



TENNESSEE UNDERGROUND UTILITY DAMAGE ENFORCEMENT BOARD
Meeting on February 27, 2017

MINUTES

The board meeting of the Tennessee Underground Utility Damage Enforcement Board was called to order at 10:00 a.m. in the Ground Floor Hearing Room of 502 Deaderick Street, Nashville, Tennessee 37243 by Chairman Kevin Tubberville.

Board Members Present:

Kevin Tubberville, Chairman
Wayne Hastings
Bill Hollin
Craig Jensen
Kenneth King
Bob Lambert

Kevin Raley
Steven Raper
Thomas E. Suggs, Jr.
Rick Tunnell
Bill Turner

Board Member(s) absent:

Eddie Hood
Kevin Kruchinski
Scott Niehaus
Bobby Pitts

TRA Staff Present:

Stacy Balthrop
Aaron Conklin
Chris Eaton
Ryan McGehee

Chairman Kevin Tubberville opened the meeting at 10:00 a.m., and rollcall was taken of the Board members. The Board considered the Minutes of the last meeting of December 16, 2016. There were no corrections, and the Minutes were approved on a voice vote.

Program and Financial Update

The Board moved out of session to hear updates from TRA staff. Ryan McGehee reported that the special contract for training has been approved by the CPO office and the Secretary of the Comptroller's office. He stated that it would need to be signed prior to the Executive Committee meeting, which would follow the Board meeting. Mr. McGehee said that there were some changes to the contract. The CPO office required that Tennessee 811 present charges in advance to the Executive Committee, and the contract, which is for a 12-month period, will have to go through an RFP process at renewal.

Mr. McGehee reported that during the Board's recent sunset hearing, the Board's life was extended, and an amendment was placed on the Board's sunset bill that imposes an attendance requirement. The proposed amendment states that any member who misses more than 50% of the meetings will be removed from the Board, and the appointing authority will be notified and asked for a replacement to be appointed. That amendment will most likely be passed. Mr. McGehee reminded the Board members that if they are unable to attend a meeting, they can call in and participate electronically.

Stacy Balthrop presented the October through December quarterly report. She stated that in January and February there were 41 additional complaints, with 16 in the East, 19 in the Middle, and 6 in the West. Mr. Tuberville asked if West Tennessee is doing a better job than other parts of the state or if they just don't know about the reporting. Ms. Balthrop responded that the complaints are still under investigation. Bill Turner asked how complaints are handled which are not digging-related and thus not covered by the Underground Damage Prevention Act, and Ms. Balthrop responded that it would be a decision made by the Executive Committee.

Mr. Turner stated that he is still getting calls from people who are confused about the complaint notices they were sent because there are no details in the letters they received. Mr. McGehee stated that the TRA legal division has drafted a revised version of that notice which seems to have helped with the confusion. Aaron Conklin stated that the notice has been tweaked in order to satisfy legal notice requirements, basically giving a date and very brief synopsis of where and when. Thomas Suggs said that he had received a notice which did not contain enough information for a response, and Mr. McGehee stated that a more informative, more detailed notice than what went out initially has been drafted.

Mr. Turner inquired whether the Board should approve the letter that goes out, and Mr. McGehee responded that at a certain point the investigative process is the domain of the staff, as well as the Executive Committee, especially given the possibility of conflicts of interest. He pointed out, however, that any negative feedback should still be shared with the staff. Mr. Tubberville stated that he thinks the problem is that there needs to be enough information included in the notice to identify the time and location of the violation so that someone with multiple crews on multiple projects across the state can look into the complaint.

Mr. Tubberville called on Chris Eaton for a fiscal report, and Mr. Turner inquired about changes in staff percentages on the current report. Mr. Eaton responded that he thinks those percentages will stabilize once the Board is past start-up mode. Mr. Eaton commented that the total cost is down a little because the State billed the TRA a small amount for rent in the months of October through December. The rent component will probably increase on the next billing because the State will mostly likely bill for October through December plus January through March.

Kenneth King inquired about Department of Human Resources and Edison billing, and Mr. Eaton explained that the State processes payroll through its computer system and then bills for computer system fees as well as the individual things the computer system does. He allocates those fees to each division based on the number of people employed in the division. Mr. Turner asked if the legal expenses will start dropping now that the training contract is established. Mr. Eaton responded that he believes that as legal's role decreases and they are spending less time on Board matters, that cost will decrease. He pointed out that there will probably be some ongoing costs associated with maintenance of the contract, as well as costs associated with bidding the contract in six months. It was determined that the next financial report should be available before the next Board meeting on May 24th.

Wayne Hastings presented an update on the subcommittee meeting about the violation complaint form. They met in Knoxville on January 19th, with Mr. Hastings, Mr. Tunnell, Mr. Jensen, and Mr. Turner present. Mr. Hastings reported that they had collected comments by each utility and had given them to the TRA to look at and to possibly change the form to make it a little more applicable to each utility. Mr. McGehee stated that some of the changes were already made, but customizing every complaint form for different utilities will require a little more study.

Bill Hollin asked if complaints go out to the farmers or just to utilities. He said he represents the farmers and landowners and was wondering whether he will be notified, like the gas or water companies would be, if a farmer digs up a line. Mr. McGehee responded that Mr. Hollin would not be notified, just the individual farmer.

Topics for the Next Board Meeting

Mr. Tubberville asked if there were any items for the agenda for the May 24th Board meeting other than the fiscal reports. Mr. Turner said there should be a report on training. Bob Lambert asked if paperwork would be ready on the bidding for the training contract, and Mr. McGehee said there should at least be an update available.

Mr. Turner inquired if the training contract requires monthly reports, and Mr. McGehee responded that the statute requires a monthly report because staff has to know when someone has agreed to do training within the 30 days. Mr. McGehee stated that it could be something as simple as an e-mail to Ms. Balthrop, and Mr. Turner asked if that information could go to the entire Board on a monthly basis. Mr. McGehee said that staff and investigative staff would have to make that decision.

The Board went back into session, and the meeting was adjourned at 10:36 a.m.