

ALABAMA 9-1-1 BOARD MEETING
One Commerce Street
Main Board Room
Montgomery, Alabama 36104

Minutes of December 18, 2013

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 roll was called and the following members were present:

Roger Wilson, Chairman
Riley Blount, Vice Chairman
Ernie Blair
Bill Brodeur
Mark Brown - absent
Chris Heger
Melissa Dove
Fred Johnson
Johnny Hart
Wayne Hutchens
John Nettles
Jerry Renfroe
Donnie Smith

A quorum was established. Chairman Roger Wilson who acted as presiding officer of the meeting called the meeting to order at 10:00 AM.

The Chairman presented the agenda to all Board Members. Jerry Renfroe made a motion to approve the agenda. Johnny Hart seconded the motion. Before the vote was made, it was requested that the report from the Cost Recovery meeting be added to the Board Meeting agenda. A vote was taken and the Agenda was approved.

Chris Heger made a motion to approve the previous Board minutes. Jerry Renfroe seconded the motion. A vote was taken and the motion was carried unanimously.

Financial Report:

Donnie Smith presented the Board's expense reports. The Chairman asked that these reports be approved.

Jerry Renfroe made a motion to approve these reports and Fred Johnson seconded. A vote was taken and the motion was carried unanimously.

Chairman Wilson questioned whether the Board should continue paying for the director's cell phone and mifi connection under its' current plan. The Chairman specified that the Department of Public Examiners might require that this service be provided under a

government plan. This issue was tabled at this time.

Donnie Smith provided the Board with the report on Board Member travel.

Fred Johnson made a motion to approve this report and Melissa Dove seconded this motion. A vote was taken and the motion was carried unanimously.

Cost Recovery Report:

Bill Brodeur presented four new plans regarding CSpire, Pinebelt Wireless, Southern LINC, and Sprint Nextel. * See cost recovery meeting addendum.

Chris Heger made a motion to approve these plans and Johnny Hart seconded. A vote was taken and the motion was carried unanimously.

Mr. Brodeur discussed Phase I and Phase II of the Cost Recovery Plan and recommended approval of payments totaling \$117,439.82.

Chris Heger made a motion to approve the cost recovery report and Wayne Hutchens seconded this motion. A vote was taken and the motion was carried unanimously.

Legal Report:

Mr. Sasser reported that Tracfone objected to five rules regarding prepaid phone surcharges. He informed the Board Members that there would be a Legislative Committee hearing this afternoon at 2:00 p.m. to debate the Regulatory Response and Tracfone's objections. He discussed that the five rules that Tracfone objected to were directed toward Lifeline phones. Mr. Sasser presented the Board with the written response of the Alabama 9-1-1 Board to Tracfone's objections. He stated that the statute maintains that Lifeline phone providers are still responsible for taxes and 9-1-1 fees. He argued that Wireless Lifeline Providers' argument to not pay the surcharge was not fair to Wireline Lifeline Providers since they must pay the surcharge. Mr. Sasser stated that the statute states that each line capable of calling 9-1-1 should be charged the fee uniformly across the state. Mr. Sasser stated his confidence that the hearing would favor the Board's stance regarding Lifeline phones.

Accountants' Report:

Ralph Dowdy of MDA Professional Group provided the accountants' report. He reported that the Alabama 9-1-1 Board had total assets equaling \$21,735,739.75. This included revenue in the amount of \$7,985,340.34, Operating fund of \$691,772.99, Cost Recovery escrow in the amount of \$13,023,173.52 and payroll account in the amount of \$1,784.81, totaling the amount of \$21,702,071.66. The Total assets also included fixed assets in the amount of \$33,668.09.

Mr. Dowdy reported that the Alabama 9-1-1 Board had total liabilities in the amount of \$21,735,739.75. This included payroll tax liability of \$4,020.09 and retirement in the amount of \$591.03. This liability included fund equity reserved for districts in the

amount of \$7,851,726.61, reserved for providers in the amount of \$13,144,397.28, reserved for fixed assets in the amount of \$33,668.09 and unreserved in the amount of \$701,336.65 for a total of \$21,731,128.63.

Mr. Dowdy reported that there is \$1.4 million reserved for the Department of Public Examiners. He stated that there was an unused account carried over from the Alabama Wireless Board that could be assigned to the Department of Public Examiners. This was used for monies assigned to the Department of Transportation for the Wireless Board but was no longer needed for this Board. He would like to rename this account to the Department of Public Examiners and place the \$1.4 million in this account. He stated that it would be easier to keep up with and would cause less confusion when discussing this payment during Board meetings.

A motion to rename this account and place the \$1.4 million in it was made by Jerry Renfroe and seconded by Donnie Smith. A vote was taken and the motion was carried unanimously.

It was discussed that some providers are still sending checks to the individual ECDs. The chairman asked that Jason Jackson contact these companies to provide the correct payee and mailing address to them. Also, some are still issuing checks at the wrong rate. Jason Jackson, Executive Director of the Alabama 9-1-1 Board, will address this issue as well.

Mr. Dowdy then reported to the Board that a distribution in the amount of \$7,408,798.42 was made to the ECDs on December 6, 2013. This was the total baseline payment that will be issued each month to the ECDs. The Board discussed a set date for this distribution and the 10th of each month was decided upon as the date to make this distribution. The per-capita distribution was discussed as well and the Board decided to make this distribution the day following each month's Board meeting. Bill Brodeur requested that the accountants continue providing correspondence to each ECD regarding their per-capita distribution. Mr. Dowdy discussed placing this correspondence on the Board's website since it is public knowledge anyway. He also reported that Regina would be sending the ECDs a letter regarding the per-capita distribution.

The Board discussed the feasibility of making only one payment to each ECD per month. It was debated. Jim Sasser, attorney for the Board, stated that the law says that one distribution be made to each ECD. Chris Heger stated that she was unsure to what distribution that applied. Mr. Dowdy read page 46 of the Act and stated that the accountants could not make one distribution to each ECD by the 10th of each month. It was decided that two payments continue to be distributed each month.

Chairman Wilson requested that Jim Sasser research whether two distributions are legal or whether only one per month is legal and report back to the Board during the next Board meeting.

Chairman Wilson discussed moving the \$3 million out of the Cost Recovery Fund to the Distribution Fund to supplement the ECDs while this system is working out the kinks. Ralph Dowdy reported that the excess funds in the Cost Recovery fund require Board approval to move to the distribution fund. This was tabled at this time. The Chairman

reported a discrepancy in the district payout page of the report. Mr. Dowdy explained this discrepancy by reporting that the Board received approximately \$97,970.00 in revenue this month based on the \$.70 rate and approximately \$6.8 million at the \$1.60 rate. Then there was approximately \$5.5 million in baseline payouts.

Fred Johnson summarized what the accountants would like to do as far as distributions are made. He stated that Ralph Dowdy would like the distributions to be made on the 10th and 20th of each month. This does not require Board authorization each month to make these distributions.

Fred Johnson made a motion to accept the proposal of MDA, which was seconded by Chris Heger. A vote was taken and the motion was carried unanimously.

Fred Johnson requested a brief from Jim Sasser and Ralph Dowdy clarifying what money goes where and why.

Bill Brodeur expressed his concern that the per-capita revenue was not providing enough money per ECD and that the fund would lose money each month. Jason Jackson and Ralph Dowdy stated that the cycle needed to continue as is for at least two more months from the date of this meeting in order to determine whether the rate is correct or needs to be revised. Wayne Hutchens discussed tracking the wireless connections.

It was discussed that the Board's statute does not specify where the population count comes from and the Board asked Jason to check on the report by the University of Alabama/ADECA. Jim Sasser requested a formal adoption of where the population count comes from. Fred Johnson requested a report from the University of Alabama/ADECA regarding the methodology used to determine their information.

The Board requested that MDA proceed with the per-capita distribution this month.

Mr. Dowdy stated that there were still twenty-four ECD annual certifications outstanding. Jason Jackson will send correspondence to these ECDs requesting their annual certifications. Mr. Dowdy also requested that Jason ask the ECDs that still receive paper checks if they would permit the accountants to deposit directly into their accounts.

Chris Heger made a motion to adopt the accountants' report, which was seconded by Johnny Hart. A vote was taken and the motion was carried unanimously.

Executive Director Report:

Jason Jackson introduced Leah Missildine to the Board. She is the Board's new development director. She comes from the City of Auburn 9-1-1 and has a vast knowledge of the inner workings of PSAPs as well as district offices. She was the former director of the City of Auburn 9-1-1. We look forward to her insight in improving communications between districts.

There was a discussion concerning paying for ANGEN and that we needed the Assignment letter from the ECD's to use the excess Cost Recovery funds according to the

law. Johnny Hart made a motion for the Executive Director to draft and send the required Assignment letter to the ECD's for paying ANGEN out of the excess Cost Recovery funds, with Bill Brodeur making the second. A vote was taken and it passed unanimously.

Administrative Rules Report:

Fred Johnson thanked the administrative rules committee for their diligence in refining the rules. He requested the status of the rule 585 x-4.02, which was not adopted. Mr. Sasser reported that there would be a public hearing at the February Board meeting regarding this rule.

State Plan Report:

Wayne Hutchens reported that the plan is in its draft stage and will be presented at the January Board meeting for approval prior to the February 1, 2014 deadline.

ANGEN Report:

John Ellison reported that T-Mobile connected 7 PSAPs and handled over 10,000 calls. He reported that Southern LINC and Verizon are moving calls and handled over 10,742 real 9-1-1 calls.

Mr. Ellison reported that AT&T is ready to go for their January testing. He also reported that Bandwidth would provide a presentation to the Board during the January Board meeting outlining their plan.

He reported that Verizon does not want to do the testing step and that they are converting to Level 3 (which has nothing to do with ANGEN). They do not want to convert any more PSAPs until the Level 3 conversion takes place. Mr. Ellison requested that the test step be removed for Intrado as well. Mr. Ellison assured the Board that if there were any problems the conversion would be halted.

Jerry Renfroe made a motion to approve the Intrado exception, which was seconded by Chris Heger. A vote was taken and the motion was carried unanimously.

Old Business:

Jason Jackson recommended that the Board approve the contract between the Alabama 9-1-1 Board and Jim Sasser, attorney-at-law, for legal services. This contract will be for a term of one year with a thirty-day opt-out clause.

Johnny Hart made a motion to approve this contract, which was seconded by Chris Heger. A vote was taken and the motion carried unanimously.

Jason Jackson presented the Policy and Procedure package. Chairman Wilson requested that this package be tabled and appointed a committee to provide a job description and duties of the Executive Director and his staff as well as a Policy and Procedure package. Chairman Wilson appointed Chris Heger, Jerry Renfroe, Gordon Sandlin, Director of

Cullman County E9-1-1, and Sonny Brasfield, Executive Director of the Association of County Commissioners of Alabama. Riley Blount requested to be appointed to this committee. She stated that she had experience with employee requirements and contracts. Chairman Wilson appointed Ms. Blount to this committee.

New Business:

Jason Jackson informed the board that Bandwidth would be at the next board meeting to give a update on ANGEN.

A Public Forum was held at this time.

Roger Humphrey, Cullman County 9-1-1, requested that a draft of the correspondence regarding ECD distribution be provided. He would like to have some input on the direction this letter takes.

Larry Fisher, Director of the City of Montgomery E9-1-1, thanked Jason Jackson and the board for going ahead and providing the December 6th distribution instead of holding it for board approval. He stated that this was the medicine each district needed in order to continue having faith that this system will work. He stated that money was getting tight and this infusion helped even the bigger systems.

Chairman Wilson reported that the next board meeting would be on January 22, 2014 in Tuscaloosa, Alabama. He reported that the AL-NENA quarterly meeting would be held there beginning on the 23rd. He requested that Rod Coleman, Tuscaloosa County E9-1-1 Director, find a place for our board to meet.

Jerry Renfroe made a motion to adjourn the December 2013 board meeting, which was seconded by Chris Heger. A vote was taken and the motion was carried unanimously. The meeting was adjourned at 12:21 PM.

Approved this 19th day of February, 2014



SECRETARY



CHAIRMAN

