

1 STATE OF TENNESSEE
2 DEPARTMENT OF COMMERCE AND INSURANCE
3 TENNESSEE EMERGENCY COMMUNICATIONS BOARD

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TRANSCRIPT OF THE PROCEEDINGS

May 7, 2009

Cannon & Stacy
Court Reporters
117 Arrowhead Drive
Hendersonville, Tennessee 37075
(615) 822-9382

Reported by: Amanda F. Martin

1 APPEARANCES:

2

3 Board Members Present:

4 Mr. Randy Porter, Chair

5

6 Mr. Ike Lowry, Vice Chair

7

8 Ms. Katrina Cobb, Member

9

10 Mr. Bob Lee, Member

11

12 Ms. Carolann Mason, Member

13

14 Mr. Freddie Rich, Member

15

16 Mr. Steve Smith, Member

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18 Mr. James Sneed, Member

19

20 Board Members Not Present:

21 Honorable Tom Beehan, Member

22

23 Staff Members Present:

24 Ms. Lynn Questell

25 Executive Director

26

27 Mr. James Barnes

28

29 Accounting Manager

30

31 Mr. Rex Hollaway

32 Technical Services Director

33

34 Mr. Robert McLeod

35

36 Director of Audits

37

38 Ms. Monica S. Ashford

39 Director Government and

40

41 External Affairs

42

43 Mr. Curtis Sutton

44 Board Attorney

45

46 Ms. Vanessa D. Williams

47

48 Assistant to Executive Director

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1 CHAIR PORTER: Morning everyone. Good to
2 see each one of you out this morning.

3 We will call to order the May 7th, 2009,
4 meeting of the Tennessee Emergency Communications Board.

5 I hope everyone had a good trip in, either
6 last night or this morning.

7 And we have a pretty short agenda this
8 morning. I don't think we'll be here very long. We'll start,
9 as usual, with looking at our attendance.

10 Let the record show that everybody is
11 present, except for Mr. Beehan. And we have a quorum.

12 Our first item on the agenda is report of
13 our executive director.

14 Ms. Lynn?

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

16 I would just like to provide a few updates
17 about 911 activities. First, the status of wireless carrier
18 and VoIP deployment. T-Mobile reported they had completed
19 their implementations in East Tennessee, on March 31st, as
20 scheduled.

21 There was an incident that occurred with
22 an ATX service subscriber. ATX is similar to OnStar. It's
23 an in-vehicle kind of notification thing. The vehicle was
24 involved in an accident and reported that his unit
25 automatically dialed 911. And we requested an investigation

1 and report on that.

2 Reports on misroutes, outages, and call
3 anomaly issues. Beginning at least four months ago, some
4 calls from Cricket subscribers in the central part of
5 Maury County were misrouted to Davidson County. And some
6 calls that were clearly coming from a Cricket phone inside
7 Davidson County were also routed to Maury County. And Cricket
8 personnel indicated they've corrected the problem. But if
9 you'll remember, the past couple of meetings we reported on
10 Cricket issues.

11 So the problem appeared to be corrected on
12 March 31st, according to tests that were conducted by Cricket.
13 But due to the amount of effort that was involved to try to
14 track down the problems, our legal counsel has written a
15 letter requiring an explanation from Cricket. And we will be
16 following up on this.

17 There was a wireless trunk outage in
18 Bledsoe and Sequatchie Counties on April 28th. It was
19 resolved in several hours by Frontier.

20 The Decatur County ECD PSAP sustained a
21 lightning hit around 8:00 on Friday morning, May 1st. And
22 that impacted both radio and telephone service. All the
23 lines -- telephone and 911 -- were out for about 25 minutes,
24 and then service was restored.

25 Since the radio equipment was impacted --

1 they were just getting ready to move to a new PSAP -- and
2 because of the outage, they just went ahead and moved while
3 everything was out anyway. So by 2:00 p.m. Saturday,
4 everything was being taken care of from the new location.

5 The main AT&T central office -- which
6 serves about two-thirds of Weakley County, including the
7 county's primary PSAP in Dresden, was hit by lightning
8 around 1:00 p.m. on Friday, May 1st, again as storms went
9 through. All phone service for those areas was disrupted.
10 The 911 calls were rerouted to the Martin Police Department
11 PSAP.

12 And as of Monday, May 4th, there still was
13 no phone service for about two-thirds of the county served by
14 that central office. Service was expected to be restored by
15 yesterday. And Martin PD continued to answer the calls for
16 the part of the county that was served by Frontier or the
17 unaffected AT&T central offices.

18 I'm now going to report on district
19 activities.

20 The router upgrade project that the Board
21 approved at the last meeting is completed. This involved
22 replacement of older routers that were used in conjunction
23 with ALI data retrieval on wireless and VoIP calls.

24 And I want to specifically thank
25 Rex Hollaway, our director of E-911 Technical Services.

1 He worked very hard to get all of that implemented, and we
2 really appreciate his efforts in that.

3 Since our last meeting, Rex has also
4 worked closely with the standalone counties in a couple of
5 instances where fiber failures within the independent
6 telecommunications companies territory disrupted ALI data
7 retrievals for a few hours. And we just wanted to point out
8 that situations like this point to the need for our
9 Next Generation 911 project, that that will really address
10 that problem.

11 Rex also had meetings with the directors
12 in Sequatchie, Hardin, Wayne, Hawkins, and Jackson Counties
13 regarding contingency plans and other operational issues.

14 The Board's first hearing on 911 funding
15 was held on April 23rd, in Sevierville. And we want to
16 specifically send thanks out to Vince Loveday for hosting the
17 event at their beautiful courthouse in Sevierville. About
18 30 people attended, and there were six speakers. Hearings on
19 911 funding are also scheduled in Jackson, on May 13th, and
20 Nashville, on May 23rd.

21 Is that right?

22 MR. BARNES: 21st.

23 MS. QUESTELL: 21st. I'm sorry.

24 And what we will do is at the Sevierville
25 hearing -- a number of the speakers actually provided written

1 statements and written proposals. And we will put all the
2 written information on the Web site. We will make a specific
3 place for that. It will say "911 Funding." So that will be
4 easy to access and easy for everybody to review.

5 We're going to be sending out some
6 questionnaires as part of our research on 911 funding for the
7 Policy Advisory Committee. And we would really appreciate it
8 if directors would respond. We'd like to have your thoughts
9 and your responses in time so that we can analyze them for the
10 next policy committee meeting, which will be in July, so that
11 we'll have had the time for all the transcripts to be
12 transcribed and available to the Policy Committee.

13 I want to report on the status of the
14 GIS Mapping Maintenance Grant. There were 12 districts that
15 are not participating in the GIS Mapping Grant program.

16 Nine have indicated the desire to
17 participate, but just haven't sent in the executed documents.
18 And we would certainly encourage them to do so.

19 Three districts have not indicated any
20 interest in participating. That would be Marshall, Oak Ridge,
21 and Shelby.

22 And of the 88 districts participating,
23 87 have been paid the fiscal year 2008/2009 portion.

24 If you have any questions about this,
25 please -- or how to sign up for it or you need assistance,

1 please don't hesitate to call Jim Barnes in our office. He's
2 in charge of that, and he will be more than happy to help you.

3 The status of the \$150,000 Essential
4 and Necessary Equipment Reimbursement. As of April 30th,
5 91 districts either have been paid or are in the process of
6 being reimbursed for requests totaling 11 million 390,000
7 under this program.

8 Forty-eight districts have requested the
9 maximum amount of \$150,000, and eight more have less than
10 10,000 remaining on their allocation.

11 Nine districts have not initiated any
12 documentation for requesting any of this funding.

13 The status of the \$2.2 million Training
14 Reimbursement Program. Sixty-seven districts have submitted
15 applications for participation in this program, as of
16 April 30th, for a total of 2 million 44,000 potential costs.

17 Several more have indicated that they're
18 in the process of completing the application. So we can
19 allocate those funds, and they'll have it available to them.

20 Nineteen districts have requested some
21 reimbursement, but the reimbursements have not yet been
22 processed.

23 I wanted to talk a little bit about
24 Charter Communications. As you-all may know, the Board filed
25 a complaint with the Tennessee Regulatory Authority, in March,

1 on behalf of about 16 districts that asserted that there were
2 errors in Charter's remittances. The main error seemed to be
3 that they were remitting, but they weren't remitting on any
4 business line. And the TRA has filed a data request in
5 response to that complaint.

6 As you-all probably know, Charter
7 has filed bankruptcy. And Curtis has -- our new general
8 counsel -- has been following up on that issue. A number of
9 districts received stop payments on checks that they received
10 from Charter, and Curtis contacted them. And their director
11 of Government Relations informed us that due to the
12 bankruptcy some checks were issued or presented for payment in
13 March that had stop payments placed on them. But Charter has
14 since received an order from the Bankruptcy Court allowing it
15 to reissue payment of those checks. And Charter is now in the
16 process of reissuing those checks. We received notice on
17 April 27th that replacement checks had been issued.

18 Curtis also drafted a letter to the
19 bankruptcy judge in the Charter bankruptcy just setting out
20 that the remittance funds should not be considered part of the
21 bankruptcy estate, that it was simply a pass-through, except
22 for the 3 percent administrative charge that the law allowed
23 them to keep, but that this was essential funding for 911, and
24 that it should not be claimed in any way, shape, or form that
25 it was belonging to Charter.

1 I wanted to update you on Virgin Mobile.
2 The FCC granted Virgin Mobile conditional ETC status. That
3 means Eligible Telecommunication Carrier status. And what
4 that means is that Virgin Mobile can become eligible to
5 participate in the FCC's "Lifeline" program, which actually
6 provides free phone service for the disadvantaged. It's paid
7 for by the Universal Service Charge that the FCC imposes on
8 everybody's phone bill.

9 I think Virgin Mobile has sent most of
10 the districts a letter requesting that they make certain
11 certifications about the way Virgin Mobile's calls are
12 handled. Districts are not required to perform these
13 certifications. Virgin Mobile can self-certify, or the
14 districts can simply refer them to me and I will take care of
15 that.

16 I personally would hesitate to encourage
17 anybody to certify to something that they couldn't control --
18 that they couldn't be sure about. Just as a general
19 principal.

20 Yes.

21 MEMBER MASON: Just on that, I had -- we
22 had spoke about it. And I sent my letter back to them about
23 certifying. I received a handset FedExed from them yesterday
24 to do test calls on. So I haven't done the test calls, but
25 they did send me one to try.

1 MS. QUESTELL: Well, that will be your
2 choice whether to do that or not.

3 But if you-all have any questions and you
4 want to refer them to us, that's perfectly fine.

5 I wanted to update you on our
6 Next Generation 911 project. Staff is working with the
7 Office of Information Resources in the Department of Finance
8 and Administration to finalize our internal project proposal
9 process, which is required by state government. And our --
10 we sent representatives from Kimball out to do equipment
11 surveys and site surveys with respect to this, the
12 Next Generation project.

13 And that is complete, and they have
14 promised to have all the data for us by May 15th. And we are
15 scheduled to meet again with AT&T and the OIR people from the
16 NetTN project later on in a few weeks to move the project
17 along.

18 I wanted to update you on our efforts
19 about getting some Federal Stimulus Funding.

20 I want to thank Curtis for his efforts.

21 This is his project. He's following
22 through on every way that we can possibly get Federal stimulus
23 money. He's been examining grant opportunities under the
24 American Recovery and Reinvestment Act.

25 And we've been focused on broadband

1 funding opportunities because we are a member of the
2 Broadband Task Force. We've also been named as a public
3 safety stakeholder in the Office of Tennessee Recovery Act
4 Management. And we will work with them and continue to
5 explore any possible avenues of getting Federal funding.

6 In preparing to try to investigate the
7 possibility of Federal grants, Curtis has attended several
8 online seminars, including those sponsored by NENA. The
9 Law Enforcement and Public Safety channel offered some
10 information. And he's attended public meetings under the
11 national Telecommunications and Information Administration and
12 the Rural Utilities Service.

13 I wanted to talk to you about a
14 performance audit that was conducted on the Board. It's part
15 of the Sunshine provisions that every state agency has to
16 justify its existence, and every state agency is reviewed and
17 basically given a license to exist for a certain set amount of
18 time.

19 And the performance audit was conducted by
20 the Office of the Comptroller of the Treasury. Its purpose is
21 to make recommendations to the General Assembly. The auditors
22 made no findings that the Board was operating inconsistently
23 with the law or its policies. But they did have some findings
24 that noted that part of the codes, specifically Tennessee Code
25 Annotated 7-86-107(b), allows responders to retain the right

1 to dispatch their own services.

2 This is -- I don't know -- this is part
3 of the historic kind of compromise that allowed the Board to
4 come into creation, was if the Board was created to help the
5 districts, then it gave counties and municipality responders
6 the opportunity to opt out of the State's 911 system. And
7 this raised concerns with the Comptroller's Office who -- I
8 use their words. They said it could weaken the State's 911
9 system and put citizens at risk. That's their words.

10 We have received no actual reports of
11 actual evidence on this, but I wanted the districts to be
12 aware of the auditor's opinion.

13 I'm going to just read into the record
14 the executive summary of the opinion. And I would ask the
15 Board -- I think that we should provide the districts with the
16 full opinion, if the Board has no objections, just so that
17 they're aware of what the Comptroller said about the law.

18 The Comptroller -- let me just read this
19 into the record.

20 "There are weaknesses in Emergency
21 Communications Services in Tennessee which could put residents
22 in some areas at risk. Based on interviews, observations,
23 auditor analysis, and documentation obtained during field
24 work, the Emergency Communications Board lacks statutory
25 authority and jurisdictional oversight over PSAPs not

1 affiliated with emergency communications districts. This
2 weakens the Board's ability to ensure that Phase 2 technology
3 exists for all PSAPs throughout the state. In addition, we
4 identified problems with enforcement of minimum dispatcher
5 training requirements -- and they've made it clear that
6 they meant that with the PSAPs that are unaffiliated with
7 districts -- and lack of knowledge regarding ECD contingency
8 plans."

9 So I want to share these concerns with
10 the districts and encourage them if they see that there are
11 problems, that they should contact their counties and
12 municipal governments and contact their lawmakers. This is a
13 legal issue, and the General Assembly makes the laws.

14 As far as our Sunshine goes, this was
15 heard in the Transportation and Commerce Subcommittee. They
16 recommended a two-year extension of the Board's life -- the
17 Government Operations Committee. And both the House and
18 Senate will be taking up the issue next week.

19 I also wanted to give an explanation to --
20 about Edison. The State is implementing a new financial
21 service program basically called Edison. And it's going to
22 impact all of the State's transactions. It's going to impact
23 how we provide funding to you. And it's kind of going through
24 the growth process right now.

25 We're kind of -- I guess I'm looking to

1 Jim to kind of explain.

2 We are -- it's a whole new word, let me
3 just put it to you this way. And they're kind of creating new
4 ways to input things. And you may be receiving more than one
5 check -- probably will be receiving more than one deposit in
6 your account as this thing gets implemented.

7 Jim, do you want to say anything about
8 this?

9 MR. BARNES: This is required by all the
10 state. It's going into effect in three difference phases.
11 We're in the second phase -- or wave. And all the rest of the
12 state will be going in, I think, July. July 7th. Somewhere
13 in that area.

14 This is just a way that the State has been
15 using the same Star system for -- since the 1980s. And it is
16 like -- like, analog and Next Generation 911, it is outdated,
17 and it is based on the old DOS system. So everything is being
18 changed. We're changing everything from vendor numbers -- the
19 way we used to recognize the ECDs is being changed. We have
20 to look in a lot of different files and schedules in order to
21 find out who you are. So checks are going sometimes to the
22 wrong place. It no longer repeats information, so you have to
23 go and enter everything individually. Instead of signing one
24 batch document, we now have to sign 300 individual ones.

25 So it's just a -- it is going through

1 a phase, and we're trying to work out the best system to make
2 these payments possible. But please give me a call if you
3 have any question or need any specific identification.

4 Also, it's going to affect -- when the
5 auditors start looking at your year's operations and they try
6 to get a hold of us for information about how much you've been
7 paid, we're going to have to look in two different files to
8 try to summarize that information. So give us -- give me a
9 little latitude on those. If you have any specific questions,
10 go ahead and call me.

11 MS. QUESTELL: I guess I would also just
12 caution you to please look at your deposits very carefully.
13 If you have any questions or you think that there's any kind
14 of problems, please let us know. Because we're having to
15 basically re-invent the wheel here, and we want to make sure
16 that the wheel is right. So if there is any question in your
17 mind, we welcome you letting us know that.

18 I wanted to update on the OnStar refund.
19 We're simply waiting for OnStar and Verizon to provide us with
20 additional documentation that shows that we were paid the
21 amounts that we are authorized to refund to them. So we are
22 waiting on that.

23 As far as the legislation that's impacting
24 911, Senate Bill -- House Bill 85, which removed the authority
25 to transfer emergency communications funds from our reserves

1 to the general fund, this bill was taken off notice in
2 March -- on March 25th in the House Budget Subcommittee. And
3 the Senate bill has not moved.

4 As far as Senate Bill 42/House Bill 111,
5 which prohibits the transfer of interest derived from the
6 911 emergency communications fund, it was assigned to the
7 General Subcommittee of the Senate State and Local Committee
8 on May 5th. In the House, action was deferred in the Budget
9 Sub of Finance Ways and Means Committee to the last calendar.
10 And the Chair stated on March 25th that it could be heard if
11 any bill was introduced that threatened to take 911 funds.

12 Senate Bill 200/House Bill 424, this was
13 one of the bills -- it's a caption bill that addressed 911
14 funding and -- but didn't raise the rate. The bill had not
15 moved in the Senate, and it was taken off notice on --
16 yesterday, on May 6th.

17 Senate Bill 1988/House Bill 1765,
18 that provided economic recovery assistance for emergency
19 services. This was the one where we wanted to get emergency
20 communications districts added to the list of entities that
21 were eligible for the funding. And the amendment was added on
22 the Senate bill, but the bill hasn't moved in the Senate. And
23 the House sponsor, Representative Shipley, said he intended to
24 add the amendment. But action was deferred this year on the
25 bill in Budget Subcommittee until the last calendar.

1 I wanted to update you on our involvement
2 with TEMA activities. Rex participated in a radio
3 interoperability workshop in Chattanooga on March 30th and
4 31st.

5 I wanted to mention to you-all that we
6 have had an addition to the 911 family. Curtis and his lovely
7 wife, Peggy, have become parents. And they have a son named
8 Curtis Scott Sutton, II.

9 So congratulations from all of us. I hear
10 he's not sleeping all night yet.

11 (Laughter)

12 MS. QUESTELL: And I also wanted to
13 mention -- especially because he's here today, I think -- is
14 that David Gleason is retiring from AT&T. And he intends to
15 help with his wife's jewelry business and perhaps do some 911
16 consulting. I wanted to acknowledge that.

17 CHAIR PORTER: Any questions of Lynn on
18 her executive director's report?

19 (Pause)

20 CHAIR PORTER: You know, there's a limit
21 on the amount of money you can make, I guess, David. So you
22 hit that limit and now you're going into the diamond business,
23 I suppose.

24 (Laughter)

25 CHAIR PORTER: We wish you well in

1 everything you do, and thanks for everything you did for 911
2 in your tenure at AT&T.

3 One thing that -- this caught you-all's
4 eyes -- it did mine, too -- is, you know, we have those 12
5 counties that are not accepting the GIS Mapping Grant, and
6 we've still got nine counties that haven't requested any of
7 the 150,000 reimbursement.

8 You know, that GIS Mapping Grant has been
9 around for a long time. It's \$10,000 of free money there.
10 All you have to do is agree that you'll keep your GIS mapping
11 up. I don't know. I'm worried about counties that don't --
12 that haven't applied for that.

13 And, also, the reimbursement money. I
14 mean, I know it's there. But we don't want you to go out and
15 buy something to be buying, but I'm sure there's things --
16 especially when I look at some of the sizes on these little
17 districts who haven't applied for some of this stuff, makes me
18 wonder why they're not. But we can't make them.

19 So I would ask that those districts who
20 haven't, to take another look at those grants and
21 reimbursement programs to try to make sure you get your share
22 of that money.

23 Next item on the agenda is Staff's request
24 that we consider amending Policy Number 36, which is a
25 requirement for ECDs to adopt a written plan for rerouting 911

1 calls in case of network, equipment, or facility failure,
2 to require that the director of E-911 Technical Service
3 receives copies of each contingency plan by whatever date we
4 set certain.

5 Lynn, you want to talk about this?

6 MS. QUESTELL: Yes.

7 Thank you, Mr. Chairman.

8 This is a suggestion that arose from the
9 audit that I was telling you about. The auditors felt like
10 the Board should have copies of the District's contingency
11 plan on-hand.

12 And, in all honesty, I think this is a
13 good idea. If you had a complete failure, Rex would be there
14 and he would -- it would be helpful for him to know how you --
15 what your plan was. And as we deploy the Next Generation
16 project, it's going to be good to know how you-all want your
17 calls rerouted, if there's a failure. So having this on-hand
18 is -- we think it's a good idea.

19 Right now Policy 36 requires all PSAPs
20 operated by districts to adopt a written plan for rerouting
21 calls in the event of a network, equipment, or facility
22 failure. And we think that there should be an addition to
23 this to require the districts to provide us with the
24 information.

25 Since the districts were already required

1 to have contingency plans, it shouldn't be that much of a
2 hardship for them to just simply provide them to us. If you
3 want to do it by e-mail, that would be fine.

4 If you need any -- should the Board decide
5 to adopt the amendments -- which I'll read to you in a
6 second -- Rex will be available to assist you, if you need
7 some help developing a plan or you just need some help
8 modifying your plan or you just want to talk it over. So he's
9 already hit the road in the past month to try to help a number
10 of districts with this. And please feel free to contact him
11 if you need some assistance with the contingency plan.

12 Staff recommends that Policy 36 be revised
13 as follows: "All Emergency Communications Districts shall
14 develop and adopt a written plan that defines how 911 calls
15 will be rerouted for all affiliated or self-operated
16 Public Safety Answering Points in the event network facilities
17 are disrupted, equipment fails, the PSAPs must be evacuated,
18 or for any other reason that 911 calls cannot be answered at
19 the intended PSAPs. Each district must file its plans with
20 the TECB on or before July 31, 2009."

21 The only addition is that last sentence.

22 CHAIR PORTER: You've heard the request of
23 Staff to amend Policy number 36. What's the will of the
24 Board?

25 MEMBER COBB: I so move.

1 CHAIR PORTER: Motion by Ms. Cobb.

2 Do I have a second?

3 MEMBER LOWRY: Second.

4 CHAIR PORTER: Second by Mr. Lowry.

5 Any discussion?

6 MEMBER LEE: I have one issue -- one
7 question, I guess. What about -- do we know if all the
8 districts have a plan?

9 CHAIR PORTER: They're supposed to.

10 MEMBER LEE: Okay. The date there, I
11 just -- I didn't know if we needed to allow that if a plan
12 comes into existence after this date, that they must file it
13 within like 30 days after the plan is completed.

14 And, also, what about the revisions to
15 their plan? Should we require them to file any revisions?
16 Any revisions to the plan be filed within 30 days after the
17 revision -- or something like that.

18 CHAIR PORTER: That's a good point because
19 PSAPs move and change and so forth. So, yeah, I think adding
20 something to where any revisions will be filed within 30 or
21 60 days -- or whatever kind of timeframe we want to set.

22 Sometimes 911 boards -- let's see, that
23 wouldn't affect it.

24 Once they do make the change official,
25 then it becomes the time the clock already started.

1 Let's see, Ms. Cobb, would you be willing
2 to add that in your motion?

3 MEMBER COBB: Yes.

4 That once any changes have been adopted,
5 that the plans are re-filed with the Board within 30 days.

6 MEMBER LEE: Is 30 days enough? I just
7 threw that out there. You know that workings --

8 MEMBER MASON: I think so.

9 MEMBER LEE: Okay. If it is, that's fine.

10 CHAIR PORTER: Okay. Any discussion on
11 the -- we kind of amended it a little more and added that
12 extra piece to it.

13 Is there any discussion on --

14 MEMBER RICH: Mr. Chairman, we make these
15 requirements. What happens if they don't file these?

16 CHAIR PORTER: We send Rex down with his
17 Cousin Leroy to visit them.

18 (Laughter)

19 CHAIR PORTER: Nobody likes Leroy.

20 Fred, I -- of course, the Board has the
21 same as on anything -- the first strings with the wireless
22 fees and so forth as -- you know, I guess doing some kind of
23 holding of that, if they didn't abide by them, would be our
24 only way of penalizing them that I know of.

25 Any other discussion?

1 (Pause)

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

4 THE BOARD: Aye.

5 CHAIR PORTER: All opposed, like sign?

6 (Pause)

7 CHAIR PORTER: Motion carried.

8 Let's see, next item is to consider the
9 amendment to Senate Bill 208 and House Bill 204.

10 I think that bill got amended -- it got
11 amended considerably, and there's been a lot happened to the
12 bill.

13 Lynn, do we want to -- it's kind of down
14 to a TACIR study. So I don't know if we'd want to take any
15 action on it. Or does it need us to?

16 MS. QUESTELL: It does not need for us to
17 take any action on it.

18 I can give you the long version of --

19 CHAIR PORTER: How about the short
20 version?

21 MS. QUESTELL: The short version. I can
22 do that.

23 CHAIR PORTER: Anybody want to hear the
24 long version?

25 (Pause)

1 CHAIR PORTER: Okay. I think the short
2 version is fine.

3 MS. QUESTELL: The short version is fine.

4 Well, to keep it short and sweet,
5 ultimately what happened was on April 20th the Senate sponsor
6 of the bill proposed verbally that he'd like to see a TACIR
7 study of 911 funding. The bill was -- and he asked to roll
8 that bill on April 28th -- or on April 20th to propose a
9 written amendment, but the written amendment was not filed.
10 And the matter was on the state and local calender for
11 April 28th, but they just didn't reach it at that point.

12 On May 5th Senator Stewart -- the bill was
13 assigned to General Subcommittee of the Senate State and Local
14 Committee.

15 When the House State and Local Committee
16 met on April 28th, the legislative -- there had been an
17 amendment to have a legislative study committee formed. But
18 instead of that being put on the bill, the full State and
19 Local Committee voted to send the 911 funding issue to TACIR
20 to study. And this was done by oral amendment by the
21 chairman, Curry Todd. And on the General Assembly's Web site
22 this is described as action deferred in State and Local
23 Government Committee to TACIR.

24 From what we can gather, apparently the
25 General Assembly informally asks TACIR to conduct studies

1 fairly frequently. And --

2 MS. ASHFORD: I just want to clarify that
3 there was not actually a vote taken in the House State and
4 Local Committee. Chairman Todd made a verbal amendment to
5 send it to TACIR, and no one on the committee had objected.
6 And that's what they did.

7 It was kind of more of an -- like you
8 would say an informal process, but there was actually no vote
9 taken on it. And it was described as action deferred.

10 CHAIR PORTER: So even though they did
11 that oral thing, the House was going to do that. If the
12 Senate doesn't pass anything --

13 MS. ASHFORD: It -- there -- apparently
14 with these TACIR studies, it's a little bit different from the
15 regular bill process. And the Senate does not have to pass --
16 say to send to TACIR -- for it to go to TACIR. If the House
17 says they want to send it to TACIR, that's where it will go.

18 CHAIR PORTER: Okay.

19 MS. QUESTELL: While the subject of TACIR
20 has been brought up, in the -- in dealing with the Sunshine
21 audit, the issue of whether there is some kind of a public
22 safety issue with the current statutory setup of allowing
23 some -- of dispatching agencies retaining a right to dispatch
24 or responders retaining the right to dispatch, that that would
25 be called to a TACIR -- a subject of TACIR to look in to.

1 So we placed this matter on the agenda
2 before it became apparent there were no amendments to the
3 bill. And so there's really nothing for the Board to vote on.
4 And so Staff would simply ask that no action be taken on this
5 agenda item.

6 CHAIR PORTER: Anybody have any questions,
7 discussion?

8 (Pause)

9 CHAIR PORTER: Any idea how long it will
10 be before we know if TACIR is going to study it or not and
11 what they're going to study? Would that be -- does TACIR come
12 out with an agenda at some point as to what items they're
13 doing or whatever?

14 MS. ASHFORD: I'm not sure how that
15 process works, as far as TACIR does -- as far as TACIR is
16 concerned. With the House Committee, there was no timeframe
17 given.

18 CHAIR PORTER: Okay.

19 MS. ASHFORD: In the subcommittee of the
20 Joint Government Operations Committee, Chairman Hardaway
21 suggested a timeframe that their study be completed by
22 December 1st, 2009. But that has not yet been taken up by
23 the full committee. So they have not acted on that. And so
24 we're not sure what's going to happen with that yet.

25 CHAIR PORTER: Okay. So we're still in

1 limbo as of right now.

2 MS. ASHFORD: Yes.

3 CHAIR PORTER: Everyone remember, too,
4 that we just had a TACIR study in what? 2006?

5 We just finished one that looked at a lot
6 of these same things. I don't think a whole lot has changed
7 in two years. But we'll keep everybody informed as to -- and
8 TENA will, too -- as to how things move forward and what
9 actually happens with that bill.

10 Unless there's question or discussion, no
11 action is needed, as far as I know. So we'll move on to the
12 next item.

13 Next item on the agenda is to consider
14 proposal to assist Jackson County Emergency Communications
15 District, which is a financially distressed district.

16 Lynn, do you want to explain?

17 Jackson County folks come up. If you-all
18 would, make sure you get a microphone there and state your
19 name for the record.

20 MR. BRYANT: Shelby Bryant.

21 CHAIR PORTER: And what's your position
22 with the Board?

23 MR. BRYANT: Director of the 911 Jackson.

24 MR. DENSON: My name is Joey Denson. I'm
25 the local chair.

1 CHAIR PORTER: Okay. Lynn, do you want to
2 kind of explain to us where we're at?

3 MS. QUESTELL: Thank you.

4 Yes, I can.

5 Staff has been to the Jackson County
6 Emergency Communications District and has been working closely
7 with their new director, Shelby Bryant, who came to us several
8 months ago with concerns about the District's ability to
9 continue operating and to make payroll. The District's
10 expenses meet -- or slightly exceed its revenue. Their cash
11 balance in the bank, as of April 16th, was \$4,116.86. They
12 have no reserves on deposit in any other accounts.

13 Their financial problems came to a head
14 about five years ago after prior management entered into a
15 loan that was used to purchase equipment. And events
16 surrounding that loan gave rise to the statutory amendments to
17 Tennessee Code Annotated 7-86-304(d), which amended the
18 definition of financially distressed. We discovered with
19 their situation that the definition needed to be broadened to
20 cover situations such as the one they were bringing to us.

21 An audit of their fiscal year 2008
22 operations showed a negative change in net assets of \$5,434.
23 Their operating and non-operating revenues were \$341,748, and
24 their operating expenses were \$296,812. With a negative
25 change in net assets for 2008, their status as a financially

1 distressed district will remain unchanged.

2 Their monthly expenses include 445 --
3 \$4,455 for repayment of that loan, the original equipment
4 loan, which had a balloon payment. And the balance was
5 recently refinanced and has a current payoff of approximately
6 \$146,000.

7 Some of the equipment that was originally
8 bought with this loan has been replaced since the original
9 loan and purchase.

10 The bottom line, basically, is that
11 Jackson County Emergency Communications District is hovering
12 on the brink of financial failure barring some change in their
13 situation. And by that what I mean is, if something is not
14 done, they likely will not be able to meet payroll in the not
15 too distant future. Because of this, we would like to offer a
16 possible solution.

17 One of the reasons that Jackson County
18 Emergency Communications District is financially distressed is
19 that the contributions to the district from Jackson County and
20 the City of Gainesboro cover less than 25 percent of their
21 operating budget. Our records show that actually in fiscal
22 year 2007, their contributions were about 19 percent of the
23 budget. And in 2008 they had raised that to 21 percent. But
24 this amount just is not sufficient to support the extent of
25 the District's dispatching operations.

1 And another source of their problems is
2 that loan.

3 So we would like to offer a possible
4 suggestion on how this might be dealt with. And that would be
5 that if -- and only if -- the County and the City would
6 increase their contributions to the district, we would propose
7 that the Board take steps to pay off that loan of \$146,000,
8 and allow the District to pay the Board back over time
9 interest free. This could save the district about 16,000 in
10 interest payments per year and another 37,000 in principal
11 payments. And the increased availability of about 53,000 --
12 plus additional revenue from the City and the County -- could
13 enable the District to balance its budget and accumulate some
14 reserves.

15 The way we kind of figured this might work
16 is that the District would agree to repay the loan from their
17 accumulated reserves in amounts that we would agree on as the
18 process and the negotiations proceeded so that we could be
19 assured that payments back to the Board would not jeopardize
20 the financial status or health of the district. And part
21 of the bargain would be that the district would remain
22 financially distressed and under the Board's supervision until
23 the loan was repaid.

24 And we would propose a binding instrument
25 would be drawn up and terms agreed to and -- so that all the

1 expectations and circumstances would be put on paper, and that
2 we would also expect that local government would sign this
3 memorandum of understanding.

4 Did you-all have any thoughts about this?

5 MR. BRYANT: Yeah. We've talked before at
6 length on this issue. That would be satisfactory to the
7 board. I have in recent meetings discussed this with our
8 board, and they were okay with, you know, proceeding on it, if
9 the Board agrees to it.

10 And Joey can speak for the County and
11 City. They have agreed to increase funding 10 percent.

12 So -- we've made other efforts in trying
13 to reduce costs, as well, with our vendors on our maintenance
14 agreements. We've got them reduced. And we are trying in
15 different ways to get through this troubling time.

16 CHAIR PORTER: What's your salary, Shelby?

17 MR. BRYANT: Zero.

18 CHAIR PORTER: I just want everybody to
19 know that. Shelby is working for free.

20 I guess -- I think they're really trying.
21 I honestly do. I think you-all are trying to do good,
22 especially when the director is taking upon himself to do all
23 the work that you have to do and for free. That's just
24 something.

25 You've heard the recommendation from

1 Staff that we do an interest-free loan to Jackson County for
2 the 146,000, but that we're not giving them the money. We're
3 loaning them the money, and that would be expected to be paid
4 back over a period -- a set period of time. We would have a
5 legal instrument that would be drawn up between the district
6 and the ECB with the local government entity signing off that
7 they are agreeing to this increase in their funding to the
8 911 board to be able to make sure that they stay afloat.

9 It's probably good for everybody to know,
10 if you don't, that Jackson County is -- they only have one
11 dispatching center there. They're dispatching for everybody.
12 So they're taking on the dispatching part of this that the
13 County and City used to have to do that on their own.

14 So the City and County -- I'm sure if they
15 had to put in their own dispatching, it would cost them a
16 whole lot more than what they're putting into the 911 board,
17 even with this increase.

18 So you've heard the request of the Staff.
19 What's the will of the Board?

20 MEMBER RICH: I so move.

21 CHAIR PORTER: Mr. Rich has a motion that
22 we --

23 MEMBER SNEED: I second.

24 CHAIR PORTER: Second by Mr. Sneed that we
25 approve Staff's request to do the loan to Jackson County ECD

1 and make sure that all the legal ends are tied up.

2 Will that be something that you can either
3 e-mail out to the Board or bring back to the future meeting so
4 we can actually see the documents and everything and know
5 that -- once it's done?

6 MS. QUESTELL: Yes, Mr. Chairman.

7 CHAIR PORTER: Okay. We have a motion and
8 second.

9 Is there any discussion? Any discussion?

10 MEMBER SNEED: Yes. I do have one
11 question.

12 How many municipalities are making
13 contributions to 911?

14 MR. DENSON: Just one, the City of
15 Gainesboro. That's the only municipality we have in the
16 county.

17 CHAIR PORTER: Very, very small rural
18 county.

19 MR. BRYANT: 900 people.

20 CHAIR PORTER: Yeah. It's very, very
21 small.

22 Other questions, discussion?

23 MS. QUESTELL: Could I make a comment?

24 CHAIR PORTER: Sure.

25 MS. QUESTELL: I just want to make sure

1 that everybody knows how hard Shelby Bryant has been working
2 on this. I mean, he has taken time off from his job to come
3 up and meet with us, and he has taken upon himself to try
4 to put the Board in the best position possible. He has
5 renegotiated contracts with maintenance providers and has
6 really gone above and beyond to try to provide support for the
7 district. And I just want everyone to know that, and I'd like
8 to commend him for his efforts.

9 MR. BRYANT: Thank you.

10 CHAIR PORTER: Hopefully some day you-all
11 will be able to help him with his expenses or pay him or
12 something because he's really -- he's really doing a good job.

13 Any other discussion?

14 (Pause)

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

17 THE BOARD: Aye.

18 CHAIR PORTER: All opposed, like sign?

19 (Pause)

20 CHAIR PORTER: Motion carried.

21 Thanks guys. Appreciate it.

22 MR. BRYANT: Thank you.

23 CHAIR PORTER: Thank you for coming up.

24 Everyone understands with them being in
25 this situation, too, that it puts us still over them as long

1 as they owe us the money. And Lynn and Rex and everybody here
2 at staff has to approve their purchases. Anything over 5,000.

3 MS. QUESTELL: Over 5,000.

4 CHAIR PORTER: So there's a lot of
5 oversight that goes along with this that is not a fun part of
6 it for the district or for us. But it's just part of it so we
7 can keep an eye on how things are going.

8 Next item on the agenda is to consider
9 modification of the emergency telephone service charge in
10 White County ECD.

11 If White County folks would come up. We
12 only have a couple of chairs, but I'd like to have at least --
13 is the chairman of the ECD here?

14 MR. DENTON: Yes.

15 CHAIR PORTER: And legal counsel, I guess?

16 MR. KRESS: Yes.

17 CHAIR PORTER: Okay. If you-all would,
18 state your name and positions for the record for us.

19 MR. KRESS: My name is Michael Kress. I'm
20 the attorney for White County ECD.

21 CHAIR PORTER: Okay.

22 MR. DENTON: Jerry Denton. I'm the
23 chairman of the E-911.

24 CHAIR PORTER: Okay. Lynn, do you want to
25 bring us up to date, kind of where we're at on White County?

1 MS. QUESTELL: Yes, Mr. Chairman.

2 This matter is on the agenda because the
3 district -- Mr. Kress, their attorney, contacted me in March
4 raising concerns that conditions that the Board had set when
5 it -- in its August 2004 order extending the landline rates in
6 the White County Emergency Communications District to the
7 maximum were not being satisfied.

8 And I want to make this clear that they
9 brought this to our attention. This is something they're --
10 they have made every effort to try to make this right.

11 The conditions causing their concern
12 involved the amount of the financial contributions to the
13 district provided by local government.

14 The rate extension approved by the
15 Board on July 16th, 2004, was specifically and unanimously
16 conditioned on continued contributions to the district by
17 White County and the City of Sparta that were to revert to
18 the same levels that they had contributed in fiscal year
19 2001/2002.

20 This was a long discussion at the board
21 meeting, and the Board's decision was memorialized in an
22 August 31st, 2004, order. And that stated, in pertinent part,
23 "The request of the White County Emergency Communications
24 District Board of Directors to extend the increase to the
25 emergency telephone service charge levied on lines in

1 White County is granted, subject to the conditions set
2 forth below."

3 And one of those conditions was the
4 contributions to the White County Emergency Communications
5 District from White County and the City of Sparta in the
6 2005/2006 fiscal year shall revert back to no less than the
7 amounts that they contributed respectively in 2001.

8 This written order reflected the Board's
9 decision in its July meeting. And the record of that July
10 meeting shows that the Board's decision at that meeting was
11 in response to a specific request by the mayor of Sparta,
12 Tommy Pedigo, who is still the mayor.

13 At the meeting Mayor Pedigo proposed the
14 following -- and I'm quoting -- I'm looking at our budget that
15 we've already passed. We're going to have to go back and
16 amend our budget again, and the County is going to have to go
17 back and amend theirs. What I would respectfully request that
18 this board do is allow us to keep it the way it is this year,
19 and I would ask that the next year we go back to at least the
20 2001/2002 budget.

21 After he made that statement, the Board
22 unanimously voted to give the local governments -- White
23 County and the City of Sparta -- an additional year to adjust
24 their budgets to raise their contributions to the district
25 back to the 2001/2002 level, which is the level that they were

1 contributing when the initial rate increase was granted.
2 Thus in the 2005/2006 fiscal year, local government's
3 contributions were to revert back to those in 2001 and 2002.

4 Fiscal year contributions of 2001/2002
5 from White County were \$209,485, and the contributions from
6 the City of Sparta were \$69,954. Our records show that both
7 the County and the City of Sparta gave 75,000 and 25,000
8 respectively in fiscal 2005/2006.

9 And in 2006/2007 the County gave 100,000,
10 and the City of Sparta gave 25,000.

11 And in fiscal year 2008 the County gave
12 125,000, and the City of Sparta kept at the same rate of
13 25,000.

14 The District provides dispatching services
15 for 12 organizations, including emergency medical services and
16 volunteer fire stations, three City of Sparta fire stations,
17 hazmat emergency management agency, rescue squad, 16 full-time
18 officers of the City of Sparta Police Department, and 27
19 full-time deputies of White County Sheriff's Department.

20 White County's 2008 audit report shows --
21 the White County district audit report shows total operating
22 revenues of over 392,000, not counting the 150,000 in
23 contributions from the local government.

24 Cash and cash equivalents on hand at
25 year end were reported at \$223,933. The fiscal year --

1 the District's fiscal year 2008/2009 budget shows \$125,000 in
2 contributions from White County, and 41,667 in contributions
3 from the City of Sparta.

4 The Board examined the rates in
5 White County in 2007. And the rate extension report shows
6 that the district was projected to have a negative change in
7 net assets from 2006 through 2008 when they did the
8 projections for that report. And this is so even though the
9 rate extension revenues that they projected were consistent
10 with the amount that the City and the County were supposed to
11 have been contributing in the 2001/2002 level. Which is why I
12 think we didn't catch this problem at the time.

13 So from our view, looking at this, we
14 think that the main reason that the District is not currently
15 operating with a negative change in net assets and is not
16 facing financial distress is primarily because of the Board's
17 14 million Operational Funding Program.

18 In June 2007 the Board made a lump sum
19 distribution for fiscal year 2006/2007 of \$86,000, and then
20 received that same amount in six payments throughout
21 2007/2008. And it appears that that is why they are not
22 operating at a negative change in assets right now.

23 I, again, just wanted to reiterate
24 that White -- the district -- White County Emergency
25 Communications District is here at its own request because

1 they were concerned about compliance with the Board's order.

2 And I want to say that I have worked
3 closely with their attorney, Mike Kress, and he has made every
4 effort to be cooperative and straightforward about this issue.
5 And I think they are trying to make every effort to make
6 things right with the Board.

7 CHAIR PORTER: Do -- I will give you-all
8 an opportunity, the board chairman or the legal counsel -- or
9 both -- if you-all want to make comments.

10 MR. KRESS: Just very briefly. I first
11 want to thank you for placing us on the agenda today.

12 We asked that we be placed on the agenda
13 because we've had a difficult situation. We have a situation
14 where we're trying to communicate with our local leaders in
15 both the city and county, more so -- more recently at the city
16 level. And we've not -- our experience has not been positive
17 in terms of trying to get any action on increasing the funding
18 levels that this board addressed -- this body addressed back
19 in 2004.

20 We went through a very difficult period at
21 the White County ECD board of directors. Back about that
22 time, there had been a period of upheaval and turmoil, to put
23 it mildly, before I got involved. I didn't have a great deal
24 of knowledge about a lot of the on-goings.

25 I got involved in November 2005. And when

1 his resignation. And the interim we had through evolution of
2 the composition of our board -- we had several new board
3 members be on board. I should say -- I should add, probably,
4 that there had been several names -- people nominated to be on
5 the ECD White County board who ultimately declined nomination.

6 And so what has -- to fast forward, what
7 has taken place over a period of time is our board is -- the
8 composition of the board has changed dramatically since 2004.
9 We -- I believe, from my observation -- have a board that has
10 shown a great deal of unity and shown well. I can't say that
11 about the composition of the board when I first became
12 involved. I had -- practically -- reservations about becoming
13 involved.

14 More recently, we've addressed the issue
15 of funding more -- a couple -- several times. The Board asked
16 me to contact the city attorney in Sparta to address this
17 issue. The City had been contributing \$25,000 a year, and
18 that was considerably less than what was represented to this
19 body, based upon our reading of the transcript in 2004, that
20 was going to take place in future years.

21 So I made the appointment with the
22 city attorney -- federal city attorney about this. The
23 feedback I received was -- didn't suggest that there was going
24 to be any change in the current funding. I went back and
25 reported to our board what that number was and what those

1 communications were.

2 I provided a copy of my letter that
3 followed up on that meeting to Ms. Questell. That letter
4 was dated March 24th of '09. Our actual meeting was on
5 March 20th of '09.

6 Following that meeting I reported back to
7 our board. I don't believe I have provided a copy of the
8 letter I'm about to refer to, to Ms. Questell.

9 But I provided some guidance to our board
10 as to our next board meeting, which was -- if I remember
11 correctly -- March 24th of '09. And contained in that letter
12 was reference to several documents, but I want to skip down
13 towards the bottom of that letter and just read to you what my
14 advice was to our board.

15 "Following -- and I should quote.
16 "Following my recent conversations with the city attorney,
17 further study of the funding contribution issue with the
18 City and having this week becoming aware of an order
19 clarifying the decision to initially grant extension to
20 emergency telephone service charge -- and that was the 2004
21 word -- I believe the E-911 board director is very likely to
22 suffer injunction in the funding from the State in the form of
23 a rate decrease, unless very deliberate action is taken to
24 enforce the inter-governmental corporation agreement in the
25 near term. In addition, this issue addressed the central

1 board related to the PSAP is of utmost importance
2 and precedence. These two issues should be foremost on the
3 Board's agenda, from a legal perspective and my opinion."

4 And to our board's credit, they have
5 placed these two issues in sort of priority. Our board --
6 I believe at the very next meeting -- was prepared to
7 unanimously authorize legal action be taken against the City.
8 And the interim -- I contacted the state executive director of
9 the TECB, Ms. Questell, advised of what the situation was. In
10 part, it opened the communication up to any guidance which
11 could be offered. I didn't know if there maybe had been some
12 other situations of similar in the past.

13 And after that conversation, I felt like
14 it might be worthwhile to then advise White County ECD to
15 postpone authorizing me to take legal action in favor of
16 asking to be placed on this agenda and receiving any guidance
17 that we may receive.

18 Upon conclusion, I'd like to say I looked
19 at the agenda and it says consider modification of emergency
20 telephone service charge in White County ECD. I just want to
21 say, we're not asking for a modification of the service
22 charge. We're asking that they remain the same at least
23 presently. But we do want to act in good faith and bring this
24 matter to your attention, and we do want to resolve it.

25 We've got a good working board. And I

1 think we've got probably a unanimous agreement in taking
2 action to enforce the inter-local agreement.

3 Not all of our board members could be
4 present today, but our director for -- I didn't realize he was
5 doing this until this morning. But our director has prepared
6 a statement that all of our board members have signed, except
7 for one who has some medical issues he's having to deal with.
8 It effectively says -- and I'd like to offer it to the -- to
9 this board. But it basically says that they are in unity and
10 in support of taking whatever action the TECB feels like needs
11 to be taken. We don't want -- without the support of TECB,
12 we're going to find ourselves in a situation where we probably
13 can't make our payroll in short term.

14 We have seven members on our board. Of
15 course they all serve voluntarily without compensation, as do
16 all such boards.

17 We've got 16 employees. Their average
18 hourly wage is \$11.13. We have total -- in our current budget
19 for the current coming year -- fiscal year, we have budgeted
20 annual fees and salaries and benefits at \$437,512.

21 We handled over a 100,000 calls, both
22 inbound and outbound, annually. And as already -- the Board
23 was already advised by Ms. Questell we serve as 12
24 organizations.

25 Our city, as far as population, is just

1 over 5,000 people, and White County's population is just
2 over 26,000.

3 Currently, the City's contribution would
4 be insufficient to pay and train just one of our full-time
5 employees, and the County's would be insufficient to pay and
6 train five of our full-time employees.

7 So there's where we are. We'd like to
8 explore with this board what it believes our options are. And
9 we submit to your authority.

10 CHAIR PORTER: Chairman Denton, do you
11 have anything you want to say?

12 MR. DENTON: Very little I could add to
13 that.

14 CHAIR PORTER: Okay. Kind of -- you know,
15 I look at it this way, we took -- when White County came and
16 asked for their rate increase request from us and we took not
17 only the ECD's word, we took the Mayor's word and the County's
18 word that they would keep this funding up. I guess, you know,
19 it disturbs me to look back over what the County and City has
20 actually been contributing over the last three or four years,
21 that it's such a small amount, I'm surprised you haven't been
22 in trouble before now.

23 I know that Lynn brought up about the
24 \$150,000 reimbursements and a lot of those things that you
25 were using as revenue coming in. So I'm sure that's keeping

1 you afloat at this point, but I can see where that's an issue.

2 I think -- I know I have an issue, and I
3 think the Board does, too -- when folks give us their word, we
4 expect them to hold to it. And we don't expect to be told one
5 thing and you then turn around and do another.

6 You know, the Board -- thinking of options
7 and so forth that we have, basically raising and lowering the
8 911 fee in White County is probably one of the few options
9 that we have.

10 I guess one thing that -- well, you just
11 heard from Jackson County that -- you see the situation
12 they're in. White County could be in that same situation.
13 And when that happens, you come under the purview of the Board
14 and the oversight, and all of a sudden you can't spend any
15 money unless we approve it.

16 And, you know, I think back of how things
17 were before 911 came into existence and how this board --
18 before this board came into existence. And I know that
19 Sparta City and White County were doing dispatching on their
20 own long before the 911 board came into effect. And by
21 looking at the contribution amounts, I find it very unlikely
22 that Sparta -- especially Sparta City and probably not the
23 county, considering it's its own dispatching entity -- are
24 anywhere close to what the money is that they're putting into
25 the 911 board.

1 Of course, we all know -- and ultimately
2 that 911 is not part of dispatch. And, you know, we could
3 lower the rate in White County and the 911 board answer the
4 911 calls and transfer them to the county or city. You know,
5 there's all kinds of things that could happen. And then the
6 County and City would have to put in their own dispatching
7 entities and spend a whole lot more money than they are.

8 There's a lot of negatives out there
9 that could come -- that could come from this that would
10 not be, I don't think, what's best for the citizens of
11 White County. I think in knowing how you have a consolidated
12 dispatch, that when dispatch answers the 911 calls both, it
13 expedites things.

14 And any time you transfer stuff or relay
15 stuff, Rex, it slows the process down, doesn't it?

16 And you're adding precious seconds to
17 those calls. And I'd hate to see that happen. But I guess at
18 some point in time, unless this is -- unless this is solved
19 and things come about -- I know you're in a budget process
20 now, and the City and County both is, too.

21 And I'll give it back to Lynn or any of
22 the other board members that want to say anything.

23 I'm not sure there's a lot we can do
24 today, except talk about the things that we might have to do
25 in the future if this thing is not resolved, until budgets

1 are adopted and we see what happens, I guess, with the city or
2 the county.

3 But, Lynn, do you have anything you want
4 to add?

5 MS. QUESTELL: Well, when I sent the
6 letter out to invite you-all to come to attend this meeting, I
7 copied basically all the elected city and county officials, as
8 well. We sent out a lot of copies and invited them and told
9 them that they would be welcome to attend this. And I don't
10 know if there are any representatives other than --
11 from White County, except from the district.

12 MR. KRESS: I would like to say I did
13 not recognize, for the record, that we do have three
14 members of our board here. Jerry Cole is here. He's our
15 treasurer/secretary.

16 And Denny Wade Robinson sitting right
17 beside -- right behind him is also here. And, of course, our
18 chairman is here.

19 I don't see anybody from the City or the
20 County here today that I recognize.

21 To follow up on that, I actually --
22 after our last board meeting, I sent the city attorney a
23 letter. I copied the county attorney. Our city attorney is
24 Lynn Omohundro.

25 There's also a paragraph I wrote

1 Ms. Omohundro. "The White County E-911 board of directors has
2 instructed I place this issue on the agenda of the May 7th,
3 2009, meeting of the Tennessee Emergency Communications Board
4 for discussion and guidance as to the appropriate manner of
5 addressing the matter in effort to avoid an unnecessary
6 disharmony on this action. It may be that the Tennessee
7 Emergency Communications Board would entertain dialogue from
8 the representative of the City of Sparta so as to be in
9 position to accurately assess the issues during the course of
10 its deliberations.

11 "In short, I think it may be a good idea
12 for us all to discuss our respective thoughts about
13 this issue very candidly and orderly at the May 7th, 2009,
14 meeting to mutually accept and understand to resolve the
15 issues."

16 And I have not received, after that
17 letter, any communication from her, the City, or the County.

18 In fairness to the County -- I've not made
19 this as pressing an issue with the County up to this point --
20 or our board hasn't -- as we have with the City. Frankly, I
21 didn't realize, until after this process got into place back
22 in March, that there was an issue involving the County and the
23 shortage of funding.

24 What really got this process
25 started -- while we're here today -- is I was revising the

1 employee handbook, and I was talking with our director. And I
2 was over at our PC -- PSAP doing that, and he pulled up the
3 Web site for TECB. And then he pulled up -- and we were
4 talking about amending a provision in our employee handbook,
5 and we were referencing the ECB and its directives. And then
6 he pulled up this order. And he says, "This is the order
7 about our funding."

8 Well, prior to that, I had never seen an
9 order about funding, and I didn't know this order existed.
10 And it just -- when a lawyer sees the word "order," and to
11 find out this order is back in 2004, it sends up lots of red
12 flags, bells and whistles.

13 I went back to my office immediately and I
14 read this order and then realized that we got a real problem
15 and that we need to be down here -- or some -- we need to
16 address it someway. And our board has accepted my advice
17 unanimously on these issues.

18 Had I known about this order previously, I
19 certainly would have -- I would have advised our board that we
20 should have taken action to bring this issue to your attention
21 earlier and/or taken action to enforce our inter-governmental
22 local agreement -- our inter-local governmental agreement, I
23 should say.

24 So that's the explanation on why this has
25 not been brought to your attention earlier. I simply didn't

1 know about it. And had I known about it, we would have
2 brought it to your attention -- or I'd like to bring it to
3 your attention.

4 CHAIR PORTER: Well -- and I applaud the
5 ECB. I know the Board does. At least the local ECD for
6 bringing it to our attention when you did find out about it.

7 I mean, our goal here at this board is the
8 welfare of the citizens of White County. And we want to see
9 that. And I don't think anybody would say that splitting up
10 and having two or three dispatch centers is going to be what's
11 best for the citizens of White County. But we just have to
12 look at what worst case scenarios are going to come out of
13 this.

14 Lynn, would your thoughts be -- would the
15 Staff's thoughts be -- have you talked to any of the folks at
16 the county or the city?

17 MS. QUESTELL: I have. I have talked to
18 Marty Carmichael, who is the city manager. And this morning I
19 talked with the counsel for the city, Lynn Omohundro.

20 CHAIR PORTER: Do you think they
21 understand the ramifications that, if this is not corrected at
22 a point that -- the Board having to take action in the future?

23 MS. QUESTELL: I think they do now.

24 CHAIR PORTER: Okay.

25 MS. QUESTELL: I think they understand

1 particularly that this is a situation where the Board has --
2 has made an order. It's made a decision. And this
3 decision -- the decision to require local contributions to be
4 the same to make that -- for Counties and Cities to maintain
5 their effort to contribute to these districts is something
6 that the Attorney General just affirmed our right to do that.

7 And I also made sure that they understood
8 that there were 99 other districts that were watching to see
9 what the Board did under these circumstances, whether they
10 would stand up for their decision to assure that the district
11 received contributions by local government or not, and that
12 this would be -- being watched all across the state.

13 CHAIR PORTER: I don't -- what's the will
14 of the Board?

15 Bobby, do you have something?

16 MEMBER LEE: Yeah. I have a lot of
17 history with White County growing up there and knowing a lot
18 about the situation and was involved in 1980-something with
19 the volunteer fire departments. As I recall, there's two
20 police enforcements or law enforcements -- sheriff and city.
21 And then there's two city fire departments and about seven or
22 eight volunteer fire departments, and, of course, the
23 ambulance service that all rely on this central dispatch.

24 And I've known Mr. Sherrell for a number
25 of years. I know his desire to be in emergency response --

1 it's been all of his life, I think. So it's very encouraging
2 that he's involved in this.

3 Has there been any discussion with
4 Mayor Sullivan or Mayor Pedigo directly about the funding?

5 MR. KRESS: I have not had any directly.

6 But I would like to add, there's actually
7 three Sparta fire departments -- or fire stations. And
8 there's -- there are more volunteer fire departments as you
9 mentioned, as well.

10 MEMBER LEE: There are more than seven or
11 eight now?

12 MR. KRESS: There are --

13 MEMBER LEE: Good.

14 MR. KRESS: -- actually -- there's ten
15 volunteer fire stations -- fire departments, and they have --
16 some of them have more than one precinct. So -- and we have
17 three City of Sparta fire stations, as well.

18 So your numbers are very accurate, but
19 they're -- they've -- these numbers have increased just a
20 little bit. They've grown over time.

21 But I have not had any communications
22 with --

23 MEMBER LEE: Has there been any
24 indication -- I noticed White County's funding is off by like
25 80-something thousand, and the City's is off by 40- or 50,000.

1 Again -- that's about right, isn't it?

2 MR. KRESS: That's about right.

3 MEMBER LEE: Any indication why they're
4 not funding that?

5 MR. KRESS: I've met with the city
6 attorney -- and all my communications have been through the
7 city and county attorney, instead of directly with the mayor
8 or the county executive. And the city attorney didn't give me
9 any indication, other than -- I summarized our -- contents of
10 our meeting in the March 24th, '09, letter. And I made five
11 points here.

12 Basically, one of the points that was
13 raised by the City was that there was approximately 80- to
14 \$85,000 revenue that was provided to our district from TECB.
15 And the City felt like -- my impression -- or my understanding
16 was the City felt like that funding was budgeted incorrectly.
17 The funding should have been budgeted for operations and maybe
18 some of it may have been budgeted for capital improvements.
19 We've been trying to put ourselves in the position where we
20 can upgrade more than one of our PSAPs. And so they took
21 exception to the way the monies from TECB were budgeted.

22 And another issue was -- the City has
23 raised an issue about timelines of delivery of the E-911
24 budget to the City. We've been trying to be very
25 conscientious, especially of late, to make sure that the

1 budgets are -- what we pass are delivered to the City.

2 The most recent budget I hand delivered to
3 the city recorder, and I sent certified mail return as he
4 requested. So we can show documentation that this budget was
5 timely issued.

6 Another issue they -- that was raised
7 was the method of delivery of the budget. The -- and then --
8 the -- our ECD director has not formally presented himself, or
9 somebody on behalf of our ECD, to the City to be questioned
10 about our budget.

11 Another issue is -- that was raised was
12 they contend there's some shortcoming in how the members of
13 our ECD board of directors are appointed. Maybe the city is
14 under-represented, from their perspective.

15 And, finally, my understanding from our
16 conversation -- my conversation with the city attorney was
17 that they -- the City felt like that our ECD should be
18 self-sufficient over time and not require any contributions
19 from the City.

20 MEMBER LEE: As my understanding is, there
21 is an inter-local government agreement.

22 MR. KRESS: There is.

23 They draw 25 percent from the City, and
24 75 percent funding from the County.

25 CHAIR PORTER: And the 911 board --

1 the local board -- was set up through that inter-local
2 agreement as to how many members there would be for the city,
3 the county. And all that was agreed upon by the City back in
4 2001 or '2.

5 MR. KRESS: 1993 or '4.

6 CHAIR PORTER: Okay.

7 MR. KRESS: And there wasn't an
8 inter-local agreement at that time that was negotiated between
9 the City and County. Of course, I had no role in that. I was
10 still in law school.

11 But the agreement does not provide for a
12 specific number of board members from the city, as I recall.

13 CHAIR PORTER: I think there was a new
14 inter-local agreement done when you asked for your rate
15 increase, wasn't there?

16 MR. KRESS: There was an amendment that
17 was proposed, but that never was put into effect.

18 CHAIR PORTER: Oh.

19 MR. KRESS: But, you're right. That
20 amendment would have addressed the number of board members
21 that the City would be able to nominate and appoint.

22 CHAIR PORTER: So that --

23 MR. KRESS: That never -- that never
24 passed. It was put before the county commission.

25 I've gone and I've read all the minutes

1 and all of the resolutions from our county commission from
2 January 1, 2004, to present. And that amendment was put
3 before the county commission. It passed the county
4 commission, if I remember correctly, and then it was vetoed
5 by the county executives.

6 CHAIR PORTER: I guess -- I don't know
7 about the other board members. I guess I'd like to see a
8 fresh new copy of the inter-local agreement. It sounds like
9 there's a lot of things that we may have agreed on and
10 required, and so forth, back when the rate increase was put
11 into effect that's not being done. And I guess I was under
12 the influence that your board had changed with that last
13 inter-local agreement and everybody was happy with the make up
14 of the board.

15 So could White County -- could you provide
16 us with a fresh copy -- provide staff with a fresh copy? And
17 it doesn't haven't to be right now, but so that the board
18 members can have it in the future for us to be able to see
19 what it looks like.

20 MR. KRESS: I can. I have one right now I
21 can pass you. It's a certified copy from the county clerk.

22 CHAIR PORTER: But do you have enough
23 copies? You just have one copy, right?

24 MR. KRESS: I just have one copy.

25 CHAIR PORTER: You can leave it with Lynn,

1 and then we'll take and review it.

2 I don't know what the will of the
3 Board is. I guess my thinking -- let me throw out
4 something -- is, I'm not -- I don't think we probably need to
5 take a whole lot of action here today, other than maybe to --
6 in some way stress back to the White County ECD, and to the
7 City of Sparta and White County, how important of an issue
8 that this is. Anything that involves public safety is
9 important and should be brought to the forefront of -- and
10 looked at, I would think, in haste, and given the opportunity
11 with the budget here that -- you're working on new budgets and
12 so forth -- for the local folks to try to work this out and
13 get it back to where that you're meeting the order that the
14 Board issued back then. And if that can't be worked out, that
15 White County be put on our next agenda for the Board to look
16 about taking action at that time.

17 And we don't meet again until September.
18 So that gives you plenty of time to know by the time -- I know
19 County probably won't pass a budget maybe until July or August
20 and -- you know, I know it's going to be a bad year for a lot
21 of folks. But I would hope that by then we would have -- we
22 would know for a surety as to what the amounts they're going
23 to be contributing and if you need to come back to the Board
24 or not.

25 Is that agreeable to the rest of the board

1 or not?

2 MEMBER LEE: I would also like to ask
3 Staff to discuss the matter with the Attorney General's Office
4 about what authority we have to enforce the order and what
5 process we would need to go to -- through to enforce.

6 CHAIR PORTER: Sure.

7 MS. QUESTELL: Yes, sir. Thank you.

8 MEMBER SMITH: Mr. Chairman?

9 CHAIR PORTER: Steve?

10 MEMBER SMITH: Just a point of
11 clarification. And I understand that -- obviously, you're in
12 the process now of this next year's budget -- that you
13 mentioned something earlier about the \$150,000 Essential
14 Equipment Agreement. Do you have any capital projects in this
15 year's budget that you know of that -- the reason I'm asking
16 is I see that White County is noted as one of the counties
17 that has not applied for --

18 MR. SHERRELL: We've got just under
19 \$50,000 to be back to us -- you know, reimbursed back to us,
20 as far as this agreement is concerned, if we can get it worked
21 out and we satisfy with the State, on getting that money back.

22 We've also just recently purchased some
23 more property for our repeater for one of the fire departments
24 in the north -- excuse me, southwest portion of the county and
25 was planning on putting some generators there. And we're

1 going to ask for generators at that time to be reimbursed back
2 to us.

3 See, it's sort of an ongoing thing, as a
4 matter of getting treatments in place and getting all the
5 money back to us.

6 MS. WILLIAMS: Could I get you to
7 introduce yourself? Tell the court reporter your name.

8 MR. SHERRELL: I'm Wayne Sherrell,
9 director of White County 911.

10 MS. WILLIAMS: Okay. Thank you.

11 CHAIR PORTER: Steve, was there -- did you
12 have other questions?

13 MEMBER SMITH: That was generally what I
14 was looking for. Because I know that Mr. Kress mentioned that
15 there was some concern, possibly, in some of his conversations
16 that some of those funds may have been directed towards
17 operational costs.

18 But I commend you for the job that's --
19 obviously your board is working diligently to try to resolve
20 this. And your explanation has been very thorough, and we
21 appreciate that as one who wasn't here and did not agree to
22 the order.

23 But I know -- and I agree with you,
24 Mr. Chairman -- that ultimately what we all want to do is to
25 see the best 911 service in every jurisdiction in the state.

1 And, you know, \$25,000 applied towards -- as was just so
2 well-pointed out -- would not cover one position of staff.

3 So that -- I just wanted to make certain
4 that I understood that White County was one of the counties
5 who had not necessarily fully maximized the \$150,000.

6 CHAIR PORTER: Mr. Lowry?

7 MEMBER LOWRY: I think also the same thing
8 applies with the \$10,000 GIS Grant.

9 Is that correct, Jim?

10 MR. BARNES: Mr. Sherrell did give me a
11 signed copy of that document right before the meeting.

12 MEMBER LOWRY: Okay.

13 MR. BARNES: So that is available this
14 year.

15 MEMBER LEE: I'm the new kid on the block.
16 But I know those funds are restricted and cannot be used for
17 operational funds, can they? Or are they not?

18 MR. BARNES: The GIS Mapping Maintenance
19 Grant can be used for the operation and maintenance and upkeep
20 of the GIS system, which would be currently in operational --
21 you know, those expenses.

22 The Essential Equipment would be a
23 reimbursement program. They would have to spend it in order
24 to, you know, get the funds reimbursed.

25 MEMBER LEE: But it's a capital expense.

1 It's not operational.

2 MR. BARNES: The Essential Equipment
3 is capital. Yes.

4 MEMBER LEE: So it's basically a
5 non-recurring expense.

6 CHAIR PORTER: Other -- did I miss someone
7 that wanted to speak?

8 (Pause)

9 CHAIR PORTER: Do we need a motion to do
10 any of this or --

11 MR. KRESS: May I ask one question?

12 CHAIR PORTER: Yes.

13 MR. KRESS: Something that I have
14 encountered in my research more recently that I've not
15 addressed with our board is the potential -- and we don't
16 want to do this. But we don't want to be placed in a
17 situation where we just can't meet our bills. But I did not
18 know, until my recent research -- and I think I understand it
19 correctly now. But I believe under TCA 7-86-107(a) that
20 there's three different methods of dispatching.

21 CHAIR PORTER: That's right.

22 MR. KRESS: One is direct dispatchers --
23 what we are engaging in present -- one is the relay method,
24 and one is the transfer method.

25 And that statute also says that the board

1 of directors of the district shall elect a method which it
2 determines to be the most feasible for the district.

3 And I'm -- in our next board meeting,
4 which will be next week -- I'm going to be faced with the
5 issue of advising the board on this issue. And I'm hoping I'm
6 correct in advising the board that if it were to deem that
7 it's not feasible -- financially feasible to engage in the
8 direct dispatch method due to this lack of funding
9 contribution on part of the City and the County, that it can
10 consider the prospect of not engaging in the direct dispatch
11 program.

12 MR. SUTTON: That is correct.

13 MR. KRESS: I found -- it came to my
14 attention during the course of my research that there was
15 an order that was entered involving Mountain City and
16 Johnson County by this board -- the TECB -- in 2004 that
17 seemed to have almost identical -- very similar --
18 instructionally similar set of facts in that Mountain City
19 was not -- was only contributing \$25,000 annually. It was
20 supposed to -- under the inter-local agreement -- be
21 contributing about \$60,000 annually. And there was apparently
22 an independent study that was performed by an organization --
23 it was -- it looked like that it determined that it was going
24 to cost a great deal of money to -- I think it was about
25 \$290,000 for Johnson City to get up and going and be able to

1 dispatch on their own.

2 And right now it seems -- I think I would
3 have to advise our board that it seems that it would be much
4 more beneficial to the citizens of Sparta if the City would
5 contribute \$69,954 for dispatching, rather than have to pay
6 \$290,000 for dispatching.

7 CHAIR PORTER: You would think that would
8 make really good business sense.

9 MR. KRESS: Yes.

10 And so I just want to make sure that I'm
11 okay when I start offering advice, from this board's
12 perspective, that that is an option to consider. Yet, it's
13 not an option that I would encourage be exercised, if at all
14 avoidable.

15 CHAIR PORTER: I don't think it's probably
16 the best thing for the citizens of White County, but it may be
17 the only thing -- I mean, it's one of your options that the
18 state law TCA gives you.

19 MR. KRESS: Thank you.

20 CHAIR PORTER: Do we need a -- do you
21 think we need a motion?

22 MR. DENTON: Mr. Chairman?

23 CHAIR PORTER: Uh-huh.

24 MR. DENTON: I have another board member
25 that is present, and he would like to address the state board.

1 CHAIR PORTER: If you'll make it brief.

2 MR. ROBINSON: Hello. My name is
3 Denny Robinson. I'm also one of the commissioners in
4 White County. I chair the budget committee, also, if you have
5 any budgeting questions.

6 I'm the city representative for the 911
7 board. So a lot of times I approach these things from three
8 different angles.

9 My biggest question that I have for
10 you-all is, we are kind of being told -- and I'm asking this
11 from the county commission of the 911 board here -- that this
12 \$1.50 phone tax will be took away and lowered to 75 cents, if
13 we don't agree to the 2001 budget. Is that going to happen?
14 Is that true?

15 CHAIR PORTER: Well, that would be a --
16 depending on what you-all do. You know, this board will have
17 to make a decision -- it meets back again in September -- as
18 to what you-all do.

19 The thing about it is -- is that for the
20 local district, you know, you're allowed to have your rates up
21 to 65 cents and \$2 without coming to us or going anywhere.

22 MR. ROBINSON: Uh-huh.

23 CHAIR PORTER: You can also raise
24 your rates for public referendum. If you want to put it on
25 the ballot and the citizens of White County wanted to vote

1 to raise them higher than that, then you can do them
2 by referendum.

3 The only other way for those rates to be
4 raised was if the -- you come before this board and we approve
5 them. The problem is, is that when we approved the rates,
6 that we approved them with these set amounts that the City and
7 County would put into that operation. And now that's not
8 happening.

9 You know, the problem is, is that at some
10 point if the City and County doesn't want to agree with this,
11 then the Board is going to have to go back and totally revisit
12 the rate increase request. I can't tell you what they would
13 lower it to or what action that we would take. We were just
14 throwing out some options that the board could take. And
15 until you-all make a decision on what you-all are going to do
16 and until it comes back to this board, we can't tell you
17 exactly what's going to happen.

18 But I can tell that that would be one of
19 the options that you could -- we could lower the rate. We
20 could consider White County financially distressed. They
21 could come under our oversight. And you -- we could look at
22 one of the other methods of the way 911 calls would be
23 handled, and all of a sudden White County and Sparta City
24 would be sitting there having to set up their own dispatch --
25 that I'm sure a whole lot more money than what you're putting

1 into 911 -- and they would relay the 911 calls to you.

2 I don't like that idea. I don't think
3 anybody likes that idea. And it's -- it increases the time
4 that it takes to dispatch 911. But that's an option that's
5 out there.

6 MR. DENTON: Well, I kind of feel
7 like this agreement that was in 2001 -- don't panic on
8 me -- that much -- \$290,000 from the County, \$69,000 from
9 the City, the 140,000 -- is that what's coming from the 75 --
10 the extra 75 cents on the phone tax? Either 120-, 130,000,
11 maybe 140,000 -- from the County standpoint, looking at the
12 911 budget, they ought not need that much money.

13 CHAIR PORTER: Well, if they didn't need
14 that much money, I would think it wouldn't be having trouble
15 going in the red.

16 MR. DENTON: Well -- but I'm getting to --
17 they're not in the red. You know, Ms. Questell just quoted a
18 few minutes ago that, you know, they've been hanging on for
19 the last couple of years.

20 There needs to be more money contributed
21 from the City and the County. I understand. But I feel like
22 this board needs to lower their requirement that the City and
23 the County needs to match. That much money is not needed by
24 the 911 board.

25 CHAIR PORTER: Well, you-all should have

1 brought that up when you came to the rate increase request
2 years ago and when we approved it again.

3 MR. DENTON: I wasn't involved years ago.

4 CHAIR PORTER: Yeah. I mean, I can't --

5 MR. DENTON: Yeah.

6 CHAIR PORTER: -- the times change.

7 I guess the thing to me -- I doubt if
8 you look at any 911 board and city and county operation over
9 the period of the last eight years that you're going to find
10 any of them that the amount that the city and county is
11 decreasing. You know, it costs more to do everything now,
12 and cities and counties are growing. I mean, you'll find that
13 city and county contributions in most counties is increasing.

14 MR. DENTON: Well, yeah. But you have
15 initial startup fees that when you're starting these systems
16 that -- they're higher than what it takes to maintain.

17 CHAIR PORTER: You have to realize,
18 though, that equipment and everything has to be replaced every
19 so many years.

20 MR. DENTON: Oh, yeah.

21 CHAIR PORTER: I think we're getting a
22 little off here, and I don't want to argue with you about any
23 of this stuff.

24 But the thing about it is, is that the
25 Board will make a decision somewhere in the future if

1 White County and Sparta City and the ECD doesn't come up
2 with a resolution. And it will come back to this board, and
3 we'll be forced to do something to make sure that 911 doesn't
4 go into the red and we don't start having problems with --
5 just like Jackson County -- being financially distressed. And
6 that's what we're trying to keep from happening.

7 So we're hoping that you local folks can
8 get together and start a dialogue and start talking about this
9 and working together to try to come up with a solution.

10 I kind of get the feeling that you've got
11 all three entities sitting back here and nobody is talking to
12 each other. And I think if you-all would come together and
13 have some meetings where you all were part of it and work this
14 out, I just can't believe that a resolution can't come about
15 in between you-all.

16 MR. DENTON: So am I understanding this?
17 If we come to an agreement between the three that's maybe not
18 up to par with the 290- and the 69-, but a resolution that
19 all three parties agree to, then you-all are -- that this
20 board will -- I know I can't put words in your mouth. But
21 odds are this board would be okay with that?

22 CHAIR PORTER: I can't -- I can't -- we'd
23 have to go back and change our original order from the time
24 that we did this. And I'm not sure the Board would be willing
25 to do that. I don't know.

1 MS. QUESTELL: I want to make sure that --
2 if you don't mind.

3 CHAIR PORTER: Yeah. Go ahead.

4 MS. QUESTELL: I want to make sure that
5 you understand this. In 2004 the Board conditionally allowed
6 the rates to be increased. But one of the conditions that the
7 increase was contingent on -- it was a condition -- was that
8 the County and the City go back and start contributing what
9 they were contributing when the rate was initially raised in
10 2001. That was part of the deal when the rate was allowed to
11 be extended in 2004.

12 And this is a deal that districts across
13 the state have made when they have come in here and asked for
14 rate increases: that the deal is if you-all want to raise
15 that landline rate on your people, that the County and the
16 City have to maintain the same amount of money that they were
17 giving before the rate increase. And that is so the 911
18 service charge -- which is a charge for service -- is not
19 being spent. It's not taking the place of tax dollars. Tax
20 dollars paid for dispatching long before there was 911. And
21 to allow the service charge to supplant tax dollars.

22 This board has made a policy decision that
23 that's not appropriate, and that policy decision has been
24 affirmed by the Office of the Attorney General: that Counties
25 and Cities must maintain their effort, if there's going to be

1 rate increases.

2 So this isn't just a White County issue,
3 as I look at it. I mean, the board may differ.

4 CHAIR PORTER: State issue.

5 MS. QUESTELL: This is a statewide issue
6 for all the districts --

7 MR. DENTON: One quick question. I
8 apologize.

9 The phone tax money that's collected
10 in White County, is it pulled and then divvied out for the
11 whole state, or is White County money given straight to
12 White County?

13 CHAIR PORTER: Landline rate goes straight
14 to you. It comes straight to the district.

15 The wireless fee on the wireless cell
16 phones comes to the State, and then White County gets
17 25 percent back of that. Plus, we've got the operational
18 money, the 14 million. You get -- a percentage of that comes
19 back to you.

20 MR. DENTON: I thought that was correct.
21 I just wanted to make sure.

22 CHAIR PORTER: Yeah.

23 MR. DENTON: Thank you-all for listening.

24 CHAIR PORTER: One final point is -- that
25 I brought up -- we have never went back in all of the rate

1 increases that we've done. There's been probably 50 or 60 of
2 them over the last several years. We've never went back and
3 redone one like what you were asking to do.

4 So I -- you're wanting chances. I
5 wouldn't bet on that. Okay?

6 And the other point I would make is -- is
7 that I would think that most cities and counties would be
8 happy just to be contributing at the 2001 level and that 911
9 is not asking for more than that over the years. You know,
10 you're looking at eight years here that you would think
11 that -- I mean, I'm just throwing that out. I mean, I know
12 you may not approve of everything that's going on with 911.

13 But if my county, right now if they could
14 go back to the rate that they were contributing in 2001, I
15 think they would jump all over it. That's kind of -- I guess
16 it kind of throws me a little bit to think that you-all
17 wouldn't be happy to be contributing at the rate that you were
18 eight years ago.

19 MR. DENTON: No. I agree with the 911
20 Board. When I sat there in the 911 seat, it's a different
21 outlook. But I'm talking about the county. You know, this
22 year I share the budget. Our income this year is down.

23 CHAIR PORTER: I know.

24 MR. DENTON: We're making cuts left and
25 right.

1 CHAIR PORTER: I know. I know.

2 MR. DENTON: There's no way that we
3 can fund \$290,000 for 911. I mean, we're cutting paving,
4 we're cutting sheriff's department, ambulance service.
5 It just can't happen.

6 CHAIR PORTER: Of course, that would be up
7 to you-all. And then once -- if you-all can't do that, then
8 it will come back to this board, and we'll have to take action
9 to make sure that 911 happens in White County and it's not in
10 the red.

11 So I would sure hope that you-all would,
12 you know, go back and would work this out on a local level.
13 Because the last thing we want is this board to be involved in
14 local business. We hate when that happens. We don't like to
15 be trying to tell you what to do. We don't like to come back
16 and tell the districts you've got to do this, you've got to do
17 that. We try not to do that over the years.

18 But if you-all can't work it out, it will
19 have to come back to the Board, and we'll have to do something
20 in the future. So I sure hope you-all can come to some
21 agreement before that happens.

22 MR. DENTON: Thank you.

23 CHAIR PORTER: Thank you.

24 Do we need a motion to have it on the
25 agenda for the next time?

1 MS. QUESTELL: I don't think so.

2 Staff puts things on the agenda of its own will.

3 CHAIR PORTER: Is everybody -- is all the
4 board members okay with it just being on the agenda? If it
5 doesn't get worked out between now and our next meeting, that
6 it be on the agenda again?

7 (Pause)

8 CHAIR PORTER: Does anybody else want to
9 say anything about the White County issue?

10 MS. QUESTELL: I would like to say one
11 more thing.

12 CHAIR PORTER: One more thing.

13 MS. QUESTELL: It will be quick.

14 CHAIR PORTER: Give us the short version.

15 MS. QUESTELL: I will.

16 I would just like to say that this issue
17 has come up with several other districts, and they have always
18 managed to get together and work it out. And we really,
19 really hope that you-all will be able to do that, too.

20 CHAIR PORTER: Yeah. We've never had to
21 go back and lower a rate, and we don't want to do that. So
22 hopefully that won't happen.

23 Next item on the agenda is consider a
24 written agreement resolving the dispute that we had over
25 U.S. Cellular.

1 I guess everybody has a copy of that?

2 MS. QUESTELL: Yes, sir. It's in the
3 packet for everyone.

4 And U.S. Cellular's attorney,
5 Henry Walker, is here just in case you have any questions of
6 them.

7 CHAIR PORTER: Anybody have any questions
8 of the U.S. Cellular attorney?

9 (Pause)

10 CHAIR PORTER: We've had a chance to
11 review the agreement. What's the will of the Board?

12 MS. QUESTELL: Would you like me to kind
13 of just give a little explanation of this before we --

14 CHAIR PORTER: Does the Board want to hear
15 an explanation or --

16 MS. QUESTELL: I will give you the short
17 version.

18 MEMBER LEE: I think we have reviewed it.
19 I make a motion we approve.

20 MEMBER SMITH: Second.

21 CHAIR PORTER: Motion and second that we
22 approve the agreement with U.S. Cellular.

23 Is there a discussion?

24 (Pause)

25 CHAIR PORTER: Hearing none, all in favor

1 say "aye."

2 THE BOARD: Aye.

3 CHAIR PORTER: All opposed, like sign?

4 (Pause)

5 CHAIR PORTER: Motion carries.

6 Last item on the agenda is consider a
7 written agreement with AT&T regarding the inter-tandem PSAP
8 transfer capability.

9 MS. QUESTELL: Yes.

10 This was to facilitate the call transfer
11 capability between a lot of boundaries. And the only
12 difference in this and the original agreement that you-all
13 approved is that there was a glitch in calculating one-time --
14 the cost. We had originally said it would be 78,490. And
15 mileage was not calculated properly. It's really 81,586.
16 That's the maximum liability that the Board would have under
17 this agreement to facilitate call transfer capabilities.

18 Basically, the proposal involved five
19 tandems throughout the state, including Memphis, Jackson,
20 Nashville, Knoxville, and Chattanooga. And it involves the
21 installation of 40 tandem-to-tandem trunks to link each of
22 AT&T's five tandem offices to the other four to facilitate
23 call transfer.

24 There would be a one-time bank cost
25 of \$27,500, and a monthly recurring cost of \$1,008.

1 Additional one-time costs may be incurred depending on the
2 number of speed call lists and custom routing arrangements
3 that the districts ask for.

4 This capability provides for a two or
5 three-digit number which represents every PSAP and eliminates
6 the name for a call taker to dial a ten-digit telephone
7 number.

8 The one-time cost for this capability is
9 \$51 per 911 trunk. A one-time charge of \$16 per routing
10 number also applies and is based on the number of destination
11 PSAPs a given PSAP might transfer to.

12 What Staff is asking is to approve the
13 increase in maximum liability to 81,586 and authorize me to
14 execute the agreement on behalf of the Board.

15 CHAIR PORTER: We have been going around
16 with this for a long time, haven't we? I didn't know if we'd
17 ever be able to get it done or not.

18 You've heard the request from Staff
19 to approve the revision with the AT&T contract on the
20 inter-tandem transfer capability. What's the will of the
21 Board?

22 MEMBER LEE: Motion to approve.

23 CHAIR PORTER: A motion from Bobby.

24 Do I have a second?

25 MEMBER SMITH: I'll second.

1 CHAIR PORTER: Motion and second that we
2 approve the revision of the agreement.

3 I guess two points to make, one of them is
4 that this doesn't involve Embarq.

5 MEMBER LOWRY: Just going to say do we
6 have to do this for Embarq?

7 CHAIR PORTER: And it doesn't involve
8 standalones.

9 I understood, I guess from AT&T, that the
10 Frontier thing was not -- the capability was not there to do
11 that.

12 Is that right, David?

13 And for Embarq -- to connect into Embarq,
14 the capability is not there to do that either.

15 MR. GLEASON: Well, it hasn't been
16 completely explored. I think it was closer with Embarq
17 than --

18 CHAIR PORTER: Okay.

19 MR. HOLLAWAY: Well, Mr. Chairman, I just
20 want to add to Embarq that we really didn't have that -- most
21 adjacent counties where they were -- AT&T and Embarq counties
22 were kind of next to each other. So it didn't really make as
23 much sense, unless we bought the Frontier scenario and left
24 the standalone counties into play.

25 And let me just also add that this whole

1 agreement will go away once Next Generation infrastructure is
2 put in place.

3 CHAIR PORTER: Do you have that capability
4 in your area now in inter-tandem to be able to just transfer
5 with surrounding counties by two digit or whatever?

6 MEMBER LOWRY: Yeah.

7 CHAIR PORTER: Okay. So it's probably --
8 the standalones would probably be left to have a seven-digit
9 number or a ten-digit number to be able to transfer at all.

10 Any other discussion?

11 Lynn?

12 MS. QUESTELL: I would like to commend
13 Monica for her efforts to negotiate this contract. This was a
14 long process, and she stuck with it. She worked on it before
15 we had Curtis come to work, and she worked very hard on this.

16 CHAIR PORTER: Monica, you get a star
17 today.

18 (Laughter)

19 CHAIR PORTER: Any other discussion?

20 (Pause)

21 CHAIR PORTER: Hearing the motion, all in
22 favor say "aye."

23 THE BOARD: Aye.

24 CHAIR PORTER: All opposed, like sign?

25 (Pause)

1 CHAIR PORTER: Motion carried.

2 I only have one thing for everybody to
3 remember. We're having the regional meetings, hearing
4 folks -- taking testimony from folks about the 911 fee
5 and everything.

6 I want to apologize I did not get
7 to make the one in East Tennessee. I know some of you
8 questioned about maybe where I was at. And when you're
9 doing a \$16 million building project -- and not only are you
10 building a 911 center, you're building a new county house
11 part, a new election commission, a new county clerk's office,
12 and a new archives building -- and I got stuck with all of
13 it -- it is -- there is just not enough hours in a day here
14 lately. And I apologize for not making that one.

15 Also, my wife is having some medical
16 problems, and she has a procedure scheduled the same day that
17 the regional meeting in Middle is coming up. So I don't know
18 if I will make that one or not.

19 I guess I just ask for you-all's mercy and
20 patience and lenience right now with everything that's going
21 on with me. And, hopefully, here in a couple months, once I
22 get all this completed, I'll be back to normal and back to
23 attending all this stuff. Because I really hate to miss this
24 stuff, but sometimes you just don't have a choice.

25 So you-all remember me in

1 your prayers, also, because it's very stressful right now.

2 The meeting in West Tennessee is on

3 May the 13th.

4 Is that right?

5 MS. QUESTELL: Yes.

6 CHAIR PORTER: And where is that going to

7 be at, Lynn?

8 MS. QUESTELL: Jackson.

9 CHAIR PORTER: Jackson.

10 And the meeting in Middle Tennessee will

11 be May the 21st.

12 MS. QUESTELL: In this room.

13 CHAIR PORTER: In this room.

14 So everybody remember those. If you want

15 to come and submit testimony about problems and so forth you

16 have in your county or about the rate increase or whatever,

17 please feel free to do so.

18 Any other announcements?

19 MEMBER SMITH: Just a personal -- just a

20 moment, Mr. Chairman. I know we are all aware of what took

21 place in my community on April the 10th. And I just wanted to

22 express my appreciation in this forum to all those who may be

23 watching or listening that called and offered help. And I

24 won't go down the list for fear that I'll omit someone.

25 But those situations -- as trying as

1 they are -- point out what's great about this state and how we
2 became the Volunteer State. And I just want to express my
3 appreciation on behalf of our community, to all of those who
4 made contact and offered assistance, and all the support we
5 had in that regard. Thanks.

6 CHAIR PORTER: All our hearts and prayers
7 are with you. I know that's -- when you look at those
8 pictures on TV, you know that it could be your county at any
9 time.

10 And you-all really did a great job of
11 handling that. I tell you, I was amazed at how fast
12 everything started coming together down there. So that's a --
13 that shows how well you-all have planned for things like that.

14 Any other announcements or statements?

15 (Pause)

16 CHAIR PORTER: Next meeting will be
17 September 24th, in this room.

18 MS. QUESTELL: Yes, sir.

19 CHAIR PORTER: 9:30.

20 MS. QUESTELL: Yes, sir.

21 Hearing nothing else, meeting is
22 adjourned.

23 (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
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set forth in the caption thereof; that the proceedings were
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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 7th day
of August, 2009.

Amanda F. Martin
Notary Public, State of Tennessee

My Commission Expires: March 15, 2010.

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