

STATE OF TENNESSEE  
OFFICE OF THE  
ATTORNEY GENERAL  
450 JAMES ROBERTSON PARKWAY  
NASHVILLE, TENNESSEE 37219

FEBRUARY 16, 1989

OPINION NO. U89-16

**Emergency Communication Districts**

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QUESTIONS

(1) May an emergency communication district use monies collected from the five percent (5%) tariff rate under T.C.A. § 7-86-108(a) to fund not only a public safety answering point, but also for radio dispatching of emergency calls to include salaries and all equipment necessary to do the radio dispatching?

(2) If the emergency communication district can do radio dispatching, who has the power to authorize this function within a county or municipality?

(3) Is it permissible for a county or municipality to supplement funding to provide a radio dispatch should the emergency communication district not have these funds available?

(4) If there is an emergency communication district established, where does the responsibility lie in regard to dispatching all emergency calls county-wide?

OPINIONS

(1) It is the opinion of this Office that an emergency communication district may use monies collected from the five percent (5%) tariff rate under T.C.A. § 7-86-108(a) for radio dispatching of emergency calls to include salaries and all equipment necessary to do the radio dispatching if the emergency communication board of directors determines to use the "direct dispatch method" as defined in T.C.A. § 7-86-103(1).

(2) It is the opinion of this Office that the board of directors of the emergency communication district has the power to authorize direct radio dispatching pursuant to T.C.A. § 7-86-107(a)(1).

(3) It is the opinion of this Office that any legislative body of a municipality or county creating a district under T.C.A. § 7-86-101, et seq., may appropriate funds to the district to assist in the establishment, operations, and maintenance of such district pursuant to T.C.A. § 7-86-109.

(4) If the board of directors of a county-wide emergency communication district establishes a "direct dispatch method", then the county-wide radio dispatching responsibility rests with the emergency communication district; otherwise, the radio dispatching responsibility would rest with the appropriate public safety agency or provider of emergency service.

#### ANALYSIS

The first question pertains to the use of funds collected from the five percent (5%) tariff rate under T.C.A. § 7-86-108(a). In particular, the question raised is whether such funds can be used not only for the public safety answering point, but also for radio dispatching of emergency calls to include salaries and all equipment necessary to do the radio dispatching. T.C.A. § 7-86-107(a) authorizes the board of directors of an emergency communication district to design an emergency communications service to have the capability of utilizing one of the following four (4) methods in response to emergency calls: (1) direct dispatch method, (2) referral method, (3) relay method, or (4) transfer method. The term "direct dispatch method" is defined in T.C.A. § 7-86-103(1) as follows:

"Direct dispatch method" means a 911 service in which a public service answering point, upon receipt of a telephone request for emergency services, provides for the dispatch of appropriate emergency service units and a decision as to the proper action to be taken.

If the board of directors of an emergency communication district determines to establish a "direct dispatch method", then it is the opinion of this Office that the actual cost of dispatching emergency calls would include salaries and all equipment necessary to do such radio dispatching. On the other hand, if the board of directors of an emergency communication

district determines to establish the "referral," "relay," or "transfer" method, then radio dispatching of emergency calls would not be part of the costs to the emergency communication district; rather, the radio dispatching costs in such a system would be borne by the appropriate public safety agency or other provider of emergency services.

The second question pertains to who has the power to authorize an emergency communication district to operate a radio dispatching service within a county or municipality. T.C.A. § 7-86-107(a)(1) authorizes the board of directors of an emergency communication district to establish the "direct dispatch method" as an emergency communication service within the boundaries of the emergency communication district. The establishment of an emergency communication district is by ordinance or resolution of a legislative body of a municipality or county, respectively, subject to the approval by the voters. Once an emergency communication district is established, either within the boundaries of a municipality or the boundaries of the county, the board of directors of the emergency communication district would have the power to establish a "direct dispatch method", either within the boundaries of the entire county or within the boundaries of the municipality depending upon the origin of the emergency communication district.

The third question pertains to whether a county or municipality has the authority to supplement funding to provide a radio dispatch should the emergency communication district not have sufficient funds available. T.C.A. § 7-86-109 provides, in pertinent part, that "any legislative body of a municipality or county creating a district under the terms of this chapter may appropriate funds to the district to assist in the establishment, operations and maintenance of such district." This statutory provision is clear authority for the county or municipality to supplement funding for a radio dispatch should the board of directors of an emergency communication district determine to use the "direct dispatch method" under T.C.A. § 7-86-107(a)(1).

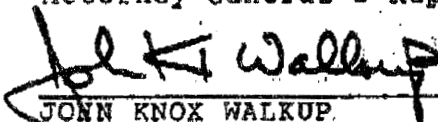
The final question concerns where the responsibility lies in regard to dispatching all emergency calls county-wide if an emergency communication district is established. The answer to this question depends upon the type of method adopted by the board of directors of the emergency communication district and the jurisdiction of the emergency communication district. If the board of directors of a county-wide communication district adopts a "direct dispatch method" under T.C.A. § 7-86-107(a)(1), then the emergency communication district itself would be responsible for dispatching all emergency calls county-wide. Otherwise, the radio dispatching

responsibility would rest with the public safety agency or provider of emergency service to which the emergency communication district referred, relayed, or transferred the emergency call.

Under these latter three methods of emergency communications service, it is the responsibility of the emergency communication district to be the public service answering point and to refer, relay, or transfer emergency calls to the appropriate public safety agency or other provider of emergency services. Thus, if the emergency communication district public service answering point receives an emergency call within a particular city, it would refer, relay, or transfer the emergency call to the appropriate public safety agency or other provider of emergency services within that city, i.e., city police department, city fire department, or private ambulance service, depending upon the nature of the emergency request.



CHARLES W. BURSON  
Attorney General & Reporter



JOHN KNOX WALKUP  
Chief Deputy Attorney General



MICHAEL W. CATALANO  
Deputy Attorney General

Requested by:

Ruth C. Montgomery  
State Senator  
317 War Memorial Building  
Nashville, Tennessee 37219