

## ALABAMA 9-1-1 BOARD MEETING

Minutes of 11/19/2020

Prior notice of this regularly scheduled meeting of the Alabama 9-1-1 Board was given in accordance with the Alabama Open Meetings Act. The minutes were recorded by Ms. Michelle Peel, Administrative Assistant.

Mr. Alan Campbell, Vice-Chair for the Board, called the meeting to order at 10:01 a.m.

The roll was called as follows by Ms. Michelle Peel, Administrative Assistant:

Alan Campbell, Vice Chair	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent
Evelyn Causey, Chair	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent (via teleconference)
Melissa Dove	<input type="checkbox"/> Present <input checked="" type="checkbox"/> Absent
Wayne Hutchens	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent (via teleconference)
Fred Johnson	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent
John Nettles	<input type="checkbox"/> Present <input checked="" type="checkbox"/> Absent
Robert Smith	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent (via teleconference)
Brandon Wallace	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent
Tim Webb	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent
Jeremy Williams	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent

A quorum was established.

Mr. Campbell called for the unanimous consent for the approval of the agenda. It was unanimously approved with no objections. He then called for the unanimous consent for approval of the minutes from the September 16, 2020 Board meeting. There were no changes or objections, and the approval of the minutes was ordered.

### Committee Reports:

Ms. Leah Missildine, Executive Director, presented the report of the Finance Committee meeting held on November 4, 2020. There was no quorum at the meeting. Topics discussed at that meeting were Grant Cycle 5, legacy 9-1-1 cost reimbursement process, ECD annual certification, and unclaimed carrier cost recovery declaration. Ms. Missildine began with Grant Cycle 5. Twelve projects were presented for a total of \$1,550,625.21. Of those 12 projects, two did not meet the eligibility requirements. The other 10 were categorized and prioritized with statewide network deployment being the main goal. Ms. Missildine presented the funding recommendation for each project. The final total award amount for the recommended projects was \$783,392.00. Mr. Fred Johnson made the motion to award Grant Cycle 5 in the amount of



\$783,392.00. The motion was seconded by Mr. Robert Smith. There was no discussion. There were no objections, motion passed unanimously.

Ms. Missildine continued with legacy 9-1-1 cost reimbursement. In September, the Board agreed to take on a legacy cost reimbursement program for FY2021. Reimbursement will be penny for penny based on phone bills submitted during the process. The eligibility requirements and required documentation were discussed. Ms. Missildine presented how to request reimbursement and the submission calendar with payment dates. Mr. Brandon Wallace made a motion to accept the legacy 9-1-1 cost reimbursement procedures. Mr. Jeremy Williams seconded the motion. There was no discussion. There were no objections. Motion passed unanimously.

Ms. Missildine presented the new ECD Annual Certification form for approval by the Board. She emphasized this new expanded form was important to ease the collection of information the Board needs for network deployment, federal reporting requirements, training, and more. She iterated that this is not a new requirement but just expanding the form that has been used since 2013. Mr. Jeremy Williams made a motion to approve the expanded ECD Annual Certification form. Mr. Robert Smith seconded the motion. Mr. Fred Johnson questioned counsel about the ability of the board to modify the form without going through the rule amendment process. Counsel confirmed that the current rule allows the modification. There were no objections. Motion passed unanimously.

Ms. Missildine continued with a discussion of penalties for those districts that are non-compliant with completing the annual certification. The current rules allow the Board to withhold funding until a District is compliant. This has been implemented in the past, although not recently. Mr. Johnson expressed surprise that there were Districts that were non-compliant. There is discussion of the rule language. Mr. Alan Campbell and Mr. Brandon Wallace expressed that they would prefer to see the list of who is non-compliant before deciding on penalties. Mr. Johnson stated he found it absolutely inexcusable that ECDs would not supply basic information and it might be a good idea to preemptively notify them that it is view unfavorably. Mr. Campbell asserted that while he does not disagree that a penalty is needed, he is concerned that withholding money may disrupt 9-1-1 service. He proposed Board staff send letters to noncompliant districts stating funding may be withheld.

Ms. Missildine moved on to cost recovery distribution declaration. Board rules require this be considered annually in November. There was \$2,289,706.33 available to be distributed with fifty percent distributed evenly to the districts and fifty percent distributed according to population. Mr. Jeremy Williams made a motion to declare for distribution to ECDs the excess revenue over expenses for the twelve months ending September 30, 2020 of \$2,289,706.33. The motion was seconded by Mr. Tim Webb. Mr. Johnson asked if there is adequate funding for ANGEN and other projects and this is not needed elsewhere. Mr. Ron Cooley stated this is the surplus available for fiscal year ending September 30, 2020. Ms. Missildine pointed out that \$129,374.52 interest income is revenue not previously earned by this account at a different banking institution, and due to the recommendation of the finance committee to change to ServisFirst Bank, this is additional funding to be declared for distribution. There were no objections. Motion passed unanimously.



Ms. Missildine presented the report from the Education and Outreach Committee meeting held on November 12, 2020. The meeting had a quorum. The sole item on the meeting agenda was the evaluation of the LMS RFP proposals. There were three proposals submitted. Ms. Dana Grubbs ran point on this RFP, her first. Ms. Missildine stressed that each company had very good solutions with very good proposals. She discussed the differences between each and why Virtual Academy fit best with the needs of the Board. Ms. Missildine stated that the recommendation from the committee to the Board was with guidance of general counsel to begin contract negotiations with Virtual Academy. Mr. Fred Johnson made a motion to accept the Education and Outreach Committee's recommendation to the Board. Mr. Wallace seconded the motion. There was no discussion. There were no objections. Motion passed unanimously.

### **Director's Report:**

Ms. Missildine began her report with the status of the open Board seats. There have been no appointments from the Governor's office to fill the open and expired seats. Ms. Terry Womack recently retired after 35 years of service in the cable industry. The Board is seeking a nomination to fill her seat. Statute allows for those in expired seats to continue to serve until new appointments are made. She advised the Board that about half of the ECD audits were still outstanding. As such, there was no update on the evaluation of cost versus findings. Ms. Missildine continued with CARES Act funding opportunities. There was discussion about what Districts needed to better react to the pandemic. The opportunities discussed were enhancements to the GIS project to include contact tracing or spatial representation of current cases; a mass notification system; Smart911; CAD to CAD data sharing capabilities; RapidSOS integrations; and, sanitizing stations. A request was made that Districts that have successfully received reimbursement for COVID-19 related expenses through the CARES Act please share with the Board so the information can be shared with others and be of help. Mr. Jeremy Williams made a motion to pursue CARES funds available to the Board subject to approval of the Finance committee. Mr. Fred Johnson seconded the motion. There was no discussion. There were no objections. Motion passed unanimously.

Ms. Missildine highlighted the activities of the Board staff during the pandemic. They have made good use of the time and have been involved in many activities, met deadlines, and pushed forward with training, virtually and in-person when able.

### **Legal Report:**

Mr. Scott Barnett started the legal report with an update on the Governor's Safer at Home order. Because of the ADPH health order and the Governor's order, the Board can continue to conduct meetings virtually. Mr. Barnett would like, in an abundance of caution, to propose that the Board entertain a motion that so long as the Governor's proclamation/state of emergency that waives the open meeting requirements remains in effect, the waiver of the Board's rule on in-person quorum also remain in effect. Mr. Fred Johnson made that motion with Mr. Tim Webb seconding. There was no discussion. There were no objections. Motion passed unanimously.



Mr. Barnett updated the Board on the lease. The lease must be approved by the State leasing office. Also, Aronov expressed some concerns over the Sunset provision. Both have approved the language proposed. It has been a slow process, but he and Ms. Missildine have been working through that.

Mr. Barnett turned the report over to Mr. Jeff Sherrer. Mr. Sherrer reported on a lawsuit filed a month ago against Morgan County ECD. There are two incidences where the newspaper has requested transcripts of the calls made to 9-1-1. Alabama state statute 11-98-12 states that audio recordings shall not be released without a court order. However, if kept in regular course of business, written records or transcripts shall be released. There is an exclusion that if that information is pertinent to an ongoing investigation, law enforcement does not have to release the records. The Morgan County ECD was notified by the city attorney that there were ongoing investigations that precluded the release of these records. The newspaper has filed suit stating these are public record and due to be released. There are several important issues to be determined by the court. The plaintiff is asserting that the Morgan County ECD is not law enforcement and not subject to the exclusion. Also, does the statute extend far enough to order an ECD to produce a transcript of a call if in the ordinary course of business, they do not make transcripts? If the Decatur Police Department requested a transcript, would that then be the ordinary course of business or a special circumstance. The next paragraph of the statute says that upon payment of a reasonable fee, a district shall provide a transcript which is retained. With the Board's permission, Brunson, Barnett & Sherrer, PC will monitor the situation and provide an update at the next meeting.

#### **Financial Report:**

Mr. Ron Cooley, the Financial Manager for the Board, provided the Board with the monthly financial statements for the month ending October 31, 2020 and year-end as of September 30, 2020 which included a comparison of the last three years. Ms. Leah Missildine made a recommendation to the Board to accept the Financial Statements as presented. Mr. Tim Webb made a motion to accept the Financial Statements as presented; Mr. Brandon Wallace seconded the motion. No objections, motion carried unanimously.

#### **ANGEN Report:**

Ms. Sara Weston of 911 Authority presented her report. She discussed the teamwork between 911 Authority, INdigital, and staff for ANGEN support. She reported on the kickoff of the GIS project and federal grant support. The grant is funding the current GIS project. The federal grant annual report is due at the end of the year. Ms. Missildine outlined Ms. Weston's help in getting the spending plan approved on the first attempt.

Mr. Caleb Branch of INdigital quickly outlined the progress on getting all ECDs on the network, Texty implementation, and wireline conversion. Mr. Fred Johnson asked about the ability of all PSAPs in Alabama to receive location information from a telco. Mr. Branch and Ms. Missildine believe that all in Alabama have that capability. Mr. Johnson said that was his preliminary indication. Mr. Branch continued stating that guidance was needed on the two districts that do not have firm dates to be on the network. Mr. Campbell asked for an update on those districts. Ms. Missildine started with Lauderdale County stating progress is being made but it is extremely



slow. She has communicated with the Director and Chair and both have indicated they are moving forward. Ms. Missildine then outlined the considerations for getting Perry County on the network. Their application in Grant Cycle 5 was not awarded because they proposed a non-qualified on-premise solution instead of a hosted solution. Long-term, this is not a proven way to move to the network. It has also been determined in the last few months that their current system cannot be migrated to the network and that the vendor has chosen not to test with INdigital-provided hardware. For background, their current system was purchased with money the Board granted Perry County. The Board believes the current system from Zetron was purchased with the belief that it could be migrated onto the network. Mr. Jeremy Williams questioned if the Board could sue the vendor since grant money was used for the purchase. Ms. Missildine stated that the Board is exploring all options and is still in discovery mode. The Board staff stressed the importance of the continued delivery of 9-1-1 calls and service not being interrupted to the citizens of Perry County. Mr. Campbell questioned the effectiveness of threatening legal action. Mr. Barnett responded that legal counsel is still researching options. Ms. Missildine advised the Board that migration on to the network was not a condition of the grant award at that time. Mr. Barnett proposed that with the Board's permission, counsel would research writing a demand letter and provide an update at the next meeting.

### **GIS Report**

Mr. Anderson Brooms provided an update on the progress DATAMARK, with his support, has made in on-boarding ECD data. At the end of week five, 37 districts are in gap analysis. Mr. Brooms also introduced the DATAMARK team.

### **Old Business:**

There was no old business.

### **New Business:**

Ms. Missildine announced that committee nominations needed to be made. Mr. Campbell stated the Ms. Evelyn Causey would make those appointments as Chairperson at the next meeting. He then advised that the Secretary/Treasurer position for the Board needed to be filled. Mr. Tim Webb nominated Mr. Robert Smith. Mr. Fred Johnson seconded the nomination. No other nominations were heard. Mr. Robert Smith was elected Secretary/Treasurer.

There was discussion as to the requirement for electing new officers. Ms. Missildine confirmed that officer nominations are to be yearly. Mr. Barnett inquired as to why the Board would want a delay. Mr. Campbell stated that it was the desire of the Board to wait until the three vacancies and six expired seats are filled. Mr. Barnett advised a motion could be made to keep the current officers in place. The motion was made by Mr. Jeremy Williams and seconded by Mr. Brandon Wallace. There was no discussion. There were no objections. Motion passed unanimously.

Mr. Williams proposed to amend the previous motion regarding use of CARES grant money to work with the executive committee instead of the finance committee since it now has two

vacancies. Mr. Fred Johnson seconded. There was no discussion. There were no objections. Motion passed unanimously.

**Public Comments:**

There were no public comments.

**Adjournment:**

Meeting was adjourned at 12:07 p.m.

Approved this 20<sup>th</sup> day of January 2021.

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SECRETARY/TREASURER

  
CHAIR