

**ALABAMA 9-1-1 BOARD MEETING**  
**1 Commerce Street**  
**Montgomery, AL 36104**  
**Minutes of 2/1/2018**

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

A quorum was established. Mr. Alan Campbell, Chairman of the Board, called the meeting to order at 10:03 a.m.

The roll was called as follows by Mrs. Evelyn Causey, Vice Chair of the Board:

Alan Campbell, Chair	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent
Evelyn Causey, Vice Chair	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent
Melissa Dove	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent
Larry Fisher, Secretary/Treasurer	<input type="checkbox"/> Present <input checked="" type="checkbox"/> Absent
Chris Heger	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent
Wayne Hutchens	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent
Fred Johnson	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent
John Nettles	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent
Betty Sanders	<input type="checkbox"/> Present <input checked="" type="checkbox"/> Absent
Robert Smith	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent
Chad Sowell	<input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent
Ryan Welty	<input type="checkbox"/> Present <input checked="" type="checkbox"/> Absent
Vacant	<input type="checkbox"/> Present <input type="checkbox"/> Absent

Mr. Campbell called for the unanimous consent for the approval of the agenda. There were no objections and the adoption of the agenda was so ordered.

Mr. Campbell called for unanimous consent for the approval of the minutes from the November 15, 2017 Board meeting. Mr. Chad Sowell requested an amendment be made to represent Mr. Wilson's position as vacant instead of the minutes showing Mr. Wilson as absent. There were no objections and the adoption of the minutes was so ordered as amended.

Mr. Campbell asked for guest introductions.

**Director's Report:**

Mrs. Missildine began her report with a review of the mileage rate change and updated travel form for 2018, the change was effective January 1, 2018. The updated form was emailed to all Board members at the start of today's meeting.

Mrs. Missildine continued her report with discussion of HB300 and HB307. HB300 is a bill referencing Telephone CPR that introduced last week by Representative Rowe. This bill was backed by the American Heart Association. The language used in the bill set forth the Board as the compliance component. After multiple conversations with Representative Rowe and ACCA, the bill was carried over and will not be rescheduled for this session. All parties seemed to be pleased that this bill is not going to move right now. HB307 addresses changing the current travel approval process and could potentially bring procedural changes for travel of staff. The bill recommends pushing all travel approval to the agency head instead of the Governor's Office.

Mrs. Missildine reported on last week's meeting with the Department of Archives regarding the Board's records disposition package. The plan moving forward, is to update the Board's RDA prior to the Archive's October Commission meeting. Mrs. Missildine requested that any persons who have paper records or files from the CMRS Board, the Wireless Board, or this Board to please let the staff know so that arrangements can be made to get them in the office within the coming months.

Mrs. Missildine continued the Director's Report with Cost Recovery. All Cost Recovery plans were due for submission by Nov 30, 2017. Mrs. Missildine reviewed the projected plans alongside the actual reimbursements that were made for FYE2017.

Carrier	FYE17 Projected	FYE17 Actual	FYE18 Projected	Difference from FYE17 Projected
Cspire or Cellular South	\$ 700,880.00	\$ 367,082.77	\$ 864,335.00	\$ 163,455.00
Pinebelt	133,500.00	118,006.00	147,664.00	14,164.00
Southern LINC	641,740.00	567,952.95	1,032,626.00	390,886.00
Sprint	1,058,068.60	564,026.96	689,091.16	(368,977.44)
	\$ 2,534,188.60	\$ 1,617,068.68	\$ 2,733,716.16	\$ 199,527.56

All plans were reviewed by the Finance Committee and a technical review has been performed by 911 Authority. There is a meeting scheduled with Southern Linc and Cspire/Cellular South on the afternoon of March 20, 2018 for review of their submitted plans. Mrs. Missildine made the recommendation to the Board to approve the Cost Recovery plans for Pinebelt and Sprint for FYE2018. Mr. Campbell called for a motion to approve the Cost Recovery Plans for FYE2018 for Pinebelt in the amount of \$147,664.00 and for Sprint in the amount of \$689,091.16. Mr.

Chad Sowell made the motion, Mr. Robert Smith seconded. There were no objections; therefore, the motion was carried. Mr. John Nettles abstained.

Mrs. Missildine also presented the Pinebelt Cost Recovery Reimbursements and made the recommendation to the Board that these requests be paid during February 2018. Mrs. Missildine stated that each of these requests fall within the approved plans for the carrier.

**Pinebelt Cost Recovery Reimbursement Requests**

October 2017	
9/30/18 Phase I – Recurring	\$ 581.00
<u>9/30/18 Phase II – Recurring</u>	<u>9,240.00</u>
Total	\$ 9,821.00
November 2017	
9/30/18 Phase I – Recurring	\$ 581.00
9/30/18 Phase II – Nonrecurring	275.00
<u>9/30/18 Phase II – Recurring</u>	<u>9,548.00</u>
Total	\$ 10,404.00
December 2017	
9/30/18 Phase I – Recurring	\$ 581.00
<u>9/30/18 Phase II – Recurring</u>	<u>9,394.00</u>
Total	\$ 9,975.00
January 2018	
9/30/18 Phase I – Recurring	\$ 581.00
<u>9/30/18 Phase II – Recurring</u>	<u>9,394.00</u>
<u>Total</u>	<u>\$ 9,975.00</u>
<b>All Total</b>	<b>\$ 40,175.00</b>

Mrs. Melissa Dove made a motion to approve and pay the Cost Recovery Reimbursement requests, Mr. Fred Johnson seconded. There were no objections; therefore, the motion was carried.

Mrs. Missildine continued her report with an update of the EMD Program. The program is being developed in conjunction with the Alabama Department of Public Health: Office of EMS. The reviews have gone well and the Guidecards have been approved by the Office of EMS Medical Director. There is also a working group of practitioners from across the State that have been working on the Program. The plan is to meet with both the Education and Outreach and Governance Committees on March 7, 2018 for review and to be able to present the Program to the Board for approval and subsequent implementation at the March Board meeting.

Mrs. Missildine reported that the Board's report from the Examiner's Office was filed in December 2017. In response to the report, the Department of Risk Management has requested a response to the information contained within to the Examiner's report. The response to Risk Management addresses any concern regarding any of the findings. The response also conveys

any changes or recommendations for changes that bring the Board and its operations into compliance with the findings. Mrs. Missildine again verbalized her concern for the next audit period's report and the findings that will potentially be repeated in said report, as this report was not published until after the next audit period had ending.

Mrs. Missildine concluded her report by sharing several upcoming and recently past events:

- 1/9 Legislature Convened
- 1/10 Finance Committee Meeting
- 1/15 REL/MLK Holiday
- 1/17 Board Meeting
- 1/24 Legislative Breakfast (Districts 1 & 7)
- 1/25 ALNENA Quarterly Meeting, Tuscaloosa
- 1/31 Legislative Breakfast (Districts 2 & 3)
- 2/7 Legislative Breakfast (Districts 4 & 5)
- 2/12-16 911 Goes to Washington
- 2/21 Legislative Breakfast (District 6)
- 3/21 Board Meeting
- 5/16 Board Meeting
- 6/16-21 NASNA/NENA 2018 (Nashville, TN)
- 7/18 Board Meeting (Confirmed: Afternoon Meeting due to AAND Workshop adjourning at Noon)
- 8/5-8 APCO 2018 (Las Vegas, NV)
- 9/19 Board Meeting
- 11/14 Board Meeting (Second Wednesday due to Thanksgiving holiday)

9-1-1 Goes to Washington is coming up with a special focus on the 50<sup>th</sup> Anniversary of the first 9-1-1 call on February 16, 2018. The July Board meeting will need to be at 2pm. The November Board meeting will be moved up a week due to Thanksgiving.

Mrs. Missildine then turned the floor over to Mr. Ron Cooley for the Financial Report.

**Financial Report:**

Mr. Ron Cooley, the Board's Financial Analyst, provided the Board with the financial reports for three months ending December 31, 2017. He presented the Board with a series of financial statements that included all accounts as well as individual accounts.

Mrs. Missildine also added that there was no make-whole amount required from the Operating Account in the month of January due to income received from TracPhone in the amount of \$700K. TracPhone purchased WalMart's wireless service and then converted it to point-of-sale revenue and during the transition they did not remit. The one-time payment was made for the remittances that were not made during the transition. Moving forward they will remit to the Department of Revenue.

Mr. Campbell called for a motion to approve the Financial Statements. Mr. Chad Sowell made the motion, Mr. Fred Johnson seconded. There were no objections; therefore, the motion was carried.

### **ANGEN Report:**

Mrs. Missildine began the ANGEN report by sharing with the Board that the wireless call volume that is transported by ANGEN is tracking less than the previous two years. She then gave the floor to Mr. Eric Hartman, Executive Vice President of INdigital.

Mr. Hartman, presented INdigital's Q-2 Alabama ANGEN 9-1-1 Report for the reporting interval ending January 17, 2018. The data included an overview of progress for AL G-17 ESInet buildup along with an update on industry stakeholders. Mr. Hartman also reported on the Bandwidth conversion and explained the processes that are in place and actions that are scheduled to take place.

In addition, Mrs. Missildine reported on the training session that was held in the Wiregrass and stated that she had received positive feedback from those who attended.

### **Legal Report:**

Mr. Jim Sasser, General Counsel to the Board, reported on the ongoing litigation with iWireless. He reported that there had been minimal discussion but no new information that would warrant the need to call an Executive Session. Trial has now been set for June; however, he stated that he does not expect progression to trial.

### **Committee Reports:**

#### *Finance Committee:*

Mrs. Leah Missildine, Executive Director for the Board, presented the Finance Committee report. The committee met on Wednesday, January 10, 2018 and welcomed Warren Averett for review of the Board's 2017 audit that was performed. Mrs. Evelyn Causey added that Warren Averett was complimentary of the staff and the achievements that have been made in the office over the last year. The Finance Committee also reviewed the financial statements for the months ending November 30, 2017 and December 31, 2017. Mrs. Missildine then presented an overview of three different administrative rules and ask the Board to entertain them as an agenda and action item for the March regularly scheduled board meeting.

The first draft rule is necessary because as it is written in the statute the Census Data provided by ADECA will be used when computing per capita distributions. ADECA no longer provides that data; it is now received from the University of Alabama. The first draft rule is written to reflect this change and to clarify the data source. The first draft rule also states that the Board will accept and apply the latest Census Data on October 1 of each year.

The first draft rule is presented as follows:

**585-X-4-.08**

**Distribution Formula-Census Data**

- (1) Beginning October 1, 2018 and on October 1, of each succeeding year thereafter, when computing the distribution formula for the monthly per capita distribution to the Emergency Communication Districts (ECDs), the Board shall use the latest census data or estimates compiled by the University of Alabama to determine the total state population and the population residing in each ECD.

The second draft rule offers guidance for a patterned distribution that would be in accordance with the Statute and makes certain that the Board is meeting all its obligations. Resolution 1 was rescinded in September 2017 and as a result, the statute does not offer guidance on exactly how to distribute the unclaimed funds from the Cost Recovery Account as it sits today, which is 20% of all wireless revenues. Mr. Jim Sasser, General Counsel to the Board, explained the verbiage of 11-98-5 which states that unclaimed funds will be distributed back to the Districts and then references 11-98-5.2, which does not explain a process in how to distribute the funds. An overarching premise for this rule is to ensure that all Districts receive their promised amount. Mrs. Missildine explained 3 different distribution options and presented an interactive spreadsheet to illustrate how each option would impact any given ECD.

The second draft rule is presented as follows:

**585-X-4-.09**

**Distributions to Emergency Communication Districts from the Cost Recovery Fund**

- 1) The Board recognizes that it is of utmost importance that each Emergency Communication District (ECD) validly formed and operating within the State of Alabama as of September 30, 2011, at a minimum, be made whole, as contemplated by the passage of Act 2012-293 and adoption of the statewide 911 charges heretofore made.
- 2) The Board acknowledges that under the current funding mechanism that some ECDs may not be made whole by the current base distribution amount and per capita distribution.
- 3) Under Section 11-98-5(f) *Code of Alabama*, 1975, as amended, in the event the Board determines that revenues allocated to reimbursement of CMRS providers for cost recovery is sufficient, then in that event, the Board may, at its discretion, distribute those excess revenues for the benefit of the ECDs currently existing and operating within the state.
- 4) In the event an ECD is not made whole by virtue of its base distribution amount and per capita distribution, and if there are funds available in the Cost Recovery Fund, then and in that event, the Board shall make such ECD whole by use of funds from the Cost Recovery Fund.
- 5) If after payments to ECDs in order for them to be made whole and payment of cost reimbursement to CMRS providers there are funds available in the Cost Recovery Fund, then and in that event, the Board shall make payments to all vendors for costs related to the implementation and operation of the next generation statewide 9-1-1 call delivery network.

- 6) If possible, after payments to ECDs in order for them to be made whole, payment of cost reimbursement to CMRS providers, and payments of costs related to the implementation and operation of the next generation statewide 9-1-1 call delivery network, the Cost Recovery Fund shall at all times maintain a minimum balance equal to (90) days operational and administrative costs of the board, which includes payments to all vendors and costs related to the implementation of the next generation statewide 9-1-1 call delivery network.
- 7) If after compliance with (4), (5), and (6) above, the Board will review the balance in the Cost Recovery beginning in November 2018 and at least annually thereafter, to determine if there are additional funds that may be distributed to the ECDs. If the Board determines there are additional funds available for distribution, then any distribution the Board makes from the Cost Recovery Fund shall be done of the following basis:
  - OPTION 1**
  - a) Distributions shall be made in equal parts to each ECD which was formed and operating as of September 30, 2011 and which is still a validly formed an operating ECD as of September 30 of the preceding fiscal year.
  - OPTION 2**
  - a) Distributions shall be made to each ECD formed and validly operating as of September 30, 2011 and which is still a validly formed and operating ECD as of the September 30 of the preceding fiscal year, based on the distribution formula used when calculating the per capita distribution amount due a particular ECD.
  - OPTION 3**
  - a) One half (1/2) of the total amount the Board determines that may be distributed to the ECDs shall be made to each ECD formed and validly operating as of September 30, 2011 and which is still a validly formed and operating ECD as of September 30 of the preceding fiscal year, based on the distribution formula used when calculating the per capita distribution amount due a particular ECD.
  - b) One half (1/2) of the total amount the Board determines that may be distributed to the ECDs shall be made in equal parts to each ECD which was formed and operating as of September 11, 2011 and which is still a validly formed and operating ECD as of September 30 of the preceding fiscal year.

After the discussion of the second draft rule, questions were raised concerning making Districts whole between now and the effective date of any proposed rules. Discussion included whether or not the Operating Account needed to be reimbursed for previously distributed make-whole amounts and which funds should be used in the meantime to pay make-whole amounts. Mrs. Chris Heger made a motion to use Cost Recovery funds as necessary to ensure all Districts receive their promised amounts through the remainder of FYE2018, Mr. Wayne Hutchens seconded. There were no objections; therefore, the motion was carried.

Mrs. Missildine then addressed the Board and respectfully tasked them with reviewing all the components of the rules and speaking with their constituencies especially in regard to how the second draft rule will impact them. Mrs. Missildine also added that she had received a recommendation from the AAND Legislative Committee for Option 3.

Mr. Alan Campbell asked for public opinion and opened the floor for public comment. Public comments were heard from Mr. Ernie Blair who offered the suggestion of a distribution based on call volume. Mr. Greg Silas also offered comments on considering virtual consolidation and working to make more cost-effective centers and how each center has a variable cost per call. Mr. Silas also spoke his opinion of being most in favor of Option 3. Mr. Charlie McNichol mentioned the recommendation from AAND and offered his support of Option 3.

The third draft rule addresses the CPI. The calculations are based on a 7.05% rate of growth. That 7.05% will be applied to distributions made to each District for this fiscal year which will calculate the new expected rate to be \$1.86-\$1.88 based on the first three months' distributions. The third rule is a notice of intended action regarding the rate adjustment for the CPI-U that is outlined in §11-98-5 (c) (2) and §11-98-5.2 (b) (3) Code of Alabama, 1975, as amended.

The timeline for all these rules is as follows:

- February 2018 Board Meeting – introduce need for rules and draft language for discussion and revision
- March 2018 Board Meeting – approve final draft of rules
- No later than March 23, 2018 – file with the Legislative Reference Service for publishing in the Alabama Administrative Monthly on March 31, 2018
- Allow not less than 35 or more than 90 days from the date of the notice for interested persons to present their views
- May 2018 Board Meeting – hold a public hearing immediately prior to the board meeting for presentation of views; during the regularly scheduled board meeting consider fully all written and oral submissions respecting the proposed rule
- File the adopted rule (with any revisions) in the office of the LRS within 15 days of adoption and within 90 days after completion of the notice
- Adopted rule becomes effective 45 days after filing with the LRS, unless the committee disapproves of or proposes an amendment for pursuant to Section 41-22-23
- For the CPI-U adjustment, specifically, the Board will need to take action during the September board meeting for the adjustment to occur on October 1, 2018

The recommendations of the Finance Committee to the Board includes three action items:

- Acknowledge and accept the 2017 audit report as presented.
- Approve the Financial Statements for the months ending November 30, 2017 and December 31, 2017 as presented.
- Consider three administrative rules for addition to the March Board Meeting agenda for possible action.

Mr. Campbell called for a motion to adopt the Finance Committee recommendations. Mrs. Chris Heger made the motion, Mrs. Melissa Dove seconded. There were no objections; therefore, the motion was carried.



**Public Comments:**

Mr. Charlie McNichol shared 9-1-1 commemorative coins with those present today and reminded everyone of 9-1-1 Goes to Washington that is scheduled for February 12-16, 2018. He also shared information about the different activities that are planned to celebrate the 50<sup>th</sup> anniversary of the first 9-1-1 call made in Haleyville, AL in 1968.

Mrs. Melissa Dove shared information about the upcoming APCO Spring Workshop on March 22-23, 2018 at Lake Guntersville.

There were no further public comments.

**Adjournment:**

The next scheduled meeting will be held March 21, 2018 at 10:00 a.m.

Mr. Campbell called for a motion to adjourn. The motion was made by Mr. Chad Sowell, and seconded by Mr. Robert Smith. There were no objections and the adjournment of the meeting was so ordered at 11:53 a.m.

Approved this 21<sup>st</sup> day of March, 2018

Gay J. Fisher  
SECRETARY/TREASURER

Chad Sowell  
CHAIRMAN

# MEETING SIGN-IN SHEET

Agency: Alabama 9-1-1 Board

Date/Time: February 1, 2018 @ 10:00 am

Chairman: Alan Campbell

Location: 1 Commerce Street, Ste 620 Montgomery, AL 36104

Type: Regular

Purpose: Board Meeting

Name	Title	Agency/Company	Phone	E-Mail
Bill Bridell	Special Projects	ETOWAH	256-458-0911	
Rjee Hynghay	Advisory	Cullman	(256) 531-3047	
ERNIE BLAIR	CEO	HMS (9-1-1)	(256) 722-7334	
Michael Lee	Deputy Director	JEFFERSON CO, 9-1-1	205-783-1911	
Melissa Dore	Director	Wilcox 911		
STEVEN T. WEBB	CHIEF ADMIN.	JEFFERSON CO 911	205-783-1911	
Ere Hahn	VP	INDigital	260-465-2010	
Mark Fortner	VP	INDigital	256-508-9326	
Alan Cunningham	Tech Proj Mgr	MSFC Soint 911 Ctr	256 544 3091	
Alan Campbell	Director	Shelby 911		
Josh Younger	Account Manager	AT&T	(334) 652-4258	
Greg Silas	911 B'ham	Director	500-0490	
Tim Webb	Director	Wilson Co 911	205-409-8944	

# MEETING SIGN-IN SHEET

Agency: Alabama 9-1-1 Board Date/Time: February 1, 2018 @ 10:00 am  
 Chairman: Alan Campbell Location: 1 Commerce Street, Ste 620 Montgomery, AL 36104  
 Type: Regular Purpose: Board Meeting

Name	Title	Agency/Company	Phone	E-Mail
Chris Heger	Bd Member		257-947-6911	cheger@guffel.com
Euly Day	Bx Member		715 507 4	causey@htext.net
Vicki Williams	ADOR		334 353 0136	victoria.williams@renew.alabama.gov
Fred Johnson	Member			
Jim Sasser	Bd Atty			
John Smith	Bd Member			
Robert Smith	Bd Member		205-571-6318	robert.smith@chattanooga.com
Wayne Hutchens	Bd Member		205-988-5355	ch3429@att.com
Schuyler L. Isaacs	Bd. Chair	Greene County EMC	334.216.3503	
Nichelle Pulgreen				