

1 STATE OF TENNESSEE  
2 DEPARTMENT OF COMMERCE AND INSURANCE  
3 TENNESSEE EMERGENCY COMMUNICATIONS BOARD  
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10 TRANSCRIPT OF THE PROCEEDINGS  
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12 February 18, 2010  
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22 Cannon & Stacy  
23 Court Reporters  
24 117 Arrowhead Drive  
Hendersonville, Tennessee 37075  
(615) 822-9382

25 Reported by: Amanda F. Martin

## 1 APPEARANCES:

2

3 Board Members Present: Mr. Randy Porter, Chair  
4 Mr. Ike Lowry, Vice Chair  
5 Ms. Katrina Cobb, Member  
6 Mr. Robert Lee, Member  
7 Ms. Carolann Mason, Member  
8 Mr. Freddie Rich, Member  
9 Mr. Steve Smith, Member

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7 Board Members Not Present: Honorable Tom Beehan, Member  
8 Mr. James Sneed, Member

7

8 Staff Members Present: Ms. Lynn Questell  
9 Executive Director

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10 Mr. James Barnes  
11 Accounting Manager

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11 Mr. Rex Hollaway  
12 Technical Services Director

11

12

13 Mr. Robert McLeod  
14 Director of Audits

13

14 Mr. Curtis Sutton  
15 Board Attorney

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16 Andy Spears  
17 External & Governmental Affairs

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1 CHAIR PORTER: All right. I call to order  
2 the February 18th, 2010, meeting of the Tennessee Emergency  
3 Communications Board. I'm Randy Porter, the chairman.

4 And we have a quorum. Mr. Smith,  
5 Carolann, Bobby, Mr. Ike, Katrina -- so the let record show  
6 that the only one we have absent is Mr. Beehan.

7 And we're missing one more.

8 MS. QUESTELL: Mr. Sneed.

9 CHAIR PORTER: Mr. Sneed.

10 We started out with a -- what we thought  
11 was going to be a heavy agenda today, but it's dramatically  
12 changed in the last 15 or 20 minutes. So I'll go ahead and  
13 make those announcements.

14 Item number 2 where we were hearing on the  
15 Hancock County ECD, they are snowed in and are not going to be  
16 able to make it. So we'll have to reschedule that for our --  
17 for our next meeting.

18 Also, the increase hearing on  
19 Warren County, their 911 board chairman had a family health  
20 emergency this morning and had to turn around on his way down  
21 here and go back home. So since the chairman is not going to  
22 be able to be present -- in our policy that's something that  
23 we require. And so we're going to reschedule that for our  
24 next board meeting, also.

25 So item number 2 and number 3 will not be

1 on the agenda and will not be heard today. So all of a sudden  
2 we've got a real light agenda.

3 Our first item of business -- I'd like to  
4 welcome each one of you-all this morning. Hope everybody had  
5 a safe trip. It's a beautiful sunny morning.

6 And welcome, board members. Good to see  
7 all you-all again.

8 And we'll get started with the first item  
9 being our report from our Executive Director Lynn Questell.

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

11 The first order of business I'd like to do  
12 is introduce Andy Spears, who is our new director in external  
13 and governmental affairs. He is representing the Board as a  
14 liaison during the legislative session. And he's also doing  
15 media work. You may have noticed that he has prepared some  
16 press releases. And we're very happy to have him with us.  
17 He has experience -- extensive experience as both a press  
18 person and a legislative liaison.

19 So, welcome.

20 We're just delighted to have Andy.

21 I'd like to report on the status of  
22 wireless carrier and Voice over IP deployment. We've not  
23 received any reports of build out since the last meeting.

24 Just kind of an update from the last  
25 meeting, at that time we reported that ClearTalk had announced

1 that it intended to revert from Phase II 911 enhanced service  
2 to Phase Zero for up to 30 days to migrate to a new mobile  
3 switching center. And, at the time, we expressed concern and  
4 essentially told them that was not acceptable and contacted  
5 the FCC. And we've been notified that they are not providing  
6 Phase II services.

7                   Misroutes, outages, and call anomaly  
8 issues. On November 19th, the PSAP in Lawrence County  
9 reported that an AT&T mobility call from the middle of  
10 Lawrence County had routed to Lewis County. That was  
11 researched and they discovered that the tower facilitating the  
12 call was improperly programmed and corrections have been made  
13 with that.

14                   On January 18th, a call reporting a house  
15 fire in Dyer County routed to Madison County. And that was  
16 also found to be a programming problem. And that's been  
17 corrected.

18                   On January 19th, the PSAP in Collierville,  
19 in Shelby County, lost connectivity to the 911 tandem for  
20 about an hour and a half. That was determined to be a  
21 programming error. And then the following day, the Millington  
22 Police Department lost its 10-digit line, but its trunks were  
23 not affected.

24                   And there's been some outages reported in  
25 Perry County this week that we're investigating. At this time

1 they appear to be resolved.

2 I asked Rex to kind of compile a list of  
3 ECD new construction, moving -- that sort of thing. Things  
4 that ECDs were doing to improve their situations, upgrades,  
5 and stuff. I thought that that was kind of a way to kind of  
6 manage the fiscal health and stuff of districts. And this was  
7 really interesting. In the past two years new construction,  
8 either planning or in progress, that's Decatur, Fayette,  
9 Morgan, Polk, Putnam, and Wayne have built new PSAPs over the  
10 past 24 months.

11 Blount, Bradley, Campbell, Cheatham,  
12 Crockett, Dickson, Dyer, Hardin, Hawkins, Henry, Jefferson,  
13 Macon, Robertson, Stewart, and Williamson County Emergency  
14 Communication Districts have indicated that they're either in  
15 the early stages of new facility construction or are nearing  
16 occupancy of new PSAPs.

17 PSAPs that are relocated to an existing  
18 facility, that would be Cannon, Haywood, Smith, and Van Buren  
19 will or have moved into renovated existing facilities.

20 Districts that are upgrading their  
21 existing facilities include Brentwood, Chester, Franklin,  
22 Hamblen, Henderson, Scott, and Shelby PSAPs have made or plan  
23 to make significant improvements in their current facilities.

24 I want to report to the Board that all the  
25 districts have submitted copies of their contingency plans to

1 the Board. And we want to thank you-all, and Rex, for your  
2 work on this.

3                   Status of additional operational funding  
4 for cost recovery program. Last fall, if you'll remember, the  
5 Board decided to divert funding from the carrier cost recovery  
6 program to the districts. And this was not appealed. And so  
7 the additional \$7.6 million in funding will be disbursed  
8 consistent with our already existing operational funding  
9 program. And that will be, again, just like the operational  
10 funding program, six payments. And the first of these  
11 payments that will have the new money in it should be coming  
12 out at the end of this month, beginning of next month.

13                   The status of the GIS Mapping Maintenance  
14 Grants. There are nine districts that are not participating  
15 in the GIS Mapping Maintenance Grant program.

16                   Of the 91 participating, 84 have submitted  
17 fiscal year 2009 close-out documents and payments have been or  
18 are being processed.

19                   We lack close-out reports from Cocke,  
20 Grundy, Hancock, Lake, Polk, Robertson, and White County  
21 Emergency Communication Districts.

22                   And then I'd like to report on the  
23 status of the 150,000 Essential and Necessary Equipment  
24 Reimbursement. As of February 12th, 93 districts have  
25 either been paid or are in the process of being reimbursed

1 out of this program for requests totaling \$12,060,903.

2                   Fifty-six of the districts have requested  
3 the maximum amount of \$150,000, and six more have less than  
4 \$10,000 remaining in their allocation. Seven have not  
5 initiated any documentation for requesting the \$150,000  
6 available.

7                   The status of the \$2.2 million Dispatcher  
8 Training Reimbursement. I have to say that I have gotten a  
9 number of calls from my colleagues in other states asking  
10 about this. I think we're one of the very few states that  
11 provides funding for dispatcher training. And they were  
12 pretty much in awe that we would do this.

13                   And how it's going to work, you-all have  
14 gotten your first payment of it for this year. It came out in  
15 January. And every year what the Board will do is send you a  
16 specific amount that is designated for dispatcher training.

17                   Now, this is part of your operational  
18 training. So if you don't expend it all on dispatcher  
19 training, simply use it for other operational expenditures.

20                   But, Jim, as I understand it, the second  
21 payment will probably come out at the end of the fiscal year,  
22 which would be some time in the summer. Is that correct?

23                   MR. BARNES: Probably in August.

24                   MS. QUESTELL: Okay.

25                   MR. BARNES: End of August.

1 MS. QUESTELL: All right. Charter  
2 Communications. As you-all probably know, in March 2009 the  
3 Board filed a complaint with the TRA about Charter because  
4 there were a number of errors in remittances that we were very  
5 concerned about. Most of the errors related to failure to  
6 remit on business lines. And we met with representatives of  
7 the TRA, and they issued a data request. We received that.  
8 That raised other questions.

9 They issued another data request. We've  
10 received that.

11 We've met with them again, the TRA people,  
12 and we've agreed that we need to set up a meeting with the  
13 Charter people to discuss this.

14 We received reports that Charter is now  
15 remitting for its business lines since this was brought to  
16 their attention by the TRA. But there are other issues that  
17 are also of concern because we received a number of reports  
18 that their remittances are significantly less, purportedly,  
19 due to uncollected bad debt that they seem to be subtracting  
20 out. So this is a concern, and we are pursuing that.

21 Hopefully by the next meeting I'll be  
22 reporting that we've had a meeting with Charter.

23 CHAIR PORTER: Can I say something?

24 How many -- any of the other board members  
25 got Charter in their territory?

1                   Did you look at your last remittance that  
2 you just got the other day was -- appeared considerably bigger  
3 than what it had been?

4                   MEMBER RICH: It didn't take out any bad  
5 debt.

6                   CHAIR PORTER: Mine was -- I noticed mine  
7 was considerably more in this past one. And I noticed that  
8 they started giving us the fee for business customers. So  
9 they, at least, are starting to get part of it right.

10                  MEMBER RICH: If you will print a list of  
11 your -- off Intrado, your streets, like we did, and do a  
12 line-by-line -- I think Kim Augustine also helped me with  
13 that. They're still not remitting for all the businesses.

14                  CHAIR PORTER: They started. They're  
15 better.

16                  MEMBER RICH: They've started. But they  
17 still don't have them all.

18                  MS. QUESTELL: The more evidence that  
19 you can give to us to present to them at this meeting, the  
20 stronger our position is.

21                  MEMBER RICH: Okay.

22                  MS. QUESTELL: So if you-all have evidence  
23 of that, please -- please give us that. Because, you know,  
24 we -- this is our opportunity to make it right and to bring  
25 all of our problems to their attention. So if you've got any

1 other problems with them, let us know. Please call Curtis.

2                   The Inter-Tandem -- I want to report on  
3 the status of the Inter-Tandem Transfer Project. The first  
4 stages of implementation of this project -- which will help  
5 PSAP transfer calls more seamlessly -- is taking place this  
6 week. And the project was slow just a little to allow PSAPs  
7 that are still receiving 8-digit ANI to be upgraded to  
8 10-digit. That's part of what is necessary for this to be  
9 deployed. And so that's -- we're moving ahead with it. And  
10 it's anticipated that the project will be completed around  
11 June.

12                   We haven't set a date yet, but the  
13 Operations Committee will be meeting before the next board  
14 meeting to start discussing best practices, as far as  
15 procurements of the PSAP controllers that are going to be  
16 needed to connect to the Next Generation 911 IP infrastructure  
17 and just, also, to talk about other issues, including network  
18 security, dispatcher training needs, contingency plans, and  
19 call default routing.

20                   And once -- we are currently -- I'll give  
21 you an update on the NG911 project in just a second.

22                   But we are in the process of preparing  
23 an RFP for a 911 specific manager for the project, which will  
24 be like that one throat to choke. And once we get a  
25 successful reading on that, we'll really gear up with the

1 Operations Committee. Because we will want them to meet with  
2 this management company and really have a lot of communication  
3 because they need to know, you know, what Tennessee specific  
4 needs and interests are. So we'll be working on that.

5 I wanted to report to the Board about the  
6 OnStar refund. Back November 20th, 2008, the Board voted to  
7 approve a refund to OnStar for overpayments that it made to  
8 Verizon over -- about a three-month period when the law about  
9 the wireless remittances was changed. And we have been  
10 working with them since this time -- since '08 to get what we  
11 were confident was the right number with the right back-up  
12 information to make sure that we weren't overpaying them in  
13 any way, shape, or form.

14 And, finally, after many requests for  
15 additional information and much thought about this -- and we  
16 actually even brought in the auditor from Commerce and  
17 Insurance to just kind of give an overall review of it -- we  
18 are about to -- about to satisfy that payment. We have  
19 exhausted all the information that we could and we all agreed  
20 they were over -- that they overpaid \$385,977. And they will  
21 be refunded that amount. This has been a long time coming. A  
22 lot of research.

23 And I want to thank Staff for really  
24 looking hard at this issue and making absolutely sure that  
25 every rock that we could turn over was turned over on

1 this one.

2 TEMA activities. There will be several  
3 exercises planned for this year to test readiness for disaster  
4 at Oak Ridge's Y-12.

5 CHAIR PORTER: Any questions of Lynn on  
6 any report items?

7 (Pause)

8 CHAIR PORTER: Hearing none.

9 Thank you, Lynn.

10 Next item on the agenda is to hear Staff's  
11 recommendations for the extension of landline rates in  
12 Grainger, Hamblen, Houston, and Sullivan County ECDs.

13 MEMBER MASON: You mentioned Sullivan.

14 CHAIR PORTER: I had to. It was on --

15 (Pause)

16 MS. QUESTELL: Are we having an issue?

17 MR. HOLLAWAY: Yes. Somebody may have  
18 their Blackberry close to a mic. You might want to -- I think  
19 Mr. Chairman might --

20 CHAIR PORTER: Without calling any  
21 names -- Carolann -- ask you to move your Blackberry.

22 (Laughter)

23 CHAIR PORTER: Lynn?

24 MS. QUESTELL: Thank you, sir.

25 We have -- Staff has reviewed the rate

1 reports submitted by Grainger, Hamblen, Houston, and  
2 Sullivan County Emergency Communication Districts. They were  
3 reviewed under Policy 14, as it's been revised. And Staff  
4 found that the contributions by other governmental entities to  
5 these districts had not been reduced, and the justifications  
6 they presented for the rate -- for the rates still appeared  
7 valid. And Staff has found no reason not to allow their  
8 current rates to be continued. And we've put this on the  
9 agenda, as always, basically just to assure that the Board had  
10 no objection.

11 CHAIR PORTER: Any objections?

12 (Pause)

13 CHAIR PORTER: Good for another year,  
14 Mr. Ike.

15 MS. QUESTELL: Three years.

16 CHAIR PORTER: Three years. Wow.

17 (Laughter)

18 CHAIR PORTER: Next item on the agenda is  
19 the agreement or budget for our new IP platform aspects of the  
20 Next Generation 911 Project.

21 Do you want to talk about that, Lynn?

22 MS. QUESTELL: Yes. Thank you.

23 This is really on the agenda just kind of  
24 as a report for the progress that we've made since the Board  
25 authorized us to move ahead with this.

1                   The project is basically going ahead kind  
2 of in three ways. First is the actual infrastructure part of  
3 it. And as the Board has okayed us to do, we have been in  
4 very complex negotiations with the Office of Information  
5 Resources at -- out of the Department of Finance and  
6 Administration. Because we have this wonderful opportunity,  
7 instead of recreating the wheel, we can basically piggyback on  
8 an IP network that is already throughout the state and already  
9 goes to a whole lot of PSAPs because the NCIC rides on it.

10                   So we've been in the negotiations to make  
11 sure they would be able to offer 911 specific trunks and all  
12 of the infrastructure that we would need to have a private  
13 secure 911 IP platform for the districts to hook into. And  
14 we've basically completed the negotiations for the contract.  
15 It's already been offered as an amendment to -- OIR has  
16 offered as an amendment to their contract. So we will be able  
17 to fly off that.

18                   And I want to report that we have -- Staff  
19 has requested sufficient funds for our budget to continue with  
20 all the planned activities that we've been tasked to do.

21                   And that's my report.

22                   CHAIR PORTER: One thing -- excuse me --  
23 I'd like to say is -- I don't know if the other board members  
24 have or not. But I'm getting several calls from districts and  
25 vendors. Of course, this is kind of -- this is kind of like

1 when we were doing Phase I and Phase II. Lot of times there's  
2 more questions than there is answers.

3                   But there's been a tremendous amount of  
4 time spent: Rex, Lynn, and Staff, and the AT&T folks, and  
5 the State folks. And it's -- I thought we put a lot of hours  
6 in on Phase I and Phase II, but I think this one has gone  
7 past -- past all that.

8                   And I feel really good about what we're  
9 doing, but there's lot of rumors floating around out there  
10 about how this is going to work. And I got a call yesterday  
11 that the rumor was going around that all the districts were  
12 going to have to give up their recorders and they weren't  
13 going to be able to record their 911 calls on their own and we  
14 were going to have one big gigantic humongous recorder at the  
15 State, and then that was -- if you wanted to get a copy of  
16 your 911 calls, you were going to have to submit to the Board.

17                   Folks, don't believe that stuff when you  
18 hear it. There's all kinds of rumors going out there.

19                   You know, when we swap over from the  
20 existing network to the new IP network, when it comes to just  
21 the wireless calls, you're not going to see a lot of  
22 difference. I mean, we're just going from one network to the  
23 other. The 911 call will still travel a path. It will still  
24 come to your PSAP. You'll still answer it just like you do  
25 today, and you'll still have your same CAD recorders -- all

1 that stuff on your end. You'll have a new controller, if you  
2 don't have one already, that will handle IP calls; but other  
3 than that, this is not -- it's not going to be redoing  
4 everything at once.

5                   And then as the process goes, we'll slowly  
6 then try to move the landline traffic over once all the  
7 counties have gone to wireless. But this is going to be a  
8 long process. When you try to move 170 PSAPs onto a new  
9 network and you got to do it for wireless, and then you've got  
10 to go back and do it for landline, and they're serviced by  
11 different telephone companies and different selected routers  
12 and so forth -- and new management company to oversee it and  
13 us owning our own database for a change, instead of it being  
14 in 150 different locations -- there's a lot of pieces and  
15 parts going into this.

16                   But the only thing I would put out to you  
17 is -- for those of you-all here and those of you-all listening  
18 on the Internet -- if you've got questions and you hear rumors  
19 about that, pick up the phone and call. I'll be glad to talk  
20 to you. Rex. Any of the other board members I know would,  
21 too. Lynn. The staff.

22                   And don't get excited about something  
23 that you hear. Because you know how that goes, most of the  
24 time 90 percent of what we hear out there is not true.

25                   But we'll be glad to give you the facts.

1 And our goal is to handhold and lead everybody through this  
2 and for this to be a very successful project as we go through.  
3 So I just want to throw that out there and hopefully squimmish  
4 some of the rumors that have been going on.

5 Anything else on that that we need to  
6 discuss?

7 (Pause)

8 CHAIR PORTER: Anybody have any questions  
9 about that?

10 (Pause)

11 CHAIR PORTER: Okay. Next item is to  
12 consider the proposal for funding the PSAP equipment for the  
13 Next Generation 911 Project.

14 MS. QUESTELL: Thank you.

15 As I mentioned, there's basically three  
16 prongs to this project right now, which would be, as we just  
17 discussed in the last agenda item, the IP platform. And we're  
18 going to have the "one throat to choke" management folks that  
19 we're doing the RFP for right now. But, then, the districts  
20 have to have a way to connect to the IP platform. And, as  
21 you-all know, we've been saving up for this project. That's  
22 what we've been trying to do for years. And now is the time  
23 to spend some of that money, in Staff's opinion.

24 We would like to propose some funding for  
25 the districts to purchase IP controllers and other related

1 equipment that you would need to connect your PSAP to the  
2 IP platform. And the Board asked Staff to develop a proposal  
3 for that at the November meeting, and we have come up with an  
4 idea. And we've discussed it with the Policy Advisory  
5 Committee at a meeting on January 18th in Rutherford County,  
6 and none -- nobody attending that meeting and none of the  
7 Policy Committee members seemed to have any significant  
8 objections to this plan. So with that said, I'd like to  
9 present it to you-all.

10                   The objective was to provide districts  
11 with sufficient funds to connect to the Next Generation  
12 IP platform. So, for districts, that's going to involve the  
13 purchase of an IP capable controller or related equipment.

14                   And Staff proposes to disburse the entire  
15 \$25 million that we have budgeted for 911 PSAP equipment at  
16 this time. And we propose to administer that program  
17 basically like the Essential Equipment Funding Program has  
18 already been administered. Everyone knows how that works, and  
19 it's worked really well.

20                   Basically, they -- the districts provide  
21 technical specifications and their bills and that goes through  
22 the technical approval process and then the Board reimburses.  
23 But we also have a way that if you don't have the up-front  
24 money and you need some help with that, you can get  
25 pre-approval and the Board will provide the up-front money

1 for it.

2                   We wanted to give the districts the  
3 maximum autonomy to make the purchases themselves. I mean,  
4 nobody knows better what districts need than the districts  
5 themselves. So this is what I think that this plan would  
6 allow for.

7                   And we also proposed to have the funding  
8 be allowed to apply to lease payments for controllers. If  
9 people choose to lease instead of buy, then Jim has proposed  
10 ways that we can provide, within your allotment, funding for  
11 that.

12                   It's also proposed that this plan be  
13 retroactive to January 1, 2008. So if you've bought an IP  
14 controller and you were forward thinking, we certainly don't  
15 want to punish you for that. We want to provide reimbursement  
16 for that.

17                   So, the allocation itself. What we would  
18 propose is that the allocation -- each district would be  
19 getting an allocation of funding that would be based on two  
20 components. One would be a base amount that we're kind of  
21 looking at as generally an amount that would allow the  
22 smallest districts with the second component added in to  
23 purchase a controller. And, originally, when we talked with  
24 the Policy Committee, we were looking at \$107,000. But we  
25 have studied that since then and kind of looked at the nuts

1 and bolts and practical applications of that, and we strongly  
2 would recommend that instead of the original \$107,000 for the  
3 base, that that be moved up to \$120,000. Because the  
4 district -- the smaller districts would benefit from that, and  
5 they're the ones that actually need the funding the most for  
6 this. So these seem reasonable to Staff, and that's what we  
7 would recommend.

8                   And then the second component is that each  
9 district would also get funds based on the percentage of  
10 population in their district compared to that of the State.  
11 So if you have a higher population, you would be getting a  
12 significantly higher amount. Just as the statutory  
13 distribution would be figured the same way. We've already got  
14 those statistics set up so it would be easy for us to do that.

15                   So with these two components, it takes  
16 into account that there's going to be some costs that  
17 everybody is going to have. But, also, that people -- that  
18 districts that have a higher population are going to have to  
19 have a bigger controller. So that's the proposal.

20                   And one other kind of thing that we would  
21 like to sneak into this plan is kind of a cleanup thing. The  
22 \$40,000 controller funding program that the Board sponsored --  
23 I guess it was in 2003 -- and then the GIS Mapping \$50,000  
24 funding program that the Board sponsored, most every district  
25 has expended that. But there are some that have like \$40 in

1 their account, \$50 in their account. It's creating some  
2 accounting issues for Jim.

3                   And what we would like to do with this is  
4 take what's left for the people that have money left over and  
5 roll it into their individual allotment for the IP money, the  
6 Next Generation money. So no one would be losing a cent. We  
7 would just close out those two accounts. Because everyone is  
8 supposed to have already gotten their controller and their  
9 GIS mapping system -- the Board set deadlines for that -- and  
10 just roll this money into the individual district's account.  
11 No one would lose money. It would just be rolled into this  
12 new funding program, and we could close out the two old ones  
13 that are giving Jim headache.

14                   And that's basically our recommendation.

15                   CHAIR PORTER: Okay. You've heard  
16 recommendation from Staff.

17                   And I know they spent a lot of time on  
18 this -- we've got some spreadsheets -- and going backwards and  
19 forwards working on it. And the whole entire goal is to make  
20 sure that the smallest counties in Tennessee got, at least,  
21 enough money out of this to do their system to replace their  
22 controller. And I think this does that.

23                   Looking over some of the numbers on the  
24 sheet, when you got -- I just picked out a little county like  
25 Lake County. You know, \$138,000 for Lake County, that's not

1 going to do anything much more than replace their controller.  
2 But at least it's going to allow them to do that.

3                   So those are -- I guess would be good for  
4 everybody concerned.

5                   MS. QUESTELL: We had a PowerPoint that we  
6 were going to kind of -- but -- kind of show them the various  
7 base amounts. We tried out a number of base amounts to reach  
8 the 120-. And we're very convinced that that would be the  
9 right amount.

10                  MR. HOLLAWAY: Do you want to turn the  
11 overhead lights out? We can probably see it better.

12                  MEMBER LEE: The people on the Internet  
13 might not like that.

14                  MR. HOLLAWAY: Well -- and, of course,  
15 you-all have got -- I think they have spreadsheets. They're  
16 back on the back of the wall back there.

17                  MS. QUESTELL: I felt kind of bad that we  
18 had -- at the Policy Committee meeting we had talked about,  
19 you know, a different base amount. But we got more  
20 information and it just made sense to increase it.

21                  MEMBER MASON: As long as it goes up.

22                  CHAIR PORTER: Huh?

23                  MEMBER MASON: As long as it goes up.

24                  CHAIR PORTER: Yeah. We're in the right  
25 direction.

1 MS. QUESTELL: But this is basically how  
2 it would work. And we'll have a printout that you-all can  
3 look -- we'll e-mail this out to everybody.

4 But it shows -- you know, if you have  
5 remaining controller funds what will be rolled into your  
6 allocation. And it gives everybody their specific allocation.

7 CHAIR PORTER: I don't think anybody will  
8 be disappointed. Looking at all the numbers. I mean, it's  
9 a -- the bigger counties, of course, they're getting more  
10 money, but they have a lot more equipment to replace. So --

11 MR. HOLLAWAY: And with additional  
12 operational funding, too.

13 CHAIR PORTER: Yeah.

14 Rolling it all in and getting Jim -- Jim  
15 has had a lot of heartaches. I know she said headaches. But  
16 a lot of heartaches with some of these grant programs, too.  
17 I know this has been tough.

18 MR. BARNES: Just one comment on this  
19 particular schedule. The remaining Essential Equipment money  
20 column is showing there, but it's not to be rolled into this  
21 other program. It's just -- I'm just showing what's still  
22 available for the ECDs individually.

23 CHAIR PORTER: Okay.

24 MS. QUESTELL: Well -- and Staff gave  
25 the Board several different options for the base amount,

1 which would be at 107-, 110-, 115-, and 120-, and 125-.

2 You know, totals them.

3 It's you-all's decision. But Staff truly  
4 recommends the 120- base amount.

5 CHAIR PORTER: Okay. So in reviewing,  
6 Staff's recommendation is that we do the 120,000 base for  
7 every district. And then the second part is based on  
8 population, just like we do on most of our other programs.

9 We're going to take the controller  
10 reimbursement and the GIS grant programs and if there's any  
11 monies left in any of those line items for any district, that  
12 money would be rolled into this so we just have one account  
13 rather than multiple essential equipment, which will help with  
14 headaches they're having.

15 We would start this reimbursement, I would  
16 think, immediately, Lynn?

17 MS. QUESTELL: Immediately.

18 CHAIR PORTER: So it goes all the way back  
19 to January 2008 -- first of 2008. So if you bought a  
20 controller or already replaced in anticipation of this -- I  
21 know when we built our new center we did. So I know some of  
22 the rest of you did, too. So we don't want to hurt anybody  
23 that was planning ahead. So we went back to that point.

24 Any questions of the board members?  
25 Discussion? Motions?

1 (Pause)

2 CHAIR PORTER: Mr. Smith?

3 MEMBER SMITH: I'll move to approve  
4 Staff's recommendation.

5 MEMBER RICH: Second.

6 CHAIR PORTER: We have a motion by  
7 Mr. Smith, a second by Mr. Rich that we approve the  
8 recommendation on the \$25 million reimbursement for the  
9 districts for NG911 equipment replacement.

10 MEMBER SMITH: Mr. Chairman, discussion?

11 I might also add I feel certain that, you  
12 know, this new technology is going to afford us opportunities  
13 for partnerships and possibly regional approaches. So the  
14 opportunity for more bang for our buck, so to speak, is, I  
15 believe, going to be presented as well.

16 CHAIR PORTER: It will be unlimited, I  
17 think, once we get on this new network. I agree. This is  
18 a -- this is as big or bigger of a step for us than probably  
19 Phase I and Phase II when it comes down to it. I know those  
20 were great leaps.

21 Other discussion?

22 MS. QUESTELL: I would like to just  
23 mention that I know that there is discussion up in Northeast  
24 Tennessee about a number of districts joining together to  
25 basically work off of maybe just one or two controllers

1 but have, you know, eight or nine districts participating.  
2 And you can see how much -- you know, by pulling resources,  
3 if districts chose to do that, the money can be stretched even  
4 farther. And that's an interesting concept that folks might  
5 want to explore like they're doing up in Northeast Tennessee.

6 CHAIR PORTER: The only thing we want to  
7 make sure of is -- if you look at stuff like that, is look at  
8 redundancy. We don't want anybody operating on just one. We  
9 want to make sure you have two so that you've got backup in  
10 case one failed.

11 And that's going to be the big thing with  
12 this new network we're going into. We built in so much  
13 redundancy into this it's just -- you never can build too  
14 much. But we built a lot into it trying to prepare for  
15 anything that might happen as we go down the line.

16 Other discussion?

17 (Pause)

18 CHAIR PORTER: Hearing none, all in favor  
19 of the motion say "aye."

20 THE BOARD: Aye.

21 CHAIR PORTER: All opposed, like sign?

22 (Pause)

23 CHAIR PORTER: Motion carries.

24 Next item on the agenda is consider  
25 proposing bill that would allow the ECDs to purchase equipment

1 from bids by other governmental units.

2 This has been almost a pure nightmare.

3 I know a county government can buy off another county  
4 government's bid. A city government can buy off, I guess,  
5 another city government's bid.

6 I don't know about that. I know that the  
7 counties can.

8 And we found out that a 911 district can't  
9 buy off another 911 district's bid. You know, if your  
10 neighbor has done a big bid on something and you wanted one of  
11 them, too, you should be able to do that. So Lynn has maybe  
12 come up with a way that we can do that.

13 Lynn?

14 MS. QUESTELL: Yes.

15 We -- following the whole law and rules  
16 about bidding, I mean -- basically, it's been a nightmare.  
17 And there's only one person on our staff that really  
18 understands it that well, and that's Jim. And so he was very  
19 helpful in helping us come up with some proposed legislation  
20 that should make it easier for districts to purchase proper  
21 bids of other districts. And it would basically give  
22 districts the same purchasing authority as local educational  
23 agencies. So it's not like the proposed bill is out there  
24 proposing something that's not already on the books.

25 And, so, that's what we're asking,

1 permission to pursue this legislation that would allow  
2 districts to purchase off of bids of other districts. And it  
3 wouldn't happen this session. The time for filing bills this  
4 session is closed. But this is something that we definitely  
5 want to raise next year.

6 MEMBER LEE: Along those lines, Lynn, you  
7 said there's a possibility of finding a bill that's got a  
8 caption. I mean, there's lots of captions over there that we  
9 could look at that may have -- I assume it's Title 12.

10 It's 12-3-104 that needs to be amended?

11 MS. QUESTELL: Yes.

12 That would be the way we would go about  
13 it.

14 MEMBER LEE: There's probably a bill over  
15 there that's got -- that needs to be opened up and put an  
16 amendment on that.

17 MS. QUESTELL: That's a great idea. If we  
18 could check in to that. And if we find a way to do it that  
19 way, that would be -- thank you. Yeah.

20 MEMBER LEE: Instead of having to wait.

21 So I would make recommendations -- a  
22 motion that -- I make a motion that we go ahead and see to --  
23 see if there's a bill with a sponsor that's willing to do that  
24 this year. I make a motion that we seek to do that.

25 CHAIR PORTER: And can you add to your

1 motion that if there's not legislation --

2 MEMBER LEE: Legislation for next year.

3 CHAIR PORTER: Great.

4 Do I have a second?

5 MEMBER COBB: I second.

6 CHAIR PORTER: We have a motion by Bobby  
7 and a second by Katrina that we try to get that onto a bill  
8 that's already this year, and if not, we propose this  
9 legislation next year.

10 Any discussion?

11 (Pause)

12 CHAIR PORTER: Hearing none, all in favor  
13 say "aye."

14 THE BOARD: Aye.

15 CHAIR PORTER: All opposed, like sign?

16 (Pause)

17 CHAIR PORTER: Motion carries.

18 That's great.

19 Okay. Next item is to consider  
20 terminating the GIS Grant Program and transferring the funding  
21 to the Recurring Operational Funding Program.

22 Jim, you sure you want to do this?

23 This is another -- has been another  
24 headache. Grant programs are nightmares for Staff. And, so,  
25 instead of that \$10,000 every year GIS Grant that we

1 called it, Staff is wanting to roll that into the recurring  
2 operational funding that you get along with your wireless fees  
3 every other month. And you still get it. You're not losing  
4 it. It's just -- you just get it in six equal payments  
5 instead of one time.

6 Right?

7 MR. BARNES: Actually, I intended to pay  
8 it out like at the same time as the Dispatcher Training in one  
9 lump sum.

10 CHAIR PORTER: One lump sum. That's even  
11 better.

12 MR. BARNES: Usually in August.

13 CHAIR PORTER: That's even better.

14 Anything you want to add to that, Lynn?

15 MS. QUESTELL: Well, I kind of wanted to  
16 explain why -- I mean, you've already done a good job of that.

17 CHAIR PORTER: Sorry.

18 MS. QUESTELL: But we're doing it  
19 specifically at this time because now that we've gotten this  
20 federal grant for almost \$1.5 million, the Department of  
21 Finance and Administration's Policy 22 that requires grant  
22 monitoring would require us every time we monitored a grant to  
23 also check on Federal Title VI, which would -- we would have  
24 to assess that policies and actions taken by the sum recipient  
25 do not exclude any persons from employment or participation in

1 the program based on the grounds of race, color, or national  
2 origin.

3 I mean, we're a 911 agency. We're here to  
4 help with 911. Even though those are very, very important  
5 things, they're not something that we are prepared to deal  
6 with, one person on our staff that's available to monitor the  
7 grants.

8 So that's our primary reason, is that this  
9 is just become -- well, it will become really just too  
10 difficult to administer the grants. We'll still do grant --  
11 we'll still do some monitoring and stuff for auditing  
12 purposes, but we don't want to be required to monitor all of  
13 that.

14 CHAIR PORTER: You've heard the  
15 recommendation from Staff that we do -- we're not really doing  
16 away -- we're doing away with the grant. We're moving the  
17 money into the Recurring Operational Funding Program to be  
18 paid out in that manner.

19 What's the will of the Board?

20 MEMBER LOWRY: So moved.

21 CHAIR PORTER: Motion by Mr. Lowry.

22 Do I have a second?

23 MEMBER LEE: Second.

24 CHAIR PORTER: Second by Bobby.

25 Do we have any discussion?

1 (Pause)

2 CHAIR PORTER: Hearing none, all in favor  
3 say "aye."

4 THE BOARD: Aye.

5 CHAIR PORTER: All opposed, like sign?

6 (Pause)

7 CHAIR PORTER: Motion carried.

8 Lynn, if I've got the number wrong, tell  
9 me. But I heard a number the other day that I thought was  
10 interesting. Is it that now with all these -- we're doing  
11 with the Operational Funding and all of the grants and  
12 everything, that we throw back that -- we're putting like  
13 72 cents out of every dollar back out to the districts now?  
14 Is it something like that?

15 MS. QUESTELL: I think it's more than  
16 that. Jim would know.

17 MR. BARNES: When these go through, it  
18 should be closer to 82.

19 CHAIR PORTER: 82 cents out of every  
20 dollar coming in. I think that's -- I think that's great.

21 I know the districts that I've talked to  
22 are sort of appreciative of the new funding because it's made  
23 up for the loss of some landline revenue and stuff that  
24 they're having. And, hopefully, that's helping everybody to  
25 be able to provide 911 a little easier and in these times of

1 budget crunches and so forth. So I wanted to make sure  
2 everybody knew that.

3                   Next item on the agenda -- fun time of the  
4 year when bills are being proposed on the Hill. I think we  
5 have about four that we need to make decisions on whether we  
6 support, don't support, or just defer.

7                   And, Lynn, you want to talk about those?

8                   MS. QUESTELL: Yes, sir.

9                   The first bill is a bill that's  
10 sponsored by Steve Southerland, who is from Morristown and  
11 represents Cocke, Green, Hamblen, and Unicoi Counties, and  
12 Representative Mark Maddox, who represents Weakley and part of  
13 Carroll Counties. And this is a bill that -- they are similar  
14 bills that are being proposed across the country. It's a  
15 specific bill to deal with prepaid fees -- prepaid 911 fees.  
16 And unlike a whole lot of states, we already have laws on the  
17 books that require carriers to collect prepaid 911 fees and  
18 remit them to us.

19                   So this is a very popular bill in states  
20 where there are no fees on prepaid bills. But we already have  
21 provisions for that that many states have emulated.

22                   But, anyway, this bill is being basically  
23 proposed by the wireless carriers that self-prepay. And what  
24 is proposing to do is to charge -- it's a point of sale. The  
25 collection point.

1                   So, like, if you were buying a prepaid  
2 card or prepaid items at a Wal-Mart or something like that,  
3 they would be the ones that would be collecting the fee. And  
4 the fee would be 2 percent of the transaction. And the fee  
5 would be collected by the Department of Revenue, rather than  
6 by the State board.

7                   And as they propose it, the retailer would  
8 collect 3 percent as an administrative fee for participating  
9 in this. And then the Department of Revenue would retain  
10 2 percent. Currently, the carrier is retaining 3 percent as  
11 an administrative fee.

12                   We -- there was a provision in the bill  
13 that provided immunity, like blanket immunity, to the  
14 retailers and to the carriers for being immune from any losses  
15 related to 911 service. And we were really concerned about  
16 that, but -- I mean, we felt like if the carriers were going  
17 to get that kind of immunity, why shouldn't dispatchers and  
18 call-takers. And we raised that issue with the carriers, and  
19 they have redrafted the immunity provision.

20                   I don't know if it's been incorporated  
21 into the bill or not. If it is, it really takes care of our  
22 concerns because it gives the same immunity that our law  
23 already gives to Voice over IP providers. That's basically a  
24 parody that all entities have. So if that's incorporated,  
25 then that would alleviate Staff's concerns about that part of

1 the bill.

2 In their proposed provisions there was  
3 also a part that was directed towards like "Mom and Pop"  
4 stores because of the paperwork involved. The provision would  
5 exempt sales of 10 minutes or less or \$5 or less with the 911  
6 fee. Which, I guess Jim figured 2 percent of less than \$5.

7 MR. BARNES: 2 percent of the \$5 fee,  
8 which is considered the average, you know, monthly charge  
9 for --

10 MS. QUESTELL: No. I'm asking for  
11 2 percent of this de minimis provision. 2 percent of \$5 would  
12 be -- you said what? 27 cents? Or something like that.

13 MR. BARNES: 10 cents.

14 MS. QUESTELL: 10 cents. Okay. That's me  
15 not doing math.

16 So this really is a de minimis provision.

17 So the way Staff looks at this, if the new  
18 amendment on immunity was incorporated into the bill, then  
19 Staff would suggest to the Board that the Board should defer  
20 to the will of the General Assembly on this bill.

21 CHAIR PORTER: Okay. So Staff's  
22 recommendation on Senate Bill 2497/House Bill 3533 on the  
23 prepaid fees is that we defer to them on the provisions as  
24 long as we -- we want to oppose the immunity provisions and  
25 the --

1 MS. QUESTELL: That's it.

2 CHAIR PORTER: Okay. You've heard  
3 recommendation from Staff on Senate Bill 2497. What's the  
4 will of the Board?

5 MEMBER LOWRY: I don't know what we're  
6 trying to do, really, if we don't have the amendment in there.

7 CHAIR PORTER: I think that if they put  
8 the amendment in it, we would just defer on the bill. And if  
9 they don't put the amendment in it, we would oppose the bill.

10 MS. QUESTELL: We would oppose that part  
11 of the bill.

12 CHAIR PORTER: That part is the key that  
13 would -- we'd just have one part that we don't like. As long  
14 as they change that part --

15 MS. QUESTELL: I -- what the carriers are  
16 saying -- and I think there's an element of truth to this --  
17 is that there could be -- because the Department of Revenue  
18 has enforcement powers that we don't have -- that they're --  
19 we could benefit from increased collections because of this  
20 bill. And so it could be a good thing for the state board.

21 Curtis brings up another point. This is a  
22 guaranteed collection at the point of sale, rather than  
23 basically the honor system, after the fact, or them remitting  
24 based on a formula.

25 CHAIR PORTER: Prepaids have always been a

1 problem for us. We have lost no telling how many millions of  
2 dollars over the years because of prepayments. They're harder  
3 to trace when those are sold.

4 MS. QUESTELL: Well, the carriers are  
5 predicting that prepaid is the fastest growing segment of  
6 wireless.

7 CHAIR PORTER: Okay. What's the will of  
8 the Board?

9 MEMBER SMITH: So this would subject --  
10 the bill would allow the Department of Revenue to audit, as  
11 well? I mean, that's commonly what --

12 MS. QUESTELL: Yes, it would.

13 MEMBER SMITH: For exchange of 2 percent.

14 MS. QUESTELL: Yes.

15 (Pause)

16 CHAIR PORTER: Taking a lack of anybody  
17 saying anything that you don't want to take a position on the  
18 bill? Is that --

19 MEMBER LOWRY: I support the idea that we  
20 get revenue.

21 Curtis, where do we stand on how to -- I  
22 mean, the legislators are going to either vote it up or vote  
23 it down, probably. What are we facing, as far as getting  
24 anything done on the change? Is it in the committee? Or does  
25 anybody know?

1 MS. QUESTELL: Andy?

2 MR. SPEARS: The bill hasn't been  
3 scheduled for a committee yet. They're waiting. We've been  
4 negotiating with them. I think that's what Curtis has been  
5 going over, the language. It's not even on their calendar.  
6 So there's time for us to get, I think what we want and have  
7 plenty of time to know where the bill is going to be before it  
8 gets heard. We are concerned.

9 MEMBER LOWRY: I will move to support  
10 Staff's recommendation.

11 I'm not exactly sure where we stand.  
12 Looks like we have to get that amendment in there, though.

13 MR. SPEARS: It seems to me that the  
14 carriers want to get the bill in the form that everyone has  
15 agreed to before they even get a vote on it. So I think  
16 they're trying to be responsive.

17 MEMBER COBB: I second.

18 CHAIR PORTER: Okay. We have a motion  
19 by Ike and second by Katrina that we go with Staff's  
20 recommendation that we defer on the bill, but we oppose the  
21 immunity provisions that are written in. We want those  
22 changed.

23 Is that -- am I saying that right?

24 MS. QUESTELL: Yes. The current immunity  
25 provisions we would oppose. We think they should be opposed.

1 But if they replace them with the proposed language that they  
2 provided with us --

3 CHAIR PORTER: We're okay.

4 MS. QUESTELL: The parody that it seems  
5 fair.

6 CHAIR PORTER: Okay. Motion and second.  
7 Discussion?

8 (Pause)

9 CHAIR PORTER: Everybody understand? I  
10 want to make sure.

11 (Pause)

12 CHAIR PORTER: Okay. All in favor say  
13 "aye."

14 THE BOARD: Aye.

15 CHAIR PORTER: All opposed, like sign?

16 (Pause)

17 CHAIR PORTER: Motion carried.

18 Next bill, Lynn, is what? Senate Bill  
19 2857/House Bill 3166. Is that right? The reverse 911 bill.

20 MS. QUESTELL: Yes.

21 This bill was sponsored by  
22 Senator Stewart, who represents Franklin, Bledsoe, Coffee,  
23 Grundy, Sequatchie, Van Buren, and Warren Counties, and  
24 Representative Charles Curtiss, who represents White, parts of  
25 Putnam and Warren Counties.

1                   And what this bill would do is require the  
2 Board to select one emergency communications district in each  
3 grand division to conduct a pilot project implementing an  
4 emergency notification or reverse 911 system that would allow  
5 local government to notify the public by phone about severe  
6 weather or other emergencies. The bill requires the Board to  
7 pay for this project with funds that we have already budgeted  
8 for the Next Generation 911 Project. It specifically in the  
9 bill mentions that we should use Next Generation 911 money.  
10 Which, of course, as we've discussed previously, that money  
11 is to modernize the State's aging 911 infrastructure by  
12 converting it to analog and digital. And they're saying take  
13 that money for this pilot project.

14                   And, then, the proposed bill directs the  
15 Board to consider using the notification system to deliver  
16 text messages and it requires the Board to report to the state  
17 and local committees of the House and Senate in 2012 to  
18 evaluate this pilot project and make two recommendations:  
19 (1), whether to continue the pilot project on a limited basis,  
20 or to implement it statewide.

21                   After our initial review of this bill,  
22 General Counsel and I are convinced that it violates federal  
23 law, that same law that prevented the State from taking the  
24 Board's reserves in 2008. That's the New and Emerging  
25 Technologies 911 Improvement Act of 2008. That bill

1 authorizes states to collect 911 fees so long as they use  
2 those fees for 911 purposes.

3                   And under Tennessee law, 911 is defined as  
4 the telecommunication service whereby public safety answering  
5 point may receive telephone calls to the telephone number 911,  
6 and it may include the lines and equipment necessary for the  
7 answering, transferring, or dispatching of 911 calls.

8                   Emergency notifications do not meet that  
9 definition. They're basically the opposite of that  
10 definition. It's about -- about government notifying the  
11 public. So it just simply does not qualify, as 911  
12 expenditure for an emergency notification system would not be  
13 for 911.

14                   So the federal law prohibits the use of  
15 fees charged as part of the State's 911 or enhanced 911  
16 program for other purposes. So we think it violates that.

17                   But, also, just -- I've got some other  
18 concerns about this bill. I mean, the idea that it would  
19 specifically target our Next Generation 911 funding is just  
20 plain ole bad public policy. I mean, to take -- you know, cut  
21 into that money and siphon it off could really threaten our  
22 program. I mean, if -- this could just be the tip of the  
23 iceberg if this is permitted to move ahead like this.

24                   And it's highly unusual for a bill  
25 to specifically target an agency's -- an item in the

1 agency's budget. But, also -- excuse me -- it seems kind of  
2 pointless to create a pilot project when at least 40 --  
3 somewhere between 40 and 50 districts already have emergency  
4 notification systems. And a lot of those have been funded by  
5 homeland security money from the Feds. I know that the  
6 plateau has actually won a national award for spending the  
7 money on emergency notification system and how they did that.

8                                 Also -- I mean, having an emergency  
9 notification system, that is essentially a local government  
10 decision. That's a choice. How you do it, what kind of  
11 equipment you buy. And they're permissible expenditures under  
12 the state board's revenue standards.

13                                 So it just seems like to threaten the  
14 success of our Next Generation 911 Project to create a pilot  
15 project when almost half of the districts already have this  
16 capability -- we would ask that the Board oppose this bill.

17                                 MR. SUTTON: Lynn, may I also say that if  
18 this bill is passed and if the NG911 money is used for this  
19 project, it's not really 911 and we would lose the grant money  
20 that we received. Because that grant money is stipulated on  
21 the fact that your state cannot have used 911 money for other  
22 purposes.

23                                 CHAIR PORTER: Okay. You've heard Staff's  
24 recommendation on Senate Bill 2857/House Bill 3166 that you  
25 reverse 911.

1                   What's the will of the Board?

2                   MEMBER MASON: Make a motion we oppose.

3                   MEMBER RICH: Second.

4                   CHAIR PORTER: We have a motion

5 by Carolann, a second by Freddie that we oppose

6 Senate Bill 2857/ House Bill 3166.

7                   Is there discussion?

8                   MEMBER LEE: Let me ask this, has the

9 sponsor been spoken to on this bill?

10                  MR. SPEARS: We've just started talking  
11 with the Senate sponsor, which is I think the primary mover of  
12 this legislation. And so I think that there's a way to make  
13 this -- work this out. If that doesn't happen, I think, you  
14 know, it obviously makes sense to be opposed to it. But we're  
15 starting the process of talking to the sponsor and hopefully  
16 not having to go forward.

17                  MEMBER LEE: Okay.

18                  CHAIR PORTER: Any other discussion?

19                               (Pause)

20                  CHAIR PORTER: Hearing none, all in favor

21 of the motion say "aye."

22                  THE BOARD: Aye.

23                  CHAIR PORTER: All opposed, like sign?

24                               (Pause)

25                  CHAIR PORTER: Motion carries.

1                               Next is Senate Bill 3016/House Bill 3165  
2 which deals with consolidation and direct dispatching.

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

4                               This bill was also sponsored by  
5 Senator Stewart and Representative Curtiss.

6                               And this arises out of the controversy  
7 that we've had over the last year with White County. It's  
8 proposing an alternative funding scheme to encourage districts  
9 to consolidate with counties or with other districts and to  
10 encourage direct dispatching.

11                              The one statement in the bill that we have  
12 a serious issue with is that it says it is the public policy  
13 of the state that it is in the best interest of the public  
14 that the dispatch services of an emergency communications  
15 district be the direct dispatch method. I'll talk a little  
16 bit about -- more about that. But that's one of the starting  
17 premises for this bill.

18                              But what it's actually trying to do is  
19 provide an alternative funding source. If a district  
20 consolidated with a county or with another district, this  
21 would allow them to get with the local county and actually  
22 create a tax on local heads of households. The bill does not  
23 set a maximum amount of the tax even. And the tax would be  
24 collected by the county trustee, and it would be used to pay  
25 for the activities of the district. It would be administered

1 by the county trustee, as I said. So -- and the county  
2 trustee would retain 2 percent of the tax, kind of as an  
3 administrative fee.

4                   The bill requires districts that are  
5 wanting to do this to come before the Board and talk about it  
6 and take the Board's comments. But it doesn't require them to  
7 do anything except listen to the Board's comments. And then  
8 they can go back and set it in motion.

9                   As I said, the only part of the bill that  
10 really raises Staff's concern is this blanket statement that  
11 in all cases direct dispatching is in the best interest of the  
12 public.

13                   I mean, Staff would recommend that the  
14 Board oppose that because we firmly believe that what the  
15 best way to handle 911 calls is has to be determined on a  
16 case-by-case basis. I mean, transferring calls may be  
17 essential to a small PSAP that's -- especially with emergency  
18 medical dispatching being used. And what we're concerned  
19 about is that a blanket statement could lead districts that  
20 transfer calls. I mean, even calls that are transferred  
21 basically as part of your contingency plan could be a problem,  
22 it would create -- it could create a whole lot of liability.  
23 I mean, it's just -- it is a well where liability can grow.

24                   And so Staff doesn't really have any  
25 kind of dispute about it, an alternative method for raising

1 911 funds, if counties and districts choose to do it that way.  
2 And consolidation is to be encouraged. I mean, the law says  
3 that consolidation needs to be encouraged.

4 But this whole part about the direct  
5 dispatching, we would very much appreciate the Board opposing  
6 that part of this. This could create liability for the  
7 districts. This could be a problem for years and years.

8 CHAIR PORTER: You've heard the  
9 recommendation of Staff on Senate Bill 3016/House Bill 3165  
10 is that we oppose the first part, Section 1(b), on the direct  
11 dispatching and defer on the rest of the bill.

12 What's the will of the Board?

13 MEMBER LEE: I'm sort of new to this board  
14 on that point, and I'm not a dispatcher involved in the 911.  
15 Direct dispatching and everything, is that -- that is where  
16 you have a central dispatch and all the calls come into a  
17 central point and it's an outlet. Correct?

18 CHAIR PORTER: Yes.

19 MEMBER LEE: And I just -- I just want to  
20 understand exactly why is that -- could be a bad thing?

21 It's my understanding -- I've talked to  
22 Representative Curtiss about this. And his concern is that --  
23 where you have a situation where it takes -- you have a call  
24 come in and then they have to re-route it to some -- to a  
25 medical emergency. And it takes just seconds to do that.

1 That's seconds lost. And any seconds lost is a delay.

2 And so he wants to take the position --  
3 the reason that's in there is that he wants to encourage  
4 simple dispatching because any seconds lost could be a life.

5 CHAIR PORTER: Think about --

6 MEMBER LEE: And I -- that's -- that's his  
7 argument. And maybe -- and I just --

8 CHAIR PORTER: Think about it like this,  
9 though, for a little small district somewhere, that might be  
10 the best method. But you get into a larger county -- what if  
11 you put all of your eggs in one basket and that one basket  
12 crashes? Then you -- you're talking about seconds lost.  
13 You're talking -- going to be minutes and could be lives lost  
14 if you lose that one dispatch center and you don't have  
15 anywhere to send your calls to.

16 I think there's a lot more -- you know,  
17 the law allows three different methods. And you've got places  
18 all across the state that have chose out of those three  
19 methods. And we -- my opinion, it should be a local decision,  
20 not up at the state level saying you've got to do this. But  
21 there's a lot to be said for direct dispatching.

22 But I think in some instances there are a  
23 lot of other methods, too. I just don't think we should be  
24 limiting it and putting liability on these counties that  
25 aren't doing direct dispatching when you may be working in

1 their county.

2 MEMBER LEE: And that -- that's just  
3 his concern.

4 And I could see some of that. Because  
5 when a call comes in and then they have to re-route it to  
6 the Wilson -- if it comes into the Wilson County 911, then I  
7 have to send it to the sheriff or to the ambulance service or  
8 to the fire department, that could be three different  
9 dispatches. That's three different routes instead of one.

10 CHAIR PORTER: Most of the cases that I  
11 know of, it's only one transfer. I don't know of any place  
12 that it would be more than one, you know. And it's a split  
13 second that -- you know, push a button and the other  
14 dispatcher has got it.

15 I worry that -- you know, if you said they  
16 encouraged direct dispatching or encouraged consolidation or  
17 something like that, I think that's one thing. But when it  
18 says that this is it, this is in the best interest for  
19 everybody to do that, I think that really -- you know, that's  
20 just my opinion.

21 Steve, you want to say something?

22 MEMBER SMITH: Thank you, Mr. Chairman.

23 Mr. Lee brings up a good point. I know  
24 that -- you know, 911 when seconds count. We all agree to  
25 that.

1                   MEMBER LEE: Right.

2                   MEMBER SMITH: But I have a fundamental  
3 concern that if we're looking at, first, to your point of  
4 taking the control away locally, possibly, and, secondly,  
5 PSAPs that are located in a law enforcement agency, the  
6 emergency medical dispatch is an entirely different program  
7 from what may take place day to day in the law enforcement  
8 arena. And I have a concern about running the risk that a  
9 sheriff chooses to eliminate or not to even implement that  
10 program and should it continue at the emergency medical  
11 services center.

12                   And I speak from Rutherford County's  
13 perspective on this. All of our primary PSAPs are located in  
14 a law enforcement agency. They're all, of course, connected  
15 to the emergency medical services department, which is the  
16 only one that offers pre-arrival medical instructions. That  
17 has worked well. As Chairman Porter said, it's an  
18 instantaneous transfer. It's the data from the caller:  
19 information, phone number, address. It works well.

20                   I still go back to the fundamental issue  
21 about -- I'm concerned about a slippery slope of taking away  
22 that local decision -- control from the Board.

23                   MEMBER LEE: As I said, I'm not involved  
24 in the day-to-day operations. That's why I -- I just wanted  
25 to get a better understanding.

1                   MEMBER SMITH: And your point is exactly  
2 right. I think there are some situations where that could be  
3 certainly an issue. If I were a local board, I'd be concerned  
4 about how many steps that are taking place.

5                   CHAIR PORTER: Bobby, one other thing,  
6 too, that -- on the MD dispatch in Atlanta I was just talking  
7 about, you know, when you do MD dispatching, once you pick up  
8 with that caller, you're not supposed to hang up with them  
9 until help arrives. So what if it's in a small place that's  
10 trying to do that and they've only got one or two dispatchers?  
11 What's going to happen to all those other 911 calls if they  
12 can't transfer somewhere else, if they're on the phone with  
13 that heart attack victim or whatever?

14                   To me, it just opens up -- there's a lot  
15 more "ifs" and "ands" out there. It's just not as simple as  
16 saying, you know, that this is the best method and this is the  
17 only way to do it. In my opinion, I just think there's a lot  
18 of things we need to look at.

19                   MEMBER RICH: We all think they're doing  
20 it efficiently for our county. And we have an agreement  
21 worked out with our agencies in our county, how do you want  
22 this call to come to you.

23                   And, of course, you've got to also  
24 understand -- as we do, Mr. Lee -- that some of these calls  
25 are not "when seconds count" calls. Some 911 calls have to be

1 discussed on the phone and which agency is going to take them.  
2 So it's a can of worms there. But we certainly don't need  
3 anybody coming and telling us how we want to set up our  
4 dispatch in our counties.

5 (Pause)

6 CHAIR PORTER: Hang on just a minute and  
7 find out what's going on.

8 (Pause)

9 CHAIR PORTER: Okay. Back to discussion  
10 on the bill.

11 Freddie, were you --

12 MEMBER RICH: I'm finished.

13 CHAIR PORTER: Any other discussion?

14 (Pause)

15 CHAIR PORTER: All right. What's the will  
16 of the Board on -- we're still on Senate Bill 3016/House Bill  
17 3165.

18 MEMBER COBB: I move we accept the Board's  
19 recommendations -- or the Staff's recommendations.

20 CHAIR PORTER: Do I have a second?

21 MEMBER LOWRY: Second.

22 CHAIR PORTER: Motion by Katrina, second  
23 by Ike that we accept Staff's recommendation on Senate Bill  
24 3016 and House Bill 3165 to only oppose the provision on the  
25 direct dispatching and to defer on the rest of the bill.

1 Any other discussion?

2 (Pause)

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

5 THE BOARD: Aye.

6 CHAIR PORTER: All opposed, like sign?

7 (Pause)

8 CHAIR PORTER: Motion carries.

9 And the last one, Lynn, is that  
10 Senate Bill 3193/House Bill 3352?

11 MS. QUESTELL: Yes, sir.

12 This bill is also sponsored by  
13 Senator Stewart and Representative Curtiss, and it also  
14 arises from that maintenance of effort controversy that the  
15 Board has with White County.

16 This bill specifically would prohibit the  
17 Board from requiring emergency communications districts to  
18 hold and reserve more than 50 percent of a district's  
19 operating budget.

20 Staff feels that this law is unnecessary  
21 because the Board has never adopted a provision like this.  
22 The State's 100 emergency communications districts are so  
23 different in function and funding that it would probably be  
24 impossible to find a general rule on reserves that would be  
25 appropriate for all of them. And the Board has never issued

1 any kind of a policy, rule -- anything -- about the proper  
2 amount of reserves or the required amount of reserves.  
3 Basically the Board's approach has been as long as the  
4 district is not financially distressed, the amount of reserves  
5 it retains is up to the district.

6 I just want to give a little context to  
7 this. The issue of reserves came up during discussions with  
8 White County officials. And as you-all know, the context was  
9 their -- review of their request for a rate increase.

10 And as you-all know, the Board has a  
11 maintenance of effort policy which says that if a district  
12 comes in and asks for a rate increase, then we would -- in  
13 order to get the rate increase, the Board asks that local  
14 contributions remain the same. They don't have to go up.  
15 They just have to remain the same.

16 And the reason for this is so that when  
17 the people are being asked to pay more for 911 service, that  
18 the additional funding actually goes to the 911 service. If  
19 local government is allowed to decrease its contributions to  
20 911, then it benefits from the increase of the 911 fee rather  
21 than 911 actually benefiting. And this has been the subject  
22 of an Attorney General opinion, which has found that the  
23 maintenance of effort policy is legal. And, basically, it's  
24 insisting on honesty in government.

25 And if you will remember the controversy

1 with White County and the City of Sparta, they argued that  
2 they should be exempt from this maintenance of effort policy  
3 because -- one of the reasons they said was because the  
4 district had enough money.

5                   And so in response to that, you know,  
6 they had several hundred thousand dollars in reserves. And in  
7 a discussion with them, we mentioned that, just as a rule of  
8 thumb, it was encouraged that districts keep enough reserves  
9 so that they could replace their equipment if there was a  
10 catastrophe. And the general -- just as a rule of thumb, that  
11 might be a year's worth of operating expenses.

12                   But that was just mentioned as a rule of  
13 thumb to kind of say, you know, they really don't have that  
14 much in reserve. We would encourage them to have more. But  
15 it was never an official policy. It was just in context of  
16 discussion. This has been kind of taken out of context to  
17 prevent the Board from doing something that it's never done.

18                   And each district is unique. And as long  
19 as they're not financially distressed, the relationship that  
20 they have with their local governments is really not something  
21 that the Board has ever interfered in.

22                   So Staff recommends that the Board oppose  
23 this bill, even though it prohibits the Board from doing  
24 something that it's never done, because it's really contrary  
25 to the whole basic premise of the 911 law. And the law that

1 created this board gave the Board broad authority to --  
2 where the Board is, you know, supposed to make standards --  
3 financial standards, operational standards,  
4 technical standards, and assist the districts in  
5 accountability and management issues.

6                   And so here you've got this whole  
7 provision of the law that gives these expansive  
8 responsibilities to the Board. This just seems to run  
9 counter to that. If you can do all this, except you can't  
10 make this -- this little requirement about reserves, you can  
11 never do. And, I mean, I don't know if the Board would ever  
12 want to. But this just seems, basically, inconsistent with  
13 the premise of 7-86-301 and the rest of laws in the -300 part.

14                   So that's -- we think that this would be  
15 detrimental to 911.

16                   CHAIR PORTER: Okay. You've heard Staff's  
17 recommendation on Senate Bill 3193/House Bill 3352 that we  
18 oppose the bill. What's the will of the Board?

19                   MEMBER LEE: If I could --  
20 Representative Curtiss really believes this board has a  
21 policy in place. Has anybody from the Board talked to him  
22 about this?

23                   CHAIR PORTER: I have.

24                   MS. QUESTELL: And Andy has.

25                   MR. SPEARS: I have talked with him, too.

1 CHAIR PORTER: I think there's --  
2 go ahead.

3 MR. SPEARS: I know he's talked  
4 with Brandy. And I talked with him immediately after the  
5 committee meeting this week about it. And I think, you  
6 know, having this -- just being really clear in this meeting  
7 about -- that we don't have this policy I think would be  
8 really helpful to him in understanding that.

9 CHAIR PORTER: Okay. I think there's  
10 confusion, Bobby, in -- and I'll take the blame for some of  
11 that confusion. Because it came from a meeting that Lynn and  
12 I was having with him over the White County thing back last  
13 year. And we were talking about reserves and so forth.

14 And, you know, I go back from day one when  
15 this board was created. And the one thing we did when we  
16 first started was that we set up a finance committee that was  
17 trying to come up with rules or guidelines or policies. We  
18 came up with the procedures on what 911 money could be spent  
19 for and all those kinds of things. And that's when  
20 Charles Bilbrey was in your position on the Board.

21 And the one thing we tried to do was we  
22 tried to come up with a policy that would say, okay, this is  
23 how much a district needs to keep in reserves. Well, after a  
24 bunch of meetings and trying, we could not come up with  
25 anything that you could just set down and say this fit every

1 district in the state and it would work. So after that, you  
2 always had districts coming to you and saying, well, what do  
3 you-all recommend. You know.

4                   It's just kind of been carried forth for  
5 several years -- is that, well, maybe a rule of thumb that you  
6 might use is look at having a year's worth of operating  
7 expenses in reserve to be able to replace your 911 system.  
8 And -- but that was never set out in any rule or policy.  
9 We've never imposed that on any district. We didn't impose it  
10 on anybody.

11                   And I noticed in Representative Curtiss'  
12 talk at the legislature -- was it yesterday when the bill --

13                   MEMBER LEE: Two days ago.

14                   CHAIR PORTER: Yeah. Two days ago. I  
15 watched that on the Internet.

16                   And he was saying that it didn't -- this  
17 didn't affect our requirements on their capital reserves.

18                   Well, we don't have anything with capital  
19 reserves. And I talked with him about the bill on the phone  
20 after that. And I think there's confusion there. Because he  
21 didn't want to mess with what we were saying on capital  
22 reserves. And I told him that, you know, our rule of thumb on  
23 that was -- covered both of them. You know. We're not saying  
24 that you would hold a year's worth of operational revenue and  
25 then you would hold this amount of capital reserves over here.

1 We don't tell them to hold either one. We just say you don't  
2 need to put yourself in a position to get in financial  
3 distress.

4                   So I think that's where the confusion may  
5 have come out of this, is that somewhere along the line  
6 somebody -- and I'm not saying him, but maybe whoever was  
7 wanting the bill put in. Somebody has thought that there  
8 was a policy or a rule or something there, that that rule of  
9 thumb may have been took to mean an actual rule that we had  
10 something that said you had to keep a year's worth of  
11 reserves.

12                   The thing we have to look at is a year's  
13 worth of operating expenses in Pickett County is probably not  
14 going to be enough to replace their 911 system, if something  
15 crashed. And I'm just picking out something of -- or a year's  
16 worth of reserves in Shelby County operating reserves might be  
17 enough to replace it two or three times.

18                   So we just never could come up with any  
19 way to come up with anything that fit all of them. And I hope  
20 that this will clear up some of that. And then maybe this --  
21 maybe the bill won't get moved forward.

22                   MEMBER LEE: I know the bill is back up  
23 next week.

24                   CHAIR PORTER: Next week. It got rolled  
25 for a week at our request to let the Board meet and discuss it

1 and decide.

2                               So if there was confusion on the part of  
3 it, I'm going to accept part of that, if what I said as a  
4 rule of thumb that we -- kind of had been used over the years  
5 was taken to mean a rule. I apologize for that because that  
6 was not the intent. It was just --

7                               MEMBER LEE: He had asked me, and I told  
8 him I wasn't aware of any policy that I had seen. I hadn't  
9 been on the Board long. I couldn't imagine the Board having a  
10 strict policy on that.

11                              CHAIR PORTER: No. We don't.

12                              You know, and -- you know how things --  
13 when arguments get going on in local counties and you're  
14 trying to keep somebody from getting your money or stuff, I  
15 could imagine all the things that get said. Well, I've heard  
16 a lot of things that get said. I know even in our county.  
17 It's amazing how stuff gets started that's not true.

18                              So, I don't know where that came from,  
19 but, anyway, hopefully this will clarify it.

20                              MR. SUTTON: And, Mr. Chairman, one of the  
21 possible consequences of this bill is that local governments  
22 may see the 50 percent reserves as an artificial ceiling for  
23 contributions. And that's a problem that came up in our  
24 discussions -- Robert brought that up -- and is a great  
25 concern to the Staff.

1                   MEMBER SMITH: Quick question on this  
2 just from -- maybe Mr. Lee has answered this. I know that --  
3 the 911 have to speak to issuing bonds by districts. What --  
4 in terms of a financial picture, are reserves or your  
5 financial stability factored into that process? I mean --

6                   MEMBER LEE: As far as bonds?

7                   MEMBER SMITH: Uh-huh.

8                   MEMBER LEE: I really couldn't tell you.  
9 I -- that's one thing -- whenever the auditors would look at  
10 that, they're going to look at reserves that's held and stuff.  
11 But --

12                   MEMBER SMITH: I just didn't -- the  
13 thought occurred when you see all of the reports of the people  
14 that are talking about construction -- or districts talking  
15 about construction projects. I thought, my district has not  
16 done that. We're certainly aware that that's an option. And  
17 having never done it, which was my financial question, I guess  
18 best person I know to ask --

19                   MEMBER LEE: You're looking at the wrong  
20 person.

21                   (Laughter)

22                   CHAIR PORTER: I think the only thing  
23 we've always wanted to do is we want every district to have a  
24 healthy reserve. Now, what the definition for that is, I  
25 don't know what that is. I don't know if we can set that.

1 But we've seen districts get into trouble before and they  
2 come here and had to be taken over by the Board and were  
3 financially distressed that didn't have reserves to be able  
4 to take care of the problems when they got into problems.  
5 But I don't know that we set anything in stone.

6 We couldn't find it, could we, Lynn?

7 And I don't ever remember it ever -- we  
8 tried back years ago, but couldn't come up with one.

9 All right. I've carried us all the way  
10 around the barn on this one.

11 So you've heard recommendations of Staff.  
12 What's the will of the Board?

13 MEMBER RICH: I move we oppose.

14 MEMBER SMITH: I second.

15 CHAIR PORTER: We have a motion by  
16 Freddie, a second by Steve that we oppose Senate Bill 3193 and  
17 House Bill 3352.

18 Is there any other discussion?

19 MEMBER RICH: Thanks to Andy for rushing  
20 over the other day and making his presentation on short  
21 notice.

22 (Pause)

23 CHAIR PORTER: Hearing none, all in favor  
24 of the motion say "aye."

25 THE BOARD: Aye.

1 CHAIR PORTER: All opposed, like sign?

2 (Pause)

3 CHAIR PORTER: Motion carried.

4 Next item -- and I guess probably the  
5 final item -- is consider appointment of committee -- of  
6 committee to nominate members of the TECB committee.

7 Lynn, you want to talk about that?

8 MEMBER LEE: One other on texting.

9 CHAIR PORTER: I'm sorry. Yep. That's  
10 that joint resolution.

11 House Joint Resolution 716 on texting.

12 MS. QUESTELL: Well, the Board doesn't  
13 have to take any position at all on a resolution like this.  
14 But I would like to say a few things about it.

15 We have talked to the sponsor of this,  
16 Representative Marsh, and tried to explain to him that being  
17 able to text to 911 is not going to happen until we deploy the  
18 Next Generation 911's IP platform. Texting is basically an  
19 IP thing, and until we upgrade the infrastructure, that's not  
20 going to be possible.

21 But what I also explained to him is  
22 that even after that's done, texting is not going to be an  
23 immediate application to NG911 because it's -- the technology  
24 is just not evolved that far yet.

25 Thus far, actually, there's been one

1 test call in one PSAP by one carrier sponsored by Intrado.  
2 It was -- the call was made by the vice president or president  
3 of Intrado, and it's -- essentially, it's showing that it can  
4 be done. But that's -- just because you could do one call for  
5 one carrier that's all been set up and planned in one little  
6 PSAP in Iowa does not mean that it's going to be a systematic  
7 capability. It's not.

8                                 We're just getting to a place where we're  
9 trying to get the technology in place. Because texting is not  
10 like a phone call. There's no location information that goes  
11 with it. There's no guarantee that it will arrive at its  
12 destination. There's certainly no kind of time constraints  
13 for it to get there. And I explained all this to  
14 Representative Marsh.

15                                 So -- but I wanted to put that on the  
16 record because I'm not sure that that's being conveyed to the  
17 General Assembly. And we will do our best to try to rectify  
18 that.

19                                 This -- I mean, it's very important that  
20 we deploy Next Generation 911. Nothing happens with texting  
21 until we do that. But even after we do that, texting has got  
22 a ways to go.

23                                 MEMBER LEE: It was interesting the other  
24 day on this bill -- I don't know if Andy was on this bill or  
25 not -- was there was discussion about the power of money

1 over here. It's going to be divided out to local governments.

2 CHAIR PORTER: That discussion got way --

3 MEMBER LEE: Got way out of line.

4 CHAIR PORTER: -- out of hand.

5 MEMBER LEE: Sure did.

6 CHAIR PORTER: It sure did. I watched it,  
7 too.

8 And, you know, the thing about the texting  
9 is, this is not just a problem in Tennessee, that we can't do  
10 it here. This is state -- I mean, nationwide. This is  
11 everywhere. It's not just like it's something that Tennessee  
12 is trying to -- trying to prohibit or anything like that.  
13 I mean, I think at some point in time it will probably happen.

14 But when we met with the AT&T folks  
15 talking about NG911 -- and texting was one of the  
16 conversations we had with them. If you could actually see  
17 the path that a text message takes compared to the path that a  
18 911 call takes, it's scary to think that that text message  
19 ever makes it anywhere. You know. Because it's not the same  
20 pattern. There's no guarantee that that call is going to go  
21 through.

22 Is it, Rex?

23 MR. HOLLAWAY: Interestingly enough, just  
24 in the last week I had an e-mail from my son. He only lives  
25 three houses down from me. Actually my grandson does. But it

1 took 24 hours for that e-mail to get through. Fortunately,  
2 we talked. If e-mail was the way to go, I mean, it wouldn't  
3 work.

4 CHAIR PORTER: Yeah. It's kind of scary.  
5 It's not -- everybody thinks that it's the great answer to  
6 everything. But -- it may be in the future, but it's just not  
7 right now.

8 MS. QUESTELL: Well, what was confusing at  
9 the General Assembly was not only were they talking about this  
10 great big pot of money, they were looking at the texting thing  
11 as though it was a local issue and that -- that it was just a  
12 matter of the local's desire to do texting. And I --

13 CHAIR PORTER: That we were prohibiting  
14 them from doing it is the way it was kind of -- I thought it  
15 was being kind of pushed. And, you know, we're just -- NG911  
16 hopefully at some point in the future will allow some of this  
17 technology to happen.

18 (Pause)

19 CHAIR PORTER: We can consider that a  
20 timer when we've talked a little too long.

21 MEMBER RICH: That's what happened to me a  
22 while ago.

23 CHAIR PORTER: All right. Do we need to  
24 take any action on --

25 MS. QUESTELL: No. I just wanted to

1 assure the Board that we will do our best to make sure that  
2 there's -- the actual facts on this get out and that it's  
3 better understood.

4 CHAIR PORTER: All right. Now back to the  
5 committee -- to appoint the committees.

6 MS. QUESTELL: Well, I realize that we  
7 really don't have an organized process for filling vacancies  
8 in our committees. And more and more of these committees are  
9 so available. I mean, getting the input from the Policy  
10 Committee when we did the dispatcher training money, and  
11 especially with this equipment money that we're doing, it was  
12 so helpful. And we really got a chance to really get a whole  
13 lot of different ideas and have a conversation about it in an  
14 organized and public way that was extremely helpful. And the  
15 Operational Committee is the same way.

16 And so we wanted to make sure that the  
17 committees continued to be as viable and as helpful as they  
18 are. So we need to fill the empty seats in them. Because  
19 we've populated these committees with people to kind of  
20 represent counties, cities. We've got a fire chief on  
21 the committee. We've got representatives from sheriff  
22 associations, police chief associations. And so it's not  
23 just 911. It's a broad range.

24 So I would like some assistance with that.  
25 So that's what that committee would be about, would be they

1 would be making suggestions to me about filling vacancies.

2                   And what I would suggest is we have one  
3 member from each of the grand divisions of the state and they  
4 would make -- they would each provide me with a nominee for an  
5 open position, preferably from their area of the state so we  
6 get a balance. And I would make recommendations to the board.

7                   There's currently two vacancies on the  
8 Policy Advisory Committee. So that's -- we would like to get  
9 this going.

10                   We have three individuals who have agreed  
11 to serve on the nominating committee, if the Board appoints  
12 them. And they would be Mo Brotherton, for East Tennessee.  
13 He's on the Sullivan County ECD board of directors, and he's  
14 the Sullivan County Commissioner. So it gives a whole add of  
15 dimension to his recommendation.

16                   Buddy Shaffer from Middle Tennessee.  
17 He's a Sumner County ECD director.

18                   And Tressia Barksdale, Carroll County ECD  
19 director -- have all agreed, if you would appoint them to  
20 serve on the committee.

21                   CHAIR PORTER: So Staff's recommendation  
22 is that we create the Nominated Committee with a  
23 representative from each of the three grand divisions and  
24 that we authorize committee members to make recommendations on  
25 filling the vacancies on any of the committees that we have to

1 the executive director and appoint these three people.

2 Right?

3 MS. QUESTELL: Yes.

4 CHAIR PORTER: You've heard the  
5 recommendation of the Board -- Staff. What's the will of  
6 the Board?

7 MEMBER SMITH: Move to accept Staff's  
8 recommendation, even though I know Buddy Shaffer.

9 (Laughter)

10 CHAIR PORTER: I wondered if that was  
11 holding anybody up.

12 We have a motion by Steve.

13 Do I have a second?

14 MEMBER COBB: Second.

15 CHAIR PORTER: Second by Katrina that we  
16 approve Staff's recommendation on the creation of this  
17 committee and appoint the three folks to the committee.

18 Is there any discussion?

19 (Pause)

20 CHAIR PORTER: Hearing none, all in  
21 favor -- you mean Buddy has to start coming to the board  
22 meetings?

23 MS. QUESTELL: No.

24 CHAIR PORTER: Everybody is good with  
25 that. Right?

1 Just kidding. Buddy is a --

2 MEMBER SMITH: He's retired.

3 CHAIR PORTER: He's an old-timer of 911.

4 He's been around a long time and has as much knowledge and  
5 experience in 911 than anybody I know of.

6 Any discussion?

7 (Pause)

8 CHAIR PORTER: Hearing none, all in favor  
9 of the motion say "aye."

10 THE BOARD: Aye.

11 CHAIR PORTER: All opposed, like sign?

12 (Pause)

13 CHAIR PORTER: Motion carries.

14 Any other items that need to come before  
15 the Board?

16 (Pause)

17 CHAIR PORTER: What about our next board  
18 meeting, Lynn? Have we set a date on that?

19 MS. QUESTELL: We would propose a date of  
20 May 20th. That is the date that this room is available.

21 CHAIR PORTER: That's on a Thursday?

22 MS. QUESTELL: Yes, sir.

23 CHAIR PORTER: Is everybody good with  
24 May 20th, 9:30, this room?

25 MEMBER COBB: No.

1 CHAIR PORTER: You say no?

2 Katrina can't.

3 Anybody else?

4 (Pause)

5 CHAIR PORTER: Okay. So we'll -- I hate  
6 that you can't make it. If we get without a quorum, we'll --  
7 since that's the only day we have this room available, we'll  
8 go ahead and set it for May 20th at 9:30. And remember that  
9 we'll be rolling the Hancock and Warren County to that  
10 meeting. So -- anything else that needs to come before the  
11 Board at that time.

12 Anything else?

13 Board members have any announcements?

14 Anything we need to make --

15 MEMBER MASON: I don't know much about --  
16 911 on the Hill has been moved to Wednesday the 23rd.

17 Is it the 24th of March?

18 CHAIR PORTER: So TENA will be having its  
19 911 on the Hill where 911 directors come and go meet your  
20 legislators on the Hill and talk about any bills or anything  
21 that you have that you'd like to talk to them about. And  
22 that's Wednesday, the 24th.

23 And what time will you be meeting up  
24 there?

25 MEMBER MASON: 8:00 usually.

1 CHAIR PORTER: Around 8:00.  
2 So anybody that can make that, it always  
3 helps to stay in contact and talk about 911 issues.  
4 Any other announcements?  
5 (Pause)  
6 CHAIR PORTER: I'll accept a motion to  
7 adjourn, then.  
8 MEMBER COBB: So moved.  
9 CHAIR PORTER: Motion by Katrina.  
10 Do I have a second?  
11 MEMBER MASON: Second.  
12 CHAIR PORTER: Carolann.  
13 All in favor, say "aye."  
14 THE BOARD: Aye.  
15 CHAIR PORTER: All opposed, like sign?  
16 (Pause)  
17 CHAIR PORTER: Motion carried. We're  
18 adjourned.  
19 (End of the proceedings.)

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REPORTER'S CERTIFICATE

STATE OF TENNESSEE )  
COUNTY OF SMITH )

I, Amanda F. Martin, court reporter and  
notary public in and 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 in shorthand; and the  
foregoing proceedings constitute a true and correct transcript  
of said proceedings to the best of my ability.

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 or events  
of this action.

IN WITNESS WHEREOF, I have hereunto  
affixed my official signature and seal of office, this  
28th day of April, 2010.

\_\_\_\_\_  
Amanda F. Martin  
Notary Public, State of Tennessee

My Commission Expires: March 15, 2014.