 counting the number of dispatchers. We've already gone
10 through and counted the positions as part of the NG911
11 survey that we did, so we have an idea about that. If
12 we get you wrong, let us know and we'll take steps to
13 correct that.

14 So we would -- first recommendation is
15 calculated just as the Policy Advisory Committee
16 recommended: \$4,000 per position. But then take that
17 money and just add it in January to the Operational
18 Funding payment. Because then all we're saying is it's
19 Operational Funding, and that becomes not a problem, as
20 far as tracking down the exact direction of the money.
21 It's just Operational Funding.

22 We will send a communication to each
23 district stating exactly how much money was put in their
24 accounts for dispatcher training, so they'll have that,
25 even though we can't keep it in a separate account. We

1 would have that for the directors to show to their
2 boards and to show that this is the amount for this year
3 for dispatcher training so it wouldn't get lost in the
4 other funding.

5 We would also be willing to go to talk
6 to your district boards, if you would like; or we would
7 be willing to send a letter -- or anything we can so
8 that everyone is assured that this amount is for
9 dispatcher training. And we would send out a notice to
10 the districts with the criteria for funding that the
11 Committee recommended.

12 And, basically, the deal would be if you
13 received this money for dispatcher training and then
14 when the auditor comes to do the grant monitoring if you
15 have not complied with the law as far as your dispatcher
16 training -- this is not an unfounded mandate -- it's the
17 law -- and we've provided funding -- and if we find
18 districts that haven't complied with the law, we'll be
19 asking them to kind of come in and explain why not.

20 But I have to say this, too, when Robert
21 went around last year, every single district that he
22 checked was compliant. I think you-all deserve a pat on
23 the back for that. We were really pleased to see that.

24 One of the strictures for this funding
25 is if you are a district that provides dispatching

1 services through the action of another local government,
2 like here in Nashville where the district is simply a
3 funding mechanism and the employees are Metro employees,
4 there needs to be a written inter-local agreement before
5 you can provide funding for those dispatchers that
6 aren't your employees. So that will be part of the
7 notice that we would send out.

8 We would ask that the districts, as
9 always, maintain a record of their dispatcher training
10 expenditures, and to maintain a record of completions,
11 so that when Robert comes around we would know that --
12 what kind of training has been provided.

13 And, as always, we have to say that the
14 regulations that were adopted for dispatcher training
15 sets a minimum, and the districts are encouraged to
16 provide more than just the minimum training. I think
17 the vast majority of them do.

18 Because this funding would be designated
19 as part of the operational fund, districts that would
20 not be in a position to pay for dispatcher training --
21 and there are a number of them -- could use the funding
22 for any operational purpose. So that would be one added
23 benefit.

24 So, basically, that's what we would be
25 asking for: to provide specific amount of \$4,000 per

1 position to each district in their January operational
2 funding payment.

3 CHAIR PORTER: Okay. You've heard the
4 recommendation from Staff that starting in January -- it
5 would be a one-time payment, annually -- is that the way
6 we do it?

7 MS. QUESTELL: Yes.

8 CHAIR PORTER: -- \$4,000 per position
9 for the dispatcher training.

10 And what's the will of the Board?

11 MEMBER LOWRY: So move.

12 CHAIR PORTER: Have a motion from
13 Mr. Lowry.

14 Do I have a second?

15 MEMBER RICH: Second.

16 CHAIR PORTER: Second by Mr. Rich.

17 Any discussions?

18 MEMBER SMITH: Mr. Chairman, just
19 briefly a question. I apologize, maybe this was covered
20 in the operational last session -- I know that we have
21 been provided some information regarding it. But the
22 basis for excluding a fixed backup facility was -- what
23 was the concern about that, to exclude those?

24 MS. QUESTELL: Because what we're
25 wanting to do is actually fund active dispatchers. If

1 you've got a vacant backup facility that no one is
2 actually manning, then it's hard to calculate, you know,
3 that there's actually dispatchers there that need
4 training. The dispatchers there are actually already at
5 another position getting the -- that would be funded
6 with this training.

7 MEMBER SMITH: Okay. But if, in fact,
8 those same -- we acknowledge those same personnel would
9 man a position if we made the training -- the latitude
10 for the district to use the training funds maybe for any
11 specialized equipment they have or any other call taking
12 devices or equipment, I feel that we might not be having
13 a level playing field, in terms of the district may have
14 expenditures they want to make that -- and we're
15 including district board members to be able to get
16 training; is that correct?

17 MS. QUESTELL: Not dispatcher training.

18 MEMBER SMITH: Okay. Not this one.

19 MS. QUESTELL: No.

20 MEMBER LEE: I have -- oh, go ahead. I
21 thought you were finished.

22 MEMBER SMITH: I am. I'm just -- I
23 mean, if we're including them if they're sitting on an
24 existing PSAP site -- that is the way I'm understanding.
25 Am I correct in that? First.

1 MS. QUESTELL: Yes.

2 MEMBER SMITH: That they may not be
3 used -- they may be used as work -- that maybe overload
4 training if a district has invested in a facility to
5 have additional answering positions. For example, to
6 take overload, then there may be -- we talked about
7 telecommunicator emergency response training program and
8 bringing other dispatchers in. There's just some
9 options there that I think I can certainly see the side
10 of the issue of not paying for something that's not
11 going to be used, but --

12 CHAIR PORTER: Can I -- one thing,
13 Steve, I think that maybe this will clarify it a little
14 bit. The only thing we use the number of positions for
15 is to determine how we're going to divide the money, so
16 that way we have something to go by to figure that
17 Rutherford's going to get this amount and Putnam's going
18 to get this amount.

19 Once you get that amount of money, if
20 you want to spend it on your backup, you know --
21 whatever it involves in training, then that would be
22 your decision at the local level. We're not telling you
23 you can't spend it on the backup or you can't spend it
24 for whatever. As long as it's involving training
25 dispatchers, that's going to be a local decision.

1 MEMBER SMITH: Then maybe I just need
2 clarification where the total numbers are coming from.

3 CHAIR PORTER: They came from the
4 numbers that you would have submitted from the last
5 time. Is that right?

6 MS. QUESTELL: The numbers -- the number
7 of dispatching positions came from the survey that Rex
8 did with Kimball of each PSAP to hook into the next
9 generation project. They surveyed every single PSAP to
10 understand exactly what equipment was there.

11 MR. HALLOWAY: We might end up adding, I
12 don't know -- another 10 percent above the number we
13 came up with that would accommodate the backup positions
14 all over the state and different facilities, which would
15 then -- I mean, if we just did one PSAP that, obviously,
16 would increase the amount of money that say Rutherford
17 might get, but if we did it statewide and said, okay,
18 let's go back and look at every backup center, then it
19 might not have much of an impact anyway.

20 MS. QUESTELL: Jim?

21 MR. BARNES: Just a brief -- another
22 part of this was that we were limited to about
23 \$2 million. The current count on the positions we have
24 is 551, which is \$2,204,000, if we pay on the count of
25 positions that we have right now. So if we add anything

1 else to it, the money's going up.

2 CHAIR PORTER: The amount that each
3 district would get would go down if we had to divide it
4 up?

5 MR. BARNES: Either the \$4,000 would
6 have to drop or it would cause --

7 CHAIR PORTER: Bobby, did you want
8 something to do with this?

9 MEMBER LEE: That's what I was asking.
10 So it's about \$2 million, and by 551 positions is what
11 we're talking about. So that's how you come up with the
12 \$4 million -- I mean, \$4,000 per position.

13 So, Lynn, I guess what we're talking
14 about is \$4,000 per position would be a grant to each
15 district per position to be designated for training --
16 dispatcher training, and then there will be -- the
17 district will be required to have documentation that was
18 expended towards training, and then it would be checked
19 and monitored on the back side.

20 CHAIR PORTER: That's what we wanted to
21 have happen.

22 MEMBER LEE: Documentation.

23 MS. QUESTELL: That's what we wanted.

24 CHAIR PORTER: That's what we wanted and
25 the Comptroller -- well --

1 MEMBER LEE: I think their concern from
2 the comptroller's office was the chart of accounts --
3 change of the chart of accounts. You can still have
4 documentation available that can be there for the
5 auditors to check and not change the chart of accounts.
6 But the documentation can still be there to verify the
7 documentation without changing the chart of accounts.

8 MS. QUESTELL: What we're proposing is
9 to make this part of the Operational Funding Program.
10 So it's available to spend on dispatcher training if a
11 district so desires, and where it's appropriate. And if
12 they don't spend it on that and they come up in
13 violation of the law and the regulations as far as the
14 actual training requirements, they're going to get
15 called on the carpet. But it is as part of the
16 operational fund.

17 It is recommended that they use it for
18 dispatcher training, but it wouldn't be required. And
19 in some situations the districts would -- this wasn't
20 entirely fair in the past because there are some
21 districts that don't have dispatchers, so it wouldn't be
22 appropriate for them to spend money for dispatcher
23 training. So this is a situation where the money would
24 go into the operational funding with the recommendation
25 that it be used for dispatcher training. And we would

1 ask everyone to keep up with their expenditures, so that
2 it can be looked at.

3 But because it's part of the operational
4 funding, it would be treated just like the operational
5 funding -- which is, as long as it's spent on
6 operations, it's okay to spend it.

7 CHAIR PORTER: We wanted to split it
8 out -- have its own line item, that way every district's
9 budget and every district's audit would have that line
10 item in there, so we'd know how they spent the money.

11 So -- is -- Mr. Sturtevant, would you
12 come up? I'd like to ask you a question, if you don't
13 mind.

14 MR. STURTEVANT: Okay.

15 CHAIR PORTER: If you would, state your
16 name so we can get it on the record.

17 MR. STURTEVANT: Yes. I'm David
18 Sturtevant. I'm the contract audit review manager for
19 Division of County Audit with the comptroller's office.

20 I review -- I'm responsible for
21 contracting and review of the 90-some-odd emergency
22 districts in the state. So I'm quite familiar with the
23 process and the reporting, and that's the reason I'm
24 involved with -- in the aspect of this.

25 CHAIR PORTER: The question that I have

1 is the original chart of accounts -- correct me if I'm
2 wrong -- and I don't know if you were involved in it at
3 this time, but when the Board was formed, I guess in
4 '96, we had a financial committee -- and you may have
5 sat on that committee, but we came up with -- that's
6 where the chart of accounts for 911, as far as the ones
7 we would use, that's where it originally came up from;
8 is that right?

9 MR. STURTEVANT: Yes. When they made
10 legislative changes, where they charged the Comptroller
11 under -- I think it's 7-86-304 -- with the
12 responsibility of setting up an accounting system for
13 the emergency communication districts, and that's where
14 we're charged with it.

15 We're more or less custodians of the
16 audit and accounting manual -- which the chart of
17 accounts is a part of and which we -- it is not
18 stagnant, but in recommendations, for instance, like
19 when the operational funding came about, we included
20 that to capture that information. But we're using our
21 professional expertise to make sure that we have
22 consistency across the state with the reporting that
23 will be reliable and comparable with what's being
24 reported. And then, also, addressing any other
25 compliance or accounting issues for the districts.

1 CHAIR PORTER: I guess my question is
2 what would be the big deal of adding another line item
3 into the chart of accounts that would be for dispatcher
4 training -- or whenever? To me, that seems so simple to
5 do. I can't understand what the big deal would be.

6 MR. STURTEVANT: Well, what really --
7 they have a proposal for four different accounts and
8 really what your training program was taking things from
9 multiple different accounts -- which are you're going to
10 reimburse people for salary and you have strict
11 guidelines of what type of salaries we would -- you
12 would reimburse for and also the backup individuals.
13 All that is captured under your dispatcher salaries. It
14 is not skewed. It's precise.

15 You know what salaries are pulling as
16 part of that figures out of that account, really not
17 showing what true dispatcher salaries are. For
18 instance, then you also have training expenses.
19 Training expenses could be administrators, dispatchers,
20 or you could have any kind of personal development that
21 you could provide for secretarial staff -- whatever.
22 All that's captured under there. You're going to pull
23 that portion of that on your reimbursement program. You
24 wanted only what was reimbursed for dispatcher -- that
25 would be dispatcher training.

1 The idea that you end up having -- you
2 have made the comment that you want them to spend more
3 than what you -- \$4,000. That's fine, but with this
4 program here, you'd sit here and say only what's
5 reimbursable is what we want in here. So that skews it
6 to you. You've got some of it in a dispatcher
7 training -- which is reimbursable -- and another portion
8 it's not.

9 Then you take your -- also your aspect
10 with travel. You have travel. Travel could include
11 just around town checking on various aspects, or
12 out-of-state travel. Then you have multiple
13 restrictions that you're saying -- the idea that --
14 you're not prohibiting a person from sending their
15 dispatchers to an excellent conference in New York, but
16 you don't want to reimburse them for it. That skews it,
17 too.

18 So it really created an accounting
19 nightmare with this and also the simplicity -- the
20 accounting -- making sure that the chart of accounts is
21 followed in its simplicity form is -- we find a lot of
22 problems.

23 Then also, relying on the aspects of
24 saying that I'm going to look at your audit and say I
25 see three accounts here that are reimbursable then what

1 an auditor looked at that -- that's a false assumption.
2 And that auditor looked at that and I'm going to write a
3 check based on that. That's a false assumption because
4 an audit will look at things based on materiality. The
5 idea of you might have a \$3,000 expenditure under
6 reimbursement, but if -- and your materiality level is
7 \$10,000, it never will -- would not even look at one
8 item in it. And it could be any kind of thing listed in
9 there. It would not -- the audit does not deal with
10 exactness. It is materiality in their reporting, and
11 that's what was skewed with it.

12 When we had -- I came in, we talked with
13 Lynn and her staff and I was -- I understood they were
14 wanting to find a way that was efficient and effective
15 for them to sit there and disburse it. Their pilot
16 program -- their reimbursement program had -- they ended
17 up inundated with paperwork, I guess. And we were
18 trying to find an effective way to do this. And we were
19 trying to assist in that, but the chart did not see the
20 mechanism.

21 It would skew it and you would get a
22 false assumption of assurance that that was in
23 compliance. Another aspect with your -- with the
24 program that we recommend was a reimbursement program,
25 just like you do a travel -- a person might have a

1 travel claim, you know, you sit there and say I have
2 incurred an expense.

3 That was our recommendation that we
4 proposed to Lynn. And when I sent her back an e-mail
5 from our office, we had -- I discussed this with our
6 technical managers and our directors and the
7 reimbursement program, if you were wanting to monitor
8 the compliance, was probably the best way to do it. And
9 you could do it multiple ways. Sit there and provide
10 them a form, and they submit a form with reporting
11 documentation. Then when you had your auditors go out
12 and check, you can see that there was compliance with
13 your reimbursement.

14 That could be problematic for your staff
15 to sit there and deal with it. You know, because we
16 recommend quarterly, and they'd say, well, that's 400
17 reimbursements. But even right now at this day, it was
18 done once, you're talking about 100, even if you did it
19 annually. But sounds like you've gone completely away
20 from your compliance aspect and saying we're just going
21 to give you your grant.

22 And one other issue that really skewed
23 the whole aspect of using the chart is half of the
24 districts don't even employ dispatchers. You are
25 willing to reimburse them to another government for

1 dispatcher training. How do you sit there and verify
2 that those other governments are spending the money the
3 way they wanted? You'd have to use some kind of
4 reimbursement for them. You're not going to have them
5 change their chart to reflect those things. And seeing
6 you would get -- even if this could provide some
7 assurance from the ones with dispatchers, half of the
8 ones you wouldn't because you'd have one line item that
9 you had no assurance on unless you provide some kind of
10 support from that other government providing
11 reimbursement program.

12 And that was really what -- from our
13 thoughts, as that's the best we could think about, if
14 you were wanting to show a compliance is use a
15 reimbursement program where you submit a one-page claim
16 of what you spent and then it would be a verifiable
17 documentation that could be monitored with your auditor
18 at a spot check, as you do with your other grants.

19 CHAIR PORTER: So our idea of having one
20 line item where the revenue came in from the state
21 board, and it being separated in the revenue line item,
22 and having another line item for dispatcher training
23 expenses where everything that you paid would come out
24 of that line item, you say it would skew it and there
25 would be no way for the auditors to be able to

1 actually -- you -- that's not going to -- one
2 district -- the other district -- comparing them, that
3 couldn't happen.

4 Is that what you're saying?

5 MR. STURTEVANT: The way you're breaking
6 it out in multiple -- and you'll have -- you're
7 attempting to sit there and have multiple travel expense
8 claims for travel expense accounts, training expense
9 accounts, and then you're also segregating your
10 dispatchers. And this is not synonymous to the
11 accounting to sit there and segregate that. You're not
12 providing any assurance that that is correct because
13 those accounts might not ever even get looked at based
14 on materiality in their evaluation at the auditors.

15 And that was the reason we did -- you're
16 going through a process that really doesn't give you any
17 assurance.

18 CHAIR PORTER: Okay. Any questions of
19 Mr. Sturtevant from any of the board members?

20 MS. QUESTELL: I would like to say
21 there's eight of us, and I've got three financial people
22 on staff. I've got a huge new project coming that's
23 going to put substantial burden on the staff. And when
24 we started thinking about another reimbursement program
25 and what that would do to our current staff -- what the

1 chances would be in this financial climate of getting
2 approval for additional staff, we just decided the best
3 way to do it is just to call it operational. That way
4 no one is trying to keep perfect track of everything.
5 That's less paperwork for the district, and that's less
6 paperwork for the staff.

7 And the bottom line is -- what really
8 matters is there would be sufficient funds for
9 dispatcher training and what we're demanding compliance
10 on is compliance with the law about dispatcher training.
11 And so if you don't have -- if you're not in compliance
12 with the law, if you're not keeping your people trained,
13 that's what matters.

14 CHAIR PORTER: Then we go after the
15 offenders and not the ones that are doing right.

16 MS. QUESTELL: Instead of just being --
17 counting every single little thing, it's just --

18 MR. STURTEVANT: With this, I understand
19 the policy that you're going with, and that's no problem
20 with our office. If you choose to sit there and
21 distribute the money, we have no problem with that. But
22 with the ones that are -- operational funding you
23 provide to the district, what about the ones that don't
24 hire dispatchers? How are you going to be able to
25 mandate them to make -- use that money? You say it's

1 open for any use.

2 MS. QUESTELL: Right.

3 MR. STURTEVANT: But it doesn't really
4 force the district to say, well, why are we reimbursing
5 these when we don't need to. I mean, that's -- when I
6 was sitting here listening to this program the first
7 time, that's the issue that came up with me.

8 CHAIR PORTER: What we're looking at is
9 if the dispatchers in that county -- if that money is
10 sitting there and the district didn't help to train
11 those dispatchers and then we find out that they're not
12 certified like they're supposed to be, then we'll be
13 calling that district back in and saying hey. Just like
14 we do if they don't spend their money right for a rate
15 increase -- or anything else.

16 Okay. Explain why you didn't -- and, of
17 course, our only means of penalizing a district is
18 withholding money, so there could be a chance if they're
19 not spending their money on that, that the Board could
20 vote to withhold that money, then, from them, if they're
21 not spending it the way they should.

22 Thank you, David. I appreciate you
23 coming and talking with us.

24 MR. STURTEVANT: No problem.

25 CHAIR PORTER: Okay. Any other

1 discussion on the motion that we've got on the floor to
2 approve the dispatcher disbursement?

3 (Pause)

4 CHAIR PORTER: Hearing none, all in
5 favor say "aye."

6 BOARD MEMBERS: Aye.

7 CHAIR PORTER: All opposed, like sign?

8 (Pause)

9 CHAIR PORTER: Motion carried.

10 MR. BARNES: Chairman, pardon me. I've
11 got the handouts for the results of this vote for the
12 amount of money going to each district. I'd like to
13 give them to the Board.

14 CHAIR PORTER: Sure. That'll be fine.
15 Hand them out.

16 (Documents tendered to the board.)

17 MS. QUESTELL: I think we also made some
18 copies for the people in the audience. And we'll also
19 be sending out with the meeting summary the actual
20 disbursement of how much you-all could expect in January
21 for your dispatcher training.

22 CHAIR PORTER: Next item on the agenda
23 is Consider Proposal to Amend the GIS Base Mapping
24 Contract to Include Ortho Imagery Updates for the ECDs.

25 Mr. Dennis, you want to state your name

1 for the record.

2 MR. PEDERSEN: Dennis Pedersen, Director
3 of GIS Services Department of Finance Administration.

4 Mr. Chairman, Ms. Questell, members of
5 the board, it's my pleasure to be here this morning.

6 Let me first say that we appreciate the
7 relationship that we've enjoyed over the past seven
8 years through the development of the base mapping
9 program and the local 911 districts.

10 My goal today is to look at how we can
11 extend our current partnership between the ECB and the
12 Tennessee Base Mapping Program, specifically through the
13 ability for the Board to fund a digital ortho imagery
14 maintenance program.

15 Let me give you some background, and we
16 can get into some of the details. The goal of the
17 Tennessee Base Mapping Program is to create a uniform,
18 consistent, digital, high-accuracy base map consisting
19 of digital ortho photography, selected planimetric
20 layers, and a digital parcel layer suitable for use and
21 implementation of GIS at the municipal, county, and
22 state level. Of particular interest to the emergency
23 communication districts are the updates to the
24 comprehensive countywide digital ortho imagery layer.

25 Data production on a county-by-county

1 basis over a seven-year period was completed in 2007.
2 So the initial statewide production is two years behind
3 us. We completed a pilot project in East Tennessee to
4 improve the image quality and resolution. So,
5 basically, we went from a 2-foot black and white ortho
6 imagery product down to a 1-foot color ortho imagery
7 product.

8 Starting in 2008, we developed a
9 partnership with TDOT and began a program to acquire an
10 entire region, as opposed to county-by-county ortho
11 acquisitions, to provide these updates to the local
12 emergency communication districts. We have -- of the 23
13 counties in West Tennessee, we've provided the updated
14 imagery for 22 of the 23 counties. So, the plan is to
15 acquire one TDOT administrative region annually over a
16 four-year recurring period. As a result, local
17 emergency communication districts will receive updated
18 ortho imagery from OIR GIS Services once every four
19 years in perpetuity.

20 So that's the plan of how we're going to
21 maintain the ortho imagery.

22 Now, what we're asking for is the ECB to
23 help fund the maintenance program to allow the ECDs to
24 receive the updated ortho imagery at no cost.

25 So, specifically, we're asking three

1 things -- number 1 -- in our proposal to reach the goal
2 of developing a statewide ortho imagery maintenance
3 program: number 1, create and maintain a statewide
4 digital ortho imagery program consisting of a digital
5 color 1-foot resolution imagery; number 2, develop
6 updated imagery for a quarter of the state, annually;
7 number 3, provide the ortho imagery to the emergency
8 communication districts at no cost to the district.

9 So the net conclusion is that we're
10 asking the Emergency Communications Board to approve an
11 amendment to our current contract that we have by adding
12 \$150,000 for each of the next two fiscal years.

13 CHAIR PORTER: And the way we understand
14 it is our contract with you is up -- it's due in --

15 MR. PEDERSEN: Correct. It's a
16 five-year contract. We're entering the fourth year. So
17 we'll be amending the contract for the year four and
18 year five by adding \$150,000 for each of those two
19 years.

20 CHAIR PORTER: You heard --

21 MR. PEDERSEN: I'm sorry.

22 CHAIR PORTER: No. Go ahead.

23 MR. PEDERSEN: After the conclusion of
24 this current contract we'd have to re-negotiate a new
25 contract.

1 CHAIR PORTER: You heard the request
2 from GIS OIR. You know, one thing I'll throw in. We
3 did -- we flew 15 counties on a homeland security grant
4 cost \$365,000, so \$150,000 -- so that every four years
5 the districts are always going to have updated imagery.
6 Sounds like a bargain to me. But we've had a great
7 relationship with GIS. I want to say that, too. And
8 they've done everything that they said they would do.
9 We rely on the data that comes from them all the time.
10 And, of course, I know a lot of the other districts do,
11 too.

12 So you've heard the request that we
13 amend our contract with OIR and include another \$150,000
14 for the next two years -- which would give -- all the
15 ECDs in the state will get the updated ortho imagery
16 every four years.

17 What's the will of the Board?

18 MEMBER LEE: Question. Is it in the
19 budget?

20 MS. QUESTELL: I think we have checked,
21 and we can find that money is what Jim kind of said.

22 Would you like to speak more on that,
23 Jim?

24 MR. BARNES: We increased the -- one of
25 our budget codes for consulting services for '08 -- for

1 the current year that we're in and nothing has come of
2 it. So I know we have the money for this year. And in
3 the \$25 million request that we've got going on for
4 improvements, there's also another increase for another
5 \$3 million -- or \$2 million in consulting services for
6 2011. So we do have \$150,000 for each year in our
7 budget for this -- that can cover.

8 MEMBER LEE: I make a motion we approve.

9 MEMBER MASON: Second.

10 CHAIR PORTER: A motion from Mr. Lee and
11 second from Ms. Mason that we approve the request from
12 OIR.

13 Any discussion?

14 (Pause)

15 CHAIR PORTER: Hearing none, all in
16 favor say "aye."

17 BOARD MEMBERS: Aye.

18 CHAIR PORTER: All opposed, like sign?

19 (Pause)

20 CHAIR PORTER: Motion carried.

21 Dennis, thank you. I know this is --
22 for the 911 districts that use that imagery on a
23 day-to-day basis this is a big deal to be able to get
24 that imagery free and won't have to pay for it on a
25 county-by-county basis.

1 MR. PEDERSEN: Thank you.

2 CHAIR PORTER: We appreciate what
3 you-all do for us. Thank you.

4 Next item on the agenda is Consider
5 Request for Assistance from Overton-Pickett County ECD.

6 Mr. Masiongale, would you like to come
7 forward?

8 CHAIR PORTER: Lynn, you want to talk
9 about it first?

10 Let's get Chris on the record first.

11 Would you state your name and title for
12 the record.

13 MR. MASIONGALE: Chris Masiongale,
14 Overton-Pickett 911 Director.

15 MS. QUESTELL: Thank you. I would like
16 to provide a little bit of context for this because it
17 wasn't that Chris was really wanting to come; it was we
18 felt like it was a good idea. The reason is -- let me
19 start at the beginning.

20 They had a really bad lightning strike
21 in Overton-Pickett in July to the point that one of
22 their dispatchers actually had to be hospitalized. And
23 they're still -- it did a lot of damage to their PSAP,
24 and they had to actually operate out of a mobile PSAP
25 for a while. Their controller has become unreliable.

1 I'm not going to say what you compared
2 it to -- a former relative.

3 So it has to be replaced. And they've
4 submitted the claim to their insurance company and the
5 insurance is -- pays for a replacement controller, and
6 it will be about \$93,000 for that. Well, this is a real
7 opportunity for the Board to save some money because to
8 replace that controller with a non-next generation 911
9 compatible controller is wasteful. I mean, to my mind,
10 we are on the cusp of really deploying this new IP
11 platform and he would be replacing his old controller
12 with the same model. So he's -- in two years he's going
13 to have to get another controller that's IP compatible,
14 so why would we even spend that money on something
15 that's going to be obsolete, hopefully, very soon.

16 So we got to thinking about this and
17 Chris requested that the vendor give an estimate of how
18 much it would cost for an IP compatible controller. And
19 his idea is that because the controller is configured to
20 work with a lot of other equipment in his PSAP, he felt
21 like this is a situation where a sole source was the
22 appropriate way to go.

23 He also got a follow-up letter from the
24 provider of the controller that says that they commit
25 that the controller that they would replace -- that it

1 would be IP compatible for no cost. They would make
2 sure that it was compatible with all the standards that
3 this board might adopt for its next generation 911
4 project at no cost. So he's got that.

5 So we're looking at the aspects of
6 saving money. Staff is in the process now of trying to
7 come up with a fair and reasonable proposal for
8 upgrading the districts' equipment to be 9 -- NG911
9 compatible, but we haven't got there yet. And we don't
10 want to rush this. We want to think this out very
11 carefully.

12 We expect to have a proposal at first
13 quarter -- next year's meeting, but we don't have that
14 ready yet, and didn't want the Board to make any kind of
15 decisions that would impact that funding that would set
16 a precedent that might constrain where we're going with
17 our plan to disburse the funding.

18 So Staff came up with the idea that this
19 is a catastrophic loss, and we thought that perhaps it
20 might be appropriate -- or we thought we would at least
21 ask the Board to consider that this a situation where
22 the catastrophic loss funding might be appropriate. The
23 catastrophic funding is for \$100,000 per event. But
24 Overton-Pickett is our one consolidated district. And
25 we have put in place, you know, many policies to try to

1 encourage consolidation, and one of them is that they
2 don't get ripped off for being consolidated. So they
3 get grants for two districts. They get operational
4 funding for the two districts. They get other things
5 for the two districts. So I guess what we would be kind
6 of proposing -- two things really -- is perhaps to allow
7 the district to get 2 -- up to \$200,000 for this
8 catastrophic event. But also, the catastrophic loss
9 policy says that that money should not be used for
10 upgrades, unless determined otherwise by the Board.

11 So we're asking you to determine
12 otherwise, because this a real opportunity to use some
13 of that insurance money he's already got to upgrade his
14 controller. So we'd be asking for up to \$200,000 for
15 the funding and an exception to the general rule that
16 they can't use it for an upgrade.

17 But there would have to be two caveats.
18 One, that Chris has already agreed to -- and really
19 insistent on is he wouldn't get two bites of the apple.
20 He's not going to get another controller from the NG911
21 equipment money. This would be his bite of that apple
22 for a controller. And he doesn't want anything unfair,
23 but this is an opportunity for the Board to save money.

24 And we would ask that he mitigate --
25 take steps -- whatever steps necessary to mitigate

1 against future lightning strikes -- which I'm fairly
2 certain he's already done.

3 But would you like to speak to that?
4 Have I kind of summarized the proposal? Probably at too
5 long a length.

6 MR. MASIONGALE: I think you've done a
7 very good -- I want to thank all of you for allowing us
8 to be in front of you today and making this request.
9 We've determined by imagery from a closed-circuit TV we
10 actually sustained four strikes. It heated one of our
11 towers enough that it actually warped the tower and the
12 tower had to be replaced. We've got some pretty good
13 photos if you-all are interested. So we can prove we
14 got hit.

15 But, you know, we're here to ask you for
16 your assistance and appreciate anything you can do for
17 us.

18 CHAIR PORTER: Questions of either Chris
19 or Lynn -- or statements?

20 MEMBER SMITH: Chris, how many strikes
21 have you had at your center?

22 Now, I know you said four in this
23 event --

24 MR. MASIONGALE: Four this one. This is
25 the second one in 12 years. And we are grounded. We

1 are very well grounded. We had engineers come in and
2 look at our system and said if we did any more grounding
3 than what we did now, we'd be the grounding plane for
4 the area. It was just an act of God, and he was really
5 mad at us that day.

6 MEMBER SMITH: I can appreciate that.
7 My basis for asking was -- and we've been through the
8 same thing. I have the same insurance carrier that you
9 have in this material, and after the second one we had
10 to clearly demonstrate to them that we had done
11 everything that was currently -- technically available
12 to do. As we said, if you have a better idea, we'd be
13 glad to hear it.

14 MR. MASIONGALE: They sent out an
15 engineer from Washington down and he spent the day with
16 us going over everything and looking at -- we have a
17 halo around the building, two halos inside the
18 building -- and, I mean, we spent a lot of money in
19 grounding.

20 Then we put up a big tower with a
21 lightning rod on top of it, so the antennas were
22 exploded and burned and a lot of the equipment -- I've
23 got photographs that are charred. It's definitely a
24 lightning strike and took a lot of damage.

25 MEMBER SMITH: We know what havoc they

1 can wreak and sounds like you've mitigated all the areas
2 that you can, and we'll keep our fingers crossed. Maybe
3 if you change from John Deere green to red.

4 (Laughter)

5 MR. MASIONGALE: I didn't wear my hat
6 and the room doesn't look as colorful without it. But I
7 learned one thing on the way over here, that my head is
8 aerodynamically shaped. I could feel the wind going
9 through my hair.

10 (Laughter)

11 MEMBER SMITH: Good luck to you.

12 CHAIR PORTER: So does everyone
13 understand what we're asking for?

14 Coming up in our February meeting we'll
15 probably be approving the NG911 to what we're giving the
16 districts, anyway, to start their upgrades to do this.
17 We didn't see Chris wasting, basically, almost \$200,000
18 buying -- replacing the controller today and him turning
19 around in six -- eight months -- or whatever it might
20 be -- and turn around and doing it again. So that was
21 the request. And we tried to come up with some kind a
22 way to do that. That's what we're presenting to you
23 today, is to allow the money to come out of the
24 catastrophic loss fund and then Chris doesn't get a --
25 he doesn't get any NG911 funds, so it's a washout,

1 basically. It's a way for him to go ahead and do it
2 without wasting that extra money having to do it twice.

3 So what's the will of the Board?

4 MEMBER MASON: I make a motion that we
5 accept Staff's recommendations.

6 CHAIR PORTER: Do I have a second?

7 MEMBER SMITH: Second.

8 CHAIR PORTER: Motion by Ms. Mason and
9 second by Mr. Smith that we approve Staff's
10 recommendations to give Overton-Pickett up to \$200,000
11 out of the catastrophic loss fund to be used to replace
12 his controller. And I want to add this into the motion,
13 if it's okay, that he obtain a -- I don't know a
14 notarized document -- or at least a document through
15 your attorney that the equipment that he's purchasing
16 will be NG911 compatible -- or the company will make it
17 that way if something were to change on the -- because
18 NG911 is kind of floating around as to what the final
19 standard is going to be.

20 Is that okay if we make that part of the
21 motion?

22 MEMBER MASON: Yes. I think just a
23 letter saying that they'll upgrade the software since we
24 don't know what that's going --

25 MR. MASIONGALE: We have representatives

1 here -- if anything else, they did write a letter and
2 Rex did come up and meet -- with the proposal.

3 CHAIR PORTER: Have a motion and second.
4 Any discussion?

5 (Pause)

6 CHAIR PORTER: Hearing none, all in
7 favor say "aye."

8 BOARD MEMBERS: Aye.

9 CHAIR PORTER: All opposed, like sign?

10 (Pause)

11 CHAIR PORTER: Motion carried.

12 MR. MASIONGALE: Thank you-all.

13 CHAIR PORTER: Final item on the
14 agenda -- what we've all been waiting for. Consider the
15 Modification of the Emergency Telephone Service Charge
16 in White County ECD. And we've got folks from the ECD.

17 Is there anybody in the audience from
18 the White County or the City of Sparta?

19 (Pause)

20 CHAIR PORTER: Okay. We don't have
21 anybody from the City or the County.

22 Would you state your name for the
23 record.

24 MR. DENTON: Jerry Denton, Chairman of
25 the 911 Board, White County.

1 MR. CREST: Michael Crest, the attorney
2 for the White County ECD.

3 CHAIR PORTER: Okay. Michael, you going
4 to be the one to give us the good news?

5 MR. CREST: Yes. Well, since we last
6 met on September 24th of this year, we went back -- and
7 I'll save you-all the background because I think you-all
8 are familiar with it.

9 We went back to the County and tried to
10 re-negotiate. We rigorously debated this issue. We've
11 labored extraordinarily hard and we've achieved what we
12 believe is a creative solution to resolve the funding
13 issue, at least for the 2009/2010 fiscal year in White
14 County.

15 And so we've come today to propose that
16 to this body and seek your approval. I'd like to just
17 briefly describe the proposal and then explain its
18 benefits to each entity involved.

19 The resolution -- there's a resolution
20 number where the White County Commission passed this
21 proposal on the contingency that the White County ECD
22 and this body approving it.

23 The resolution number is 31-11-09, and
24 it's entitled "Resolution for Additional E-911 Funding
25 and for Issuance of Capital Outlay Notes." This was

1 passed by the White County Commission on November 16th
2 by a vote of 12 to 1. I've previously e-mailed the
3 Resolution to the executive director.

4 I'm hoping everybody has a copy because
5 I didn't bring a copy for everyone.

6 CHAIR PORTER: We do.

7 MR. CREST: I'll just run down the
8 numbered paragraphs of the resolution and skip past the
9 preamble.

10 The first paragraph basically says that
11 we have operational funding that's been previously
12 approved by the county commission of \$100,000 for the
13 fiscal year. They're going to agree to approve an
14 additional -- or they have agreed to approve an
15 additional \$109,000 for capital outlay expenses,
16 improvements, infrastructure, for a total of \$209,000
17 for the fiscal year -- which would return us to the
18 level of funding we had in 2001/2002, per the order of
19 this body in 2004.

20 The second paragraph basically says
21 County's going to incur a debt obligation for the
22 \$109,000.

23 The third paragraph says that -- and my
24 way of thinking -- and I had a hand in drafting this
25 resolution -- that we won't have a two-tier system. And

1 what I mean by that is we're not going to have a debate
2 about what monies are going to be appropriated for 911
3 purposes like we had over the past eight months, then
4 have a whole second debate about what money should be
5 disbursed to 911. In other words, it's not going to
6 require the Legislative body and the County to go back
7 and approve each expenditure.

8 The provision sets forth that the county
9 finance office will disburse the funds that 911 goes out
10 and uses for infrastructure purposes within five
11 business days of receiving the billing statements.

12 The fourth paragraph is what I call the
13 "carry-over" provision. In other words, any unused
14 funds -- the \$109,000 that's going to be retained in
15 reserve by the County, any unused funds during the
16 fiscal year are not surrendered, they're rolled over --
17 or are carried over to the next fiscal year.

18 The fifth paragraph says that we -- the
19 White County ECD will seek this body's guidance
20 regarding regulatory and technical specification
21 compliance before we go out and purchase any
22 equipment or assets that can be considered improvements
23 or installation to infrastructure over \$5,000.

24 The purpose -- the \$5,000 figure is sort
25 of an arbitrary -- I picked that number. We didn't want

1 to find ourselves in a position -- I didn't think
2 you-all wanted us to find ourselves in a position to
3 where we need to come to you and ask for your guidance
4 on buying a new computer monitor. So we picked the
5 \$5,000 figure for that purpose.

6 The sixth paragraph basically lays out
7 the definition of what capital improvements consist of.

8 And the seventh paragraph states that
9 this resolution -- it's contingent upon the White County
10 Emergency Communications District approving it and this
11 body approving it.

12 The White County Emergency
13 Communications District did approve it November 17th
14 with an unanimous vote.

15 The benefits that I see to the White
16 County Government on this -- and they've expressed at
17 least one of these benefits -- is they don't have to
18 look at a tax increase.

19 And the other benefit is, obviously,
20 that it solves the E-911 funding issue for this fiscal
21 year.

22 The benefits to our local ECD include
23 these: It restores the funding level as contained in
24 the 2004 TECB Directive. It places E-911 in what I
25 believe is probably a better financial position than if

1 funded in the customary manner. And here's why.

2 Under the customary funding structure it
3 involved periodic payments from the County to the ECD
4 throughout the year. Under our interlocal agreement it
5 would provide quarterly -- equal quarterly payments
6 throughout the year.

7 Under this structure we first will
8 receive the \$100,000 funding for day-to-day operations
9 from the County. And that will continue in the
10 customary manner. But the \$109,000 of capital improving
11 funding has a little bit more flexibility than the
12 customary approach in that that can be accessed
13 immediately -- or over the course of the year, should
14 this body approve it.

15 I believe that's useful in the event
16 that the White County ECD decides, perhaps, they need to
17 do some capital improvements -- and that is on the
18 agenda -- we don't have to do it as piecemeal that way.
19 We could probably go out and do a little bit more of it
20 in the beginning then having to wait until the end of
21 the year.

22 I think that this funding structure is
23 probably a win/win for the White County ECD and the
24 White County government.

25 This does not conclude the funding issue

1 with the City of Sparta. The City of Sparta meets
2 tonight, and I don't know what action they are going to
3 take. But I can tell you a little background about that
4 very quickly.

5 First, I'm optimistic that it may
6 resolve tonight. And here's why.

7 The Mayor and Board of Alderman when
8 they meet tonight are going to -- I'm sure -- discuss
9 this because we have a member on our board -- the
10 WCECB -- that is on the city council. I know he's going
11 to address it tonight.

12 There was a statement made -- there was
13 a motion made September 17th before the city council
14 that was for the purpose of increasing the White County
15 ECD. It failed by one vote. The one member after that
16 vote made the statement that he wanted to wait and see
17 what the county government did.

18 That leads me to believe that he may
19 reconsider his decision now that the County has taken
20 its action.

21 More recently, Mayor Pedigo, stated in
22 the public forum that we had about this issue that
23 whatever the County does, the City will follow suit.

24 And even more recently, November 10th at
25 a White County Budget Committee meeting -- which was

1 attended by Representative Charles Curtiss -- the mayor
2 stated that the City will follow the County's lead.

3 So -- and even this week the member of
4 our board -- that is also a city councilman -- spoke
5 with the Mayor on the day we had our board meeting --
6 which was November 17th -- and he left that conversation
7 thinking that there was -- he was optimistic that
8 tonight might resolve the funding issue.

9 So if we take -- if we take at least --
10 and we need one more vote with the County -- excuse
11 me -- with the City -- and if we take the Mayor at his
12 word, then I think that vote may be there.

13 I guess the summary is, I think this is
14 a good resolution. I've offered my commitment to both
15 our ECD and the County that I would come before this
16 body and ask this body to seriously consider adopting
17 this resolution to resolve the issue for the 2009/2010
18 fiscal year with the County, and as a result might
19 reduce the rates for the landlines in White County.

20 CHAIR PORTER: Jerry, do you have
21 anything you want to say?

22 MR. DENTON: He covered it.

23 CHAIR PORTER: Okay. All right.

24 Questions from the board members of
25 Mr. Crest or Mr. Denton?

1 (Pause)

2 CHAIR PORTER: Okay. I guess kind of in
3 summary, so everyone understands where we are, the
4 County has voted to put the funding back to the 2001
5 level. They did it by capital outlay notes. I don't
6 think it makes any difference how they do it as long as
7 the money was put back, but we don't know on the City
8 until they meet tonight whether that will happen or not.

9 As -- and, Lynn, let me make sure that
10 I'm going down the right road. With the County doing
11 this, the only thing we have left sticking out is
12 whether the City does theirs or not. If the City does
13 theirs, this goes away and then we don't -- I mean, it's
14 a moot point once the funding is restored.

15 Is that the way everyone understands?
16 Am I -- I guess the only thing would be if you're -- if
17 you accept what the County has done -- and maybe we need
18 some kind of motion that would -- if the City doesn't do
19 their thing tonight, that -- I don't know -- if we --
20 this be put back on the agenda -- then put it back on
21 the agenda for the next meeting. Or do we have a
22 special meeting to take care of it? I don't know.
23 However the Board wants to do it. I'm open.

24 MR. RICH: I think it'll be
25 inappropriate for us to take a vote on what we're going

1 to do if they don't approve it tonight.

2 CHAIR PORTER: That's right. I agree.
3 I just think we need some means to direct staff as to
4 what we want them to do if it doesn't get approved. I
5 mean, it's going to be addressed again, if it doesn't
6 get approved.

7 MEMBER COBB: They told them it was
8 either approved when they came today or we would take
9 steps to reduce the funding. So, personally, I would
10 say if it's approved tonight, then everything's good.
11 If it's not approved tonight, then I think the Board
12 should take necessary steps to reduce the funding.

13 MEMBER RICH: I'm not sure we need a --
14 do we need a motion to just have staff report back to us
15 by next meeting?

16 CHAIR PORTER: That's totally up to
17 you-all. We just need some way to monitor it. To be
18 prepared to do whatever we need to do.

19 MEMBER LOWRY: I think the other side of
20 this -- White County 911 could -- if the City does not
21 approve it --

22 CHAIR PORTER: That's the other thing.

23 MEMBER LOWRY: -- they can just refuse
24 to do -- their dispatcher take care of their calls from
25 that point forward, other than just forward them to

1 wherever they tell them to.

2 MR. CREST: May I speak to that just a
3 moment?

4 CHAIR PORTER: Yes. Go ahead, Mike.

5 MR. CREST: I think the White County 911
6 Board is probably ready to take that action if the City
7 does not take its action. I think the only reason that
8 White County 911 didn't send the City notice this week
9 after we had our board meeting is because we have a
10 board member that serves on the city council who has
11 asked -- and has been very supportive of this and our
12 position throughout this ordeal -- and I felt like he
13 wanted a little opportunity to go before the City
14 tonight and try to get this addressed. So we didn't
15 take that action at the last meeting.

16 But I think our board would probably be
17 willing to take that action, if necessary, at our next
18 meeting -- which is December 8th.

19 CHAIR PORTER: How about this, knowing
20 that -- that's the other thing that, you know, if the
21 City decides not to do that, the 911 Board can take its
22 own action without us doing anything.

23 How about we just -- we leave it that if
24 it doesn't get settled, or you can't settle it -- or
25 whatever you need to do and it needs to come back before

1 the Board, that the district be the one to make notice
2 to the staff that they want to be put back on the agenda
3 for the February meeting and that staff monitor the
4 issue and see how it gets resolved between now and our
5 next board meeting. If we need to have a special call
6 board meeting or something, we could.

7 Is that agreeable to everyone?

8 Do we need that in a motion?

9 MR. SUTTON: Well, the last action was
10 to actually drop the landline rate if it's not done
11 today, so you need to take some sort of action to either
12 extend it, nullify that last action -- or something. Or
13 modify your last action.

14 MEMBER MASON: Why don't we just a make
15 a motion to extend it to the February meeting based on
16 their board meeting -- City's Board meeting tonight?

17 MR. SUTTON: You could certainly do
18 that.

19 MEMBER MASON: Is that what we need to
20 do, basically, since we did make the motion?

21 MS. QUESTELL: If I could just suggest
22 extend it to the next meeting -- which leaves it open
23 for you-all to decide whether you want a special call
24 meeting or not.

25 CHAIR PORTER: So actually we would need

1 a motion to rescind our earlier action that we were
2 going to --

3 MEMBER MASON: Or to extend it to the
4 next meeting.

5 CHAIR PORTER: Or modify -- whatever you
6 want to call it.

7 Does somebody want to try to make that
8 motion?

9 MEMBER MASON: Yes.

10 (Laughter)

11 MEMBER MASON: We'll make a motion to
12 modify to the next board meeting.

13 CHAIR PORTER: Okay. So we're going to
14 extend to our next called board meeting. Is that the
15 way it needs to be worded -- next called board
16 meeting -- and not reduce the rate -- not do anything --

17 MEMBER MASON: Take no action --

18 CHAIR PORTER: Take no action until the
19 next called board meeting, so we can see what happens
20 with the Sparta folks.

21 MEMBER MASON: Does that cover it?

22 CHAIR PORTER: That's good with me if
23 it's good with our legal counsel.

24 Do we have a second to that motion?

25 MEMBER LEE: Second.

1 CHAIR PORTER: Okay. We have a motion
2 by Ms. Mason and second by Mr. Lee that we extend to our
3 next board meeting the White County funding dispute
4 until we see what Sparta City does.

5 Keep us apprised of what goes on. We
6 appreciate you've been very good to do that.

7 Any discussion?

8 (Pause)

9 CHAIR PORTER: Hearing none, all in
10 favor say "aye."

11 THE BOARD: Aye.

12 CHAIR PORTER: All opposed, like sign?

13 (Pause)

14 CHAIR PORTER: Motion carried.

15 Very proud that we got that worked out.
16 I'll tell you. I like to see things happen on the local
17 level and to get it worked out so we didn't have to do
18 anything.

19 The bad thing about our -- I don't know
20 I heard somebody call it a "stick" -- our only stick if
21 somebody does something wrong is to cut your funding.
22 And in a lot of cases that's not really what they need,
23 you know. So, hopefully, maybe some future laws or
24 bills that we can get something changed on that.

25 I appreciate Representative Curtiss. I

1 know he did a lot of work behind the scenes getting that
2 to come together. I appreciate him getting involved. I
3 know you-all -- it's been a long drug out thing.
4 Hopefully, you can get it worked out. And hopefully,
5 this is not going to be an every year thing and you get
6 it worked out so we don't see you-all anymore.

7 MR. CREST: Thank you.

8 Can I also say thank you to the White
9 County commission members who have worked so hard in
10 reaching this agreement and to Representative Charles
11 Curtiss who had a hand in helping us resolve this.

12 I want to also say thank you to
13 Lynn Questell, Executive Director, because she's been
14 involved in this very -- a great deal, and helpful in
15 providing her support in reaching at least this level of
16 conclusion.

17 MS. QUESTELL: Thank you so much for
18 your kind words. It was an honor to try to help you.

19 CHAIR PORTER: Okay. That's the end of
20 our agenda.

21 MS. QUESTELL: I forgot to mention in my
22 director's report something that I just wanted to
23 clarify to folks about the decision that the Board made
24 at the last meeting about diverting the cost recovery --
25 carrier cost recovery funding to the districts all but

1 5 percent, and I just kind of wanted to update you-all
2 on that.

3 We -- the Board's decision was to
4 implement that decision at the first of the year, so if
5 there are no appeals of that -- and we won't know that
6 until next week -- usually when appeals are filed,
7 they're filed at the very, very last minute. So we
8 won't know -- but none have been filed yet.

9 What will happen is the cost recovery
10 plan to change -- to divert it to the districts would be
11 implemented in January, so it wouldn't be until the end
12 of February -- to the next disbursement of funding that
13 you would see an increase. And the increase would be
14 this is going to be added to the operational funding so
15 you're not going to get a big chunk at that time. It's
16 just going to be an amount six times a year. Like the
17 operational funding, it's just going to be an increase
18 in that. I wanted everyone to understand don't be --

19 CHAIR PORTER: Don't spend it yet.

20 MS. QUESTELL: Yeah. We're waiting to
21 see. If there is an appeal, everything will be stayed
22 because we can't be spending money that's the subject of
23 an appeal.

24 CHAIR PORTER: Our next board meeting
25 scheduled is February --

1 MS. QUESTELL: We're suggesting
2 February 18, 2010. We can get the room that day.

3 CHAIR PORTER: Anybody have any problems
4 with February 18th?

5 (Pause)

6 CHAIR PORTER: It's on a Thursday at
7 9:30 -- normal time.

8 Any other matters that need to come
9 before the Board?

10 (Pause)

11 MEMBER COBB: Mr. Chairman, I make a
12 motion that we adjourn.

13 CHAIR PORTER: Do I have a second?

14 MEMBER LEE: Second.

15 CHAIR PORTER: All in favor say "aye."

16 BOARD MEMBERS: Aye.

17 CHAIR PORTER: All opposed, like sign?

18 (Pause)

19 CHAIR PORTER: You-all have a safe trip
20 home.

21 (End of the proceedings.)

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REPORTER'S CERTIFICATE

STATE OF TENNESSEE)
COUNTY OF MONTGOMERY)

I, Tracy Foley-Wilkes, court reporter and
notary public for the state of Tennessee,

DO HEREBY CERTIFY that the foregoing
transcript of the proceedings were taken on the date and
place set forth in the caption thereof; that the
proceedings were stenographically reported by me; and
the foregoing proceedings constitute a true and correct
transcript of said proceedings.

I FURTHER CERTIFY that I am not related to
any of the parties named herein, nor their counsel, and
have no interest, financial or otherwise, in the outcome
of events of this action.

IN WITNESS WHEREOF, I have hereunto
affixed my official signature and seal of office this
the 12th day of February, 2010.

Tracy Foley, Notary Public
State of Tennessee

My Commission Expires: May 11, 2011.