

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

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TRANSCRIPT OF THE PROCEEDINGS

November 18, 2010

Ad Litem Reporting
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Reported by: Tracy Foley-Wilkes

1 BOARD MEMBERS PRESENT:

- 2 Mr. Randy Porter, Chair
- Mr. Ike Lowry, Vice Chair
- 3 Mr. Mark Archer, Member
- Mr. James Sneed, Member
- 4 Ms. Katrina Cobb, Member
- Mr. Robert T. Lee, Member
- 5 Mr. Freddie Rich, Member

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7 BOARD MEMBERS NOT PRESENT:

- 8 Mr. Steve Smith, Member
- Hon. R. Hal Buttram, Member

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STAFF MEMBERS PRESENT:

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- Ms. Lynn Questell, Executive Director
- 12 Mr. James Barnes, Accounting Manager
- Mr. Rex Hollaway, E-911 Technical Services Director
- 13 Mr. Curtis Sutton, Board Attorney
- Mr. Andy Spears, Director of Government
- 14 and External Affairs
- Mr. Robert McLeod, Director of Audit
- 15 Mr. Jay Goldman, Accountant

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1 CHAIR PORTER: Okay. We'll go ahead and
2 call the meeting to order.

3 This is the November 18, 2010, meeting
4 of the Tennessee Emergency Communications Board. I want
5 to welcome each and every one of you here this morning.

6 Let the record show we have absent --
7 Steve Smith is absent and Mr. Buttram. There are only
8 two.

9 Let the record show everyone else is
10 present, and we do have a quorum.

11 We have a pretty short agenda today, so
12 we should finish pretty early.

13 Our first item on the agenda this
14 morning is the report of our executive director. Lynn.

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

16 As a preliminary matter I would like to
17 introduce everybody to Jay Goldman. He's our new
18 accountant. He's a CPA. We certainly welcome him.
19 He's here to help us primarily with next generation and
20 with keeping up with all the money stuff.

21 CHAIR PORTER: Raise your hand and let
22 everybody see you.

23 MS. QUESTELL: I'd first like to report
24 on the status of wireless carrier and voice over IP
25 deployment activity.

1 Intrada is still working with most of
2 the ECDs to update their jurisdictional boundary data
3 and routing schemes.

4 Misroute or call anomaly issues. We had
5 a report from the Bledsoe County ECD director of a
6 misrouted voice over IP call on November 3 that was
7 purportedly from Springfield, Ohio, but all the numbers
8 on the ALI report reflected a call from a Tennessee
9 device. So it's really possible that the subscriber
10 moved without updating their service address. That's
11 going to be an issue. Attempts to contact the caller
12 were unsuccessful.

13 PSAP outages. We had some outages with
14 three counties served by Frontier's selective router for
15 wireless calls in late September. Cannon, Perry, and
16 Dekalb Counties were impacted due to some circuit
17 failures within AT&T's part of the connection between
18 Cookeville and the carriers that were serving those
19 three counties.

20 District activities. Both Carter and
21 McNairy County ECDs have new directors. Rex has visited
22 with both of them since our last board meeting to brief
23 them on technical and operational standards.

24 Dale Blevins is the new director in
25 Carter County. Dale replaces Walt Pierce, who served as

1 director. Also, there's a note that Glenna Morton who
2 was the assistant director retired.

3 Dana Swims is the new director in
4 McNairy County, who replaced Ruth Travis who has also
5 retired.

6 ECD and PSAP contingency plans. Rex
7 started a project to assure that all contingency plans
8 are updated, verified, and fully confirmed. This is
9 going to be more and more important as we get closer to
10 the next generation 911.

11 Status of the Next Generation 911
12 Equipment Reimbursement. As of November 2nd
13 16 districts have either been paid or are in the process
14 of being reimbursed for requests totaling \$3,177,000.

15 Status of the \$150,000 Essential and
16 Necessary Equipment Reimbursement. As of November 2nd
17 95 districts have either been paid or are in the process
18 of being reimbursed for requests totaling \$12,647,000.

19 Sixty ECDs have requested the maximum
20 amount of \$150,000, and eight more have less than
21 \$10,000 remaining of their allocation. Five districts
22 have not initiated any kind of documentation towards
23 requesting any of their \$150,000 funding that's
24 available to them.

25 Status of GIS Mapping Maintenance

1 Grants. These are the grants that the Board has
2 discontinued. And we will continue to provide the same
3 funding as part of the operational funding. It'll come
4 in an annual chunk, but we've got to close out the old
5 grants.

6 The payment of the GIS Mapping
7 Maintenance Funding for 2011, \$970,000 has been
8 processed for payment. Only Grundy, Haywood, Smith, and
9 Wayne County ECDs have not been paid. That's because
10 they've not submitted their fiscal year 2010 close-out
11 report, which was due on July 31, 2010. We've e-mailed
12 these districts, and we've called them. We still have
13 not received any close-out information from them.

14 The status of \$2.2 million Dispatcher
15 Training Reimbursement. That payment of \$2,220,000 to
16 the districts for dispatcher training was disbursed on
17 August 17th. And we're going to be doing that every
18 year in August. You can just expect an annual payment
19 for your dispatcher training at that time, right after
20 the fiscal year has commenced.

21 Reporting on Charter Communications. In
22 March the Board filed a complaint with the Tennessee
23 Regulatory Authority asserting that there were errors in
24 the remittances to a number of districts served by
25 Charter Communications. Most of the errors related to a

1 failure to remit on business lines.

2 We've entered into lengthy discussions
3 with them with the assistance of the Regulatory
4 Authority. As part of the discussions, Charter refunded
5 the amount that it had withheld as bad debt back to the
6 districts.

7 They also have agreed to an audit of its
8 remittance activities in the 19 districts that joined in
9 the complaint. That audit is ongoing. They say that it
10 should be completed by the end of November.

11 A new issue here, Life Alert. I don't
12 know if you-all have seen any of those advisements.
13 It's the company that markets itself as "the number 1
14 emergency response company in the U.S.A. for over
15 20 years."

16 The former Surgeon General, C. Everett
17 Koop, is one of their spokespeople. It focuses on
18 seniors and the elderly, and it claims to provide round
19 the clock protection against medical emergencies, such
20 as a fall, stroke, or heart attack -- fire, carbon
21 monoxide poisoning.

22 It's marketing plan includes what its
23 Web site describes as "911 cell phone for protection
24 when you are not at home." This is where we have a
25 problem with it. This so called "911" phone, we think,

1 is a non-initialized phone that they're trying to profit
2 on. Their Web site states it's simple, push one large,
3 easily-accessible button to reach a local 911 operator.

4 Works anywhere. Nationwide coverage.
5 Works anywhere in the United States where GSM cellular
6 phones operate.

7 Smart. No service fees to cell phone
8 companies required. No extra contract. No roaming
9 charges.

10 Easy. The phone doesn't need to be
11 charged for ten years.

12 So Curtis, our general counsel, has sent
13 them a letter inquiring about their compliance with the
14 requirements to provide ALI and ANI and 911 fees. We
15 have set a deadline of December 5th to hear from them.
16 We will be pursuing this. I mean, the idea that you'll
17 be marketing a non-initialized phone and bragging that
18 you're not paying 911 fees on it and not providing ALI
19 and ANI. They're giving this out to people that really
20 are a vulnerable population. We won't be taking a pass
21 on this one.

22 Magic Jack. Another one of our
23 companies of interest in conjunction with several states
24 in Washington, D.C. We are pursuing investigating this.
25 What they have basically said is that Magic Jack is a

1 device, and it's a solely owned company of WiMax. And
2 it's traveling on WiMax infrastructure, so they're
3 saying that you should not pay any 911 fees and
4 everything because it's just a device, so nothing
5 applies. They're just doing 911 out of the goodness of
6 their heart.

7 We will be following up on this as well.
8 West Virginia has actually filed a lawsuit. And D.C. is
9 really pursuing that, and we will be following up on
10 this as well.

11 I want to report on Rex's inter-tandem
12 transfer project. Congratulations, that's complete.
13 All PSAPs that lie on tandem borders now have speed
14 dials to PSAPs served by adjacent tandems. This is just
15 for AT&T served PSAPs. Other PSAPs have been given the
16 option of updating their speed dial lists.

17 If you have any changes in your speed
18 dial list, please contact Rex. This is something that
19 NG911 is going to completely fix. A Band-Aid and
20 call -- that's one of the things that NG911 is going to
21 change is the ability to transfer calls.

22 I wanted to update you on our committee
23 activity. The Policy Committee met in September and it
24 voted to recommend legislation that I'm going to
25 describe to you later on in this meeting.

1 It also voted to pursue the issue of PBX
2 and multiline phone systems that don't provide ALI and
3 ANI. I have a feeling this is going to be a long-term
4 project. I'm meeting with the folks that are in charge
5 of the State's phone system in a couple of weeks to
6 discuss this, and I'll report back as we pursue this.

7 NG911 updates. The big news was that we
8 released RFP for the 911 management part of our project
9 on September 2nd and the responses are due on
10 September 29th.

11 About five potential bidders submitted
12 quite a number of questions. The contract is due to be
13 signed on November 29th and the contract -- I can't get
14 that. I'm stuck on September. December 29th is when
15 the contract signing should happen. I'm going to get
16 this right.

17 Contract start date is January 17th.
18 That's when everything will all come together.

19 And one of the things that we intend to
20 do after the bid is completed -- we've not really
21 offered any kind of instructions or discussion about
22 PSAP equipment and some other things because we didn't
23 want to run into any problems with RFP. We want to
24 avoid even the appearance of any conflict of interest or
25 any kind of preferential action. So once that's done I

1 intend for the Operations Committee to meet and to
2 discuss equipment.

3 Another thing I would like to say about
4 the equipment is the Board has asked if it is at all
5 possible to hold off on purchasing NG911 equipment until
6 after the management contract starts and we can hold
7 these meetings and stuff.

8 Legislative update. Just like with the
9 State, the Federal Government has to have an election at
10 the end of the two-year legislative session. And the
11 NG911 Preservation Act, which was filed -- or the act
12 that was filed about the D-block, if nothing happens
13 with them during the "lame duck" session -- and I rather
14 doubt anything will -- they're gone. And they will have
15 to be re-filed again. That's to be expected.

16 I wanted to report on the FCC. I've
17 been like a broken record with them about the
18 non-initialized phone situation. They promised me that
19 something would be done first quarter, and I hope that
20 that's true. But if it's not -- when I was at NASNA,
21 my state 911 administrators meeting, I put out a
22 petition that most of the people that attended signed.
23 I'd like to do the same in Tennessee. If you-all can
24 get all of your dispatchers and call-takers -- anyone
25 that might be interested -- to sign it.

1 Let me read what it says.

2 "We, the undersigned, hereby request the
3 Federal Communications Commission (FCC) to convene an
4 advisory working group to consider and recommend
5 technical and/or operational solutions for the
6 difficulties created by calls to 911 from non-service
7 initialized phones, as proposed in Reply Comments filed
8 by the Petitioners listed below on July 29, 2008.

9 "We make this request as over two years
10 have passed since April 11, 2008, when the FCC granted
11 the petition for a notice of inquiry regarding 911
12 call-forwarding and carriers' blocking options for
13 non-initialized phones that were filed by nine public
14 safety organizations and a software development firm
15 seeking assistance with this problem.

16 "The FCC's April 11, 2008, Notice of
17 Inquiry invited comments. Over 100 comments were filed.
18 We believe the time has come for the next in the process
19 of addressing this critical emergency communications
20 issue and its impact on the delivery of 911 services."

21 We'll be e-mailing out, you know,
22 petitions for you-all to sign if you're willing to. And
23 what the plan is, is -- and a number of other states are
24 doing this -- if they haven't done anything by
25 February 14th, 2011, we will send this stuff in because

1 that's the date that we filed our petition three years
2 ago and we were very clear on that petition what a
3 really tremendous problem it was and what help we
4 needed. And it just sat there. So I'd really like
5 everybody's assistance with that if you feel so
6 inclined.

7 The last thing I want to report is our
8 NASNA meeting. It was -- it's a National Association of
9 State 911 Administrators, and it met the beginning of
10 this month. And I have to say we are in such a great
11 position with NG911. We -- almost every state is
12 planning to do this. A few are in the process of doing
13 it, but everyone wishes that they can do it.

14 From what I gathered, we are one of the
15 very, very few states that have actually saved up to do
16 this instead of kind of hoping that somehow or another
17 money would fly in from the Feds or from some other
18 source. We saved up for this, and we're moving ahead.
19 And I was really, really proud of the progress that
20 we've made.

21 And, you know, it really brings home
22 when everyone's going around the room saying what
23 they're doing. How many states were going, well, we're
24 almost Phase 2 statewide.

25 We've been Phase 2 since 2005. We were

1 the third state. So that's something that's really made
2 me so, so grateful to be a Tennessean.

3 One of the presentations there that
4 really affected me was from the Center for Missing and
5 Exploiting Children. They're encouraging states to
6 adopt standards. They're trying to get nationwide
7 standards for how to handle calls from potentially
8 missing and exploiting children.

9 With your permission, I would like to
10 take steps for us to be one of those states to adopt it.
11 What I would like to do is run this through the Policy
12 Committee. The reason that I want to do that is because
13 that committee is so perfectly set up to get a
14 widespread support for this because they've got
15 representatives from Sheriffs Association, Police Chiefs
16 Association, Fire Chiefs Association, EMS.

17 And if we're all on the same page and
18 they're going back to their professional association
19 talking about this, I think that's a great way to start,
20 and they will come hopefully at the next meeting with a
21 recommendation for you-all. I think during that time
22 Curtis will explore the best procedural way to go about
23 adopting this, whether it's by policy or whether we
24 would need to promulgate regulations or whatever. But I
25 just don't think there's -- well, there are lots of

1 really important things, but having a standardized
2 concept where we're all on the same page when a child
3 comes up missing, I think that will be a very valuable
4 thing.

5 There's a Web site for the Center for
6 Missing and Exploited Children, and we'll send that out
7 to everybody in the meeting summary so you can explore
8 exactly what their standards are. I've sent that out to
9 the board members already so that it -- does anyone
10 object to me doing that?

11 (Pause)

12 MS. QUESTELL: My last point was TEMA.
13 Jim and Rex have been involved with the TEMA exercise
14 training in October, and Rex participated in the
15 federally graded Sequoyah Nuclear disaster exercise on
16 November 17th. And he continues to work with the TERT
17 program.

18 That's my report.

19 CHAIR PORTER: Any questions of Lynn on
20 any items on her report?

21 MEMBER LEE: I have one question. On
22 the status of the GIS Mapping Maintenance grants, those
23 four counties that are -- what's the amount that's
24 pending on those, Lynn, do you know?

25 MS. QUESTELL: \$10,000 each.

1 MEMBER LEE: Any reason why those
2 counties have not submitted their reports?

3 MS. QUESTELL: Jim might be able to
4 answer that.

5 MR. BARNES: I have communicated with
6 each of them, and each of them says that it's either on
7 their desk or they're planning to send it in. I've told
8 them that I was holding the money and they won't get it
9 until I get the reports. I said it's their money, so
10 I'm trying to convince them. They all agree that they
11 need to send the report in, but I haven't received it
12 yet.

13 MS. QUESTELL: Bobby, I will call them.
14 I'll try to get their attention.

15 MEMBER LEE: That's \$10,000 of their
16 money.

17 MR. BARNES: There is one other option.
18 I can ask for the \$10,000 I gave them last year back
19 because it was an advance. That would not only -- that
20 might stimulate them more.

21 MEMBER LEE: Last year's \$10,000 was an
22 advance for them to do the work and the report?

23 MR. BARNES: For last year, yes.

24 CHAIR PORTER: I'll be all for that. If
25 they're not going to do their paperwork and get it back

1 in, they have to give back the \$10,000. It just doesn't
2 make any sense somebody wouldn't do their paperwork and
3 get free money. I mean, that's --

4 MEMBER LEE: It's a compliance issue, I
5 guess. It's an advance and then the report showing that
6 they're in compliance.

7 MR. BARNES: They're in violation of the
8 grant document -- the contract they signed with us.
9 They did not submit the report on time. It was an
10 advance. The close-out report was a condition of
11 receiving the advance at the time. We haven't received
12 it. So the \$10,000 I'm holding right now is for the
13 current year. They still haven't earned the \$10,000 for
14 last year.

15 MEMBER LEE: Does the grant document
16 provide for penalties of withholding -- to recoup that
17 money?

18 MR. BARNES: Yes, it does.

19 MEMBER LEE: Does it provide for
20 withholding the State share taxes up to that amount?

21 MR. BARNES: I'd have to look at that.
22 It does say we can ask for the funds back. I'm not sure
23 about the process.

24 MEMBER LEE: I know a lot of times some
25 documents do provide for that. It's a stiff penalty.

1 MR. BARNES: I think it does. I can't
2 swear to it right now.

3 MEMBER LEE: I make a motion that we put
4 them on notice that we will seek to have that penalty
5 imposed.

6 CHAIR PORTER: Is there a second?

7 MEMBER SNEED: Second.

8 CHAIR PORTER: Motion and second that we
9 notify the four districts that if they don't get their
10 paperwork in on the GIS Mapping Grants, we'll seek to
11 take back the \$10,000 we previously gave them.

12 MEMBER COBB: I think we should give
13 them a deadline --

14 CHAIR PORTER: -- deadline date. I
15 agree with that.

16 MEMBER LEE: 30 days?

17 MEMBER COBB: End of the year, maybe?

18 MEMBER LEE: That'll be fine.

19 By January 1st?

20 I'll amend my motion.

21 MEMBER SNEED: Second.

22 CHAIR PORTER: Any discussion?

23 (Pause)

24 CHAIR PORTER: Hearing none, all in
25 favor, say "aye."

1 BOARD MEMBERS: Aye.

2 CHAIR PORTER: All opposed, like sign.

3 (Pause)

4 CHAIR PORTER: Motioned carries.

5 Okay. Next item on the agenda is Staff

6 recommendations for the extension of landline rates in

7 Cumberland, Humphreys, Knox, Rhea, Unicoi, and

8 Washington County ECDs.

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

10 Staff has analyzed the reports from the

11 districts on their rates under Policy 14. And we have

12 observed that the contributions by other governmental

13 entities to the districts have not been reduced and the

14 justification for the rate increases still appear to be

15 valid.

16 The Staff has found no reason not to

17 allow their current rates to be continued. The rate

18 extension requests were included on the agenda primarily

19 to make a record that the Board does not object to

20 extending the rates. The Board has no objections?

21 CHAIR PORTER: Do I hear any objections?

22 (Pause)

23 CHAIR PORTER: Hearing none, Lynn, it's

24 agreed.

25 Next item on the agenda is to consider

1 adopting the proposed budget for the fiscal year 2012.

2 MS. QUESTELL: Well, there are no
3 surprises to this budget. This is the same budget plan
4 that we developed in 2008 when we first started the next
5 generation 911 project. And we've been complying with
6 that since then.

7 As part of that budget plan, the intent
8 was to provide funds to maintain the recurring programs
9 of the board and to meet the demands of the next
10 generation 911 project. And projected expenditures for
11 2012 under this budget would be approximately
12 \$74 million.

13 As part of the budget, we're requesting
14 an improvement to cover billed out costs of NG911.
15 Improvement is \$16 million. And by "improvement" what
16 we mean is that we're asking for permission to access
17 some of the reserves that the Board has set aside
18 specifically for the NG911 project. Of these billed out
19 costs over \$11 million is anticipated to come from the
20 reserve for NG911 non-recurring costs for Core and PSAP
21 connections.

22 The ECD equipment reimbursement for
23 NG911 is less than what we've budgeted for because we
24 always try to be conservative. So additional funds have
25 been rolled forward, increasing the 2012 projection.

1 Breaking down the total budget,
2 recurring expenditures are comprised of approximately
3 \$22 million for ECD Operational Funding, \$15 million for
4 the mandated 25 percent distribution, \$11 million for
5 NG911 equipment and recurring costs, \$3 million for ECD
6 equipment reimbursements not related to NG911,
7 \$2 million for dispatcher training, \$1 million for GIS
8 mapping maintenance for the districts, and \$400,000 for
9 cost recovery to the carriers. And we have
10 administrative costs of approximately \$3 million, which
11 is about 4 percent of total expenditures. And I'm told
12 that that's quite low for a state agency.

13 The fiscal year 2011 funding also
14 includes approximately \$1,500,000 from NG911 grant
15 revenue that we received from the U.S. Department of
16 Transportation and the Department of Commerce. This
17 grant will expire in 2012, and a portion of the revenue
18 projected for 2011 will not be earned or received until
19 2012. This is not reflected in the budget document
20 because the amount is not currently known because we
21 haven't started deploying yet, so there's not been any
22 effect on the expenditures.

23 Revenue received from the grant will
24 reduce decreases in the reserve. And we will request an
25 expansion in the 2012 budget to access the grant revenue

1 once we have exact amounts. The grants will be used to
2 cover installation costs of NG911 compatible routers in
3 the PSAPs.

4 You-all should know that we presented
5 this budget to the administration on Monday. That was
6 when they -- the administration -- we didn't have leeway
7 on that.

8 Staff from the Fiscal Review Committee
9 and a representative of the incoming Haslam
10 administration attended that meeting.

11 CHAIR PORTER: Okay. You have a copy of
12 the budget in your packets. Let's go to the Board.

13 MEMBER LOWRY: So move we accept.

14 MEMBER LEE: Second.

15 CHAIR PORTER: Motion and second that we
16 approve the budget for the fiscal year 2011/2012.

17 Any discussion?

18 (Pause)

19 CHAIR PORTER: Hearing none, all in
20 favor, say "aye."

21 BOARD MEMBERS: Aye.

22 CHAIR PORTER: All opposed, like sign.

23 (Pause)

24 CHAIR PORTER: Motion carried.

25 Next item on the agenda is consider

1 appointment of members to Operations Committee.

2 MS. QUESTELL: There are three openings
3 on the Operations Committee. One is to replace
4 Larry Potter, who is formerly of the Morgan County ECD.
5 Larry is no longer working in 911.

6 The other two openings were to replace
7 members of the Operations Committee who are also serving
8 on other committees. It was just felt that we should
9 spread the wealth and much as we could get interested
10 people to serve on our committees we shouldn't have
11 duplications. So that's what the other two positions
12 are for.

13 I want to say that service on these
14 committees is greatly appreciated. I think that it
15 really helps us provide better direction for the Board,
16 and it's really great to get people's input.

17 So members of the Nominating Committee
18 have recommended a number of nominees for the positions.
19 And it is recommended that the Board appoint
20 Virginia Smelser of the Bristol Emergency Communication
21 District, Jeff Carney of the Hamilton County Emergency
22 Communication District, and JR Kelley of Wilson County
23 ECD to the Operations Committee. We think that they
24 would make really great members of the committee.

25 CHAIR PORTER: Okay. You heard the

1 recommendation of Staff and the other committee that we
2 appoint Virginia Smelser from Bristol, Jeff Carney from
3 Hamilton County, and JR Kelley from Wilson. Let's go to
4 the Board.

5 MEMBER RICH: So move.

6 MEMBER COBB: Second.

7 CHAIR PORTER: Motion and second that we
8 appoint these three individuals to the Operations
9 Committee.

10 Any discussion?

11 MEMBER LEE: I assume they have been
12 contacted?

13 MS. QUESTELL: That's what the
14 Nominating Committee does. Yes.

15 MEMBER LEE: They still willing to
16 serve?

17 MS. QUESTELL: To the best of my
18 knowledge.

19 MEMBER LEE: I think I got drafted one
20 time so --

21 CHAIR PORTER: Any other discussion?

22 (Pause)

23 CHAIR PORTER: Hearing none, all in
24 favor, say "aye."

25 BOARD MEMBERS: Aye.

1 CHAIR PORTER: All opposed, like sign.

2 (Pause)

3 CHAIR PORTER: Motion carried.

4 Next item on the agenda is consider
5 sponsoring legislation for -- to provide protection and
6 dignity to 911 callers and their families by creating a
7 consent process for release of 911 recordings.

8 MS. QUESTELL: These are recommendations
9 from the Policy Advisory Committee. They were -- they
10 had a meeting to discuss possible legislation. And this
11 is also a proposed law that TENA is very much in favor
12 of.

13 The intent of this legislation is to
14 basically protect 911 callers, particularly victims and
15 loved one of victims from repeatedly reliving the worst
16 phone call they ever made or heard.

17 There was a number of states -- actually
18 six have adopted something like this because there was
19 one specific incident where there was a mother who
20 called 911 because her daughter was being abused by --
21 it was a domestic situation. The daughter was killed.
22 The mother pulls back up into the driveway and on the
23 radio was the 911 call that she made. And it was just
24 horrifying and that was what motivated Alabama, in
25 particular, to pass the law.

1 So what we would -- this bill is
2 probably going to get some -- not a wonderful reception
3 from the press, which this would be an exception to the
4 Open Records Act. But we have proposed that -- one way
5 to kind of protect the rights of the press is that if
6 the caller consented, then it could be released to the
7 media so that no one can say that this is just 911
8 trying to protect its own.

9 The privilege would go to the caller and
10 also the call could be released by court order. I would
11 ask the Board -- we have some proposed language and I
12 will read it to you. I would ask the Board to give the
13 Staff -- Andy -- a lot of leeway on negotiating this
14 because I think from everyone that I have talked to,
15 they think this is going to be a very tough sell
16 legislatively. I wanted to let you-all know that on the
17 front end.

18 CHAIR PORTER: We've had tough sells
19 before.

20 MS. QUESTELL: That's true.

21 Let me -- and this -- I mean, this is
22 not a selfish bill. This is a bill to protect people
23 who have been through a really traumatic experience.

24 This is the proposed language that we
25 have right now, but there may be some negotiating

1 points, and I'd like to kind of get your permission on
2 the front end. We will keep you totaling apprised every
3 step of the way, and if anyone has an objection, you can
4 just let us know and we'll stop the process and we'll
5 come back in and you-all can reconsider. But this is
6 going to -- this may be challenging. But the bill that
7 we will propose is the bill -- it's modified, but it's
8 what Rhode Island has adopted.

9 "Notwithstanding any provision of law to
10 the contrary, all 911 telephone calls and transmissions
11 of such calls received pursuant to this chapter and all
12 tapes containing records of such telephone calls shall
13 remain confidential and be used only for the purpose of
14 handling emergency calls and for the purposes as may be
15 needed for law enforcement, fire, medical, rescue,
16 dispatching or other emergency services.

17 "The calls shall not be released to any
18 other parties without the written consent of the caller
19 whose voice is recorded, or upon order of the Court."

20 CHAIR PORTER: You heard the
21 recommendation from the Staff that we allow them to try
22 to sponsor this bill in the upcoming legislative session
23 and give Curtis leeway in trying to get a bill through
24 and try to work it out and see what we can do.

25 I've heard a lot of complaints many,

1 many times. And I know you-all as 911 directors
2 probably have had calls from the media and got copies of
3 tapes that you really didn't want released, but the way
4 the law's written you didn't have a choice.

5 MEMBER ARCHER: I make a motion.

6 CHAIR PORTER: Motion from Mark.

7 Do I have a second?

8 MEMBER COBB: Second.

9 CHAIR PORTER: Second from Ms. Cobb that
10 we allow staff to move forward with this.

11 Any discussion?

12 MEMBER RICH: Where it says the person
13 who made the call has to give consent there, as you and
14 I both know a lot of the calls we get are a third-party
15 caller who probably would have no interest in whether
16 that was released or not. Interstate calls describing
17 horrible accidents and family members -- family members
18 would still have nothing to say about it going out to
19 the press if you just restrict it to the caller.

20 CHAIR PORTER: You have a point. Any
21 ideas as to --

22 MR. SPEARS: Well, I think the main
23 concern is protecting the person who makes the 911 call,
24 so if you're -- I see Freddie's point, but those types
25 of things where you're involved in an accident and

1 someone else makes the call, you're not the one who is
2 directly affected. We're trying to protect people who,
3 for example, call a domestic on their neighbor and
4 someone calls and says I want a record of this call. Or
5 the mom who calls and says I came home and my daughter's
6 dead. Then she hears that call. We're trying to
7 protect people in the most sensitive situations. I
8 think it would be really difficult to say, well, any
9 party involved in the incident. I mean, that's -- I
10 think it would be challenging to work that language.

11 MEMBER RICH: Me, too.

12 MR. SPEARS: So we're looking for what's
13 the most dangerous situation that needs protection and
14 try to go for that.

15 MR. SUTTON: Freddie, we looked at the
16 laws from all six states that passed and found that this
17 was the best for Tennessee as far as those six state
18 laws.

19 MEMBER RICH: It may not solve all the
20 situation.

21 CHAIR PORTER: It's a good start though.
22 Any other discussion?

23 MEMBER LEE: I'll just offer the --
24 office of the counsel in our office we have that --
25 Ms. Alicia Hodge and the Committee -- Advisory Committee

1 for Open Records is meeting December 7th and you might
2 check with Alicia and see if she would like for the
3 Committee to discuss this. It's a statutory committee
4 that's comprised of different parties, and that might be
5 a sounding board to go before to get their input -- not
6 really make recommendations on legislation, but that is
7 a sounding board.

8 I just encourage -- it is a good piece
9 of legislation, in my opinion, but Alicia has a wealth
10 of knowledge on open records, statutes from other
11 states, and open records issues and cases. She'll be a
12 good woman for you-all to work with, and through. And I
13 would encourage you to do that. So I offer her
14 assistance on that.

15 CHAIR PORTER: Any more discussions?

16 (Pause)

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

19 BOARD MEMBERS: Aye.

20 CHAIR PORTER: All opposed, like sign.

21 (Pause)

22 CHAIR PORTER: Motion carries.

23 One more on the legislation. To support
24 to establish a process to permit waiver of certain
25 requirements for dispatcher employment.

1 MS. QUESTELL: Yes. Basically, with
2 this proposed legislation we are seeking parity with the
3 law enforcement legislation. Tennessee dispatcher
4 qualifications law really is almost exactly the same as
5 the one for police officers, but the police officers
6 have a way of waiving certain of the requirements --
7 which I'll get to -- and we don't.

8 So we've got people walking around with
9 guns that haven't had the opportunity to have some past
10 stupidity that they've indulged in not count towards
11 them having this job, but not dispatchers. And we're
12 just looking for parity.

13 The prohibitions for both police
14 officers and dispatchers are that you can't be employed
15 as a dispatcher if you've been convicted of or pled
16 guilty to or entered a plea of nolo contendere to any
17 felony charge or to any violation of any federal or
18 state law or city ordinances relating to the force,
19 violence, theft, dishonesty, gambling, liquor, or
20 controlled substances.

21 And the law enforcement statute bars
22 anyone who has been released or discharged under -- any
23 other than honorable discharge from any of the armed
24 forces. The dispatcher law also allows medical
25 discharges.

1 So what we're proposing is that there
2 would be a committee that would be set up if a district
3 came in with an individual that they would specifically
4 like to hire, but the individual had a DUI or something
5 like that when they were a kid and they -- the district
6 is vouching for them and saying that they'd like to hire
7 them and there would be a committee set up to make
8 recommendations to you-all.

9 Now, this would not apply to any kind of
10 felonies. We've checked with the TBI, and they've
11 checked with the FBI. They're finally waiving the
12 requirements so long as felonies can't be waived. There
13 would be no waiver for dishonorable discharge, bad
14 conduct discharge, other than honorable discharge. And
15 we would not allow a waiver from any felonies or any
16 narcotics violation that could result in a felony
17 conviction and any domestic violence conviction.

18 So we would set up a committee that
19 would -- a district would bring a person in and the
20 committee would look and decide whether the individual
21 should deserve to have a waiver and be allowed to be
22 employed as a dispatcher, and then you-all would review
23 the recommendation and determine what your decision
24 would be.

25 We set it up this way, because in all

1 honesty the way that the State does regulations, it
2 would be -- it's a very, very lengthy time-consuming
3 process and we think that doing it by the committee way
4 would be much better.

5 That was the request of the Committee
6 and the Staff on the recommendations.

7 CHAIR PORTER: You heard recommendations
8 of Staff for setting up a waiver process for
9 dispatchers.

10 MEMBER LOWRY: So move.

11 MEMBER LEE: Second.

12 CHAIR PORTER: Any discussion?

13 (Pause)

14 CHAIR PORTER: Hearing none, all in
15 favor, say "aye."

16 BOARD MEMBERS: Aye.

17 CHAIR PORTER: All opposed, like sign.

18 (Pause)

19 CHAIR PORTER: Motion carries.

20 Next item on the agenda is consider
21 authorizing review of process for seeking increases to
22 the emergency telephone service charge on landlines.

23 MS. QUESTELL: After the last TACIR
24 meeting when they were discussing 911 funding, one of
25 the members -- the Senate Democratic Leader Jim Kyle

1 said that he wanted to discuss the matter with Andy and
2 me. We went in and talked to him. He was concerned
3 about our process for reviewing applications by
4 districts for rate increases to the 911 service charge
5 on landlines. And his concern was that there are no
6 provisions for participation in the rate increase
7 process by elected officials. And he said that he would
8 give the Board an opportunity to self-police on this
9 issue, or he would consider legislation. I would ask
10 the board that we allow the Policy Advisory Committee to
11 study this issue.

12 CHAIR PORTER: You've heard the
13 recommendations from the Staff.

14 Let's go to the board.

15 MEMBER SNEED: So move.

16 CHAIR PORTER: Motion from Mr. Sneed.

17 Do I have a second?

18 MEMBER COBB: Second.

19 CHAIR PORTER: Second by Ms. Cobb that
20 we allow the Policy Advisory Committee to create the
21 process for rate increases.

22 Any discussion?

23 (Pause)

24 CHAIR PORTER: Hearing none, all in
25 favor, say "aye."

1 BOARD MEMBERS: Aye.

2 CHAIR PORTER: All opposed, like sign.

3 (Pause)

4 CHAIR PORTER: Motion carried.

5 And the one we've been waiting for. The
6 final item on the agenda is to consider withdrawal of
7 appeal of refusal to authorize expenditure over \$5,000
8 in Jackson County ECD, a financially distressed
9 district.

10 MS. QUESTELL: As you all may recall at
11 the last meeting the Board postponed hearing about
12 Jackson County ECD's request to give their dispatchers a
13 raise. They originally requested a raise with a cost of
14 approximately \$13,000. Then during the meeting they
15 said that they could half that. And at that time the
16 Board voted to have them come back at this meeting, and
17 you-all would consider their appeal because it was
18 appealing my decision because I said they couldn't do
19 that.

20 After that I had several phone calls
21 with them, and on October 19th Chairman Porter and
22 General Counsel Curtis Sutton and I went to Jackson
23 County and met with the 911 board there and our intent
24 was to ensure that they truly understood the reality of
25 their situation and the possible consequences of their

1 distressed status. They've been distressed since 2004.
2 They actually asked to be distressed prior to that. I
3 guess they've been distressed -- they were distressed in
4 2007. They've asked to be distressed in 2004.

5 We actually got the law changed so that
6 we could declare a district distressed when they were
7 facing situations where they couldn't pay their bills
8 and assure continued 911 services because of the
9 situation in Jackson County. And then after that if
10 you-all recall the Board gave them an interest-free
11 loan. At the time that we went to see them they were
12 default on that loan. They paid nothing on that loan.

13 It became clear when we went to talk
14 about their situation that they really didn't understand
15 the Board itself didn't get the seriousness of their
16 situation and that the possible consequences of
17 financial distress are that the Board would consolidate
18 them with another district, as it did with Pickett
19 County when Overton took them in. And it was a really
20 valuable discussion. I think we made our point. At the
21 end of the discussion they asked to withdrawal the
22 appeal.

23 They realized an increase in any kind of
24 recurring expenditures was not really going to be in the
25 best interest of the district. The dispatchers that

1 were in attendance there spoke up and said they totally
2 understood the situation. Basically, they asked to
3 withdraw the appeal and what we said to them was if you
4 could come up with a plan by January that would show
5 what steps you were actually going to take to get out of
6 financial distress, then we would ask the Board to
7 please allow them to withdraw their appeal and come in
8 and discuss the plan.

9 Since then we've made -- Curtis has been
10 back to another meeting there and Jim and Jay have made
11 plans to go and help them with their chart of accounts.
12 We're really going to try to -- in any way that they
13 want, we will try -- that's legal and moral -- to help
14 them get their financial house in order.

15 And then the plan -- I'll ask for the
16 plan enough in advance of our next meeting so you-all
17 will have an opportunity to review it and see if that's
18 a feasible way for them to get back on their feet
19 basically.

20 Does the Board have any objection to
21 allowing the district to withdraw their appeal and come
22 before the Board at the first quarter 2011 meeting with
23 a plan?

24 CHAIR PORTER: We -- I'll have to say we
25 were welcomed in Jackson County. We met -- they have a

1 new county mayor there that's a long time county
2 commissioner, I guess, for a lot of years and just has a
3 wealth of knowledge of the goings on in Jackson County
4 and how things work, and I think he's really looking at
5 change and making changes. And the Board -- we were
6 well received at the board meeting and had a long
7 discussion. I think the board members, from what I've
8 been hearing, have been working and having meetings
9 since then trying to come up with this plan and work on
10 it.

11 I think we feel good that they'll be
12 back in here in January with a plan. I don't know
13 exactly what that plan is going to be, but I think we
14 all -- I think we all realize now what the extreme
15 nature of this problem is and hopefully we can get it
16 worked out. But they definitely well received us and
17 all the folks down there. Hopefully, we can get it
18 worked out.

19 Is there any objection from anyone that
20 we allow them to withdraw their appeal and have them
21 report to us at the -- whatever our meeting is -- first
22 quarter in 2011?

23 (Pause)

24 CHAIR PORTER: Hearing none, we'll have
25 them on the agenda on our next meeting. Whatever that

1 date winds up being, either January or February, and
2 hear their plan and hopefully work with them.

3 That's all the items we have on our
4 agenda, folks. Any announcements or anything else that
5 needs to come before the Board?

6 MEMBER LEE: One additional -- I guess
7 this is the last meeting under the commissioner's
8 direction before she leaves office, and I think it'll be
9 appropriate that the Board go on the record and may be
10 commend her for her direction as commissioner for this
11 board. And I'd like to throw out a motion just asking
12 the chairman and the director to maybe send a letter
13 thanking her for her service and the support she's given
14 this board during her commission. If that's
15 appropriate.

16 MS. QUESTELL: Would the Board object to
17 us getting a plaque for her? She's been a wonderful
18 commissioner.

19 MEMBER LEE: If it's appropriate for a
20 motion for that, I would make such.

21 MEMBER COBB: Second.

22 CHAIR PORTER: Second by Ms. Cobb that
23 we get a plaque for the commissioner and do a letter or
24 whatever else is appropriate to thank her for all of her
25 help and leadership and guidance that she's provided to

1 the Board. All my years on the board she's been one of
2 the best that I saw commissioner that helped us and
3 always there for us. I'm going to hate to see her go.

4 Any other discussion on the motion?

5 (Pause)

6 CHAIR PORTER: Hearing none, all in
7 favor, say "aye."

8 BOARD MEMBERS: Aye.

9 CHAIR PORTER: All opposed, like sign.

10 (Pause)

11 CHAIR PORTER: Motion carried.

12 Any other business that needs to come
13 before the Board?

14 Any announcements?

15 What about our next meeting, Lynn?

16 When's our next meeting?

17 MS. QUESTELL: February 3rd.

18 CHAIR PORTER: I guess that's on a
19 Thursday at 9:30 a.m., will be our next meeting.

20 A year comes and goes in a hurry. We're
21 turning right around and we're here at Thanksgiving and
22 Christmas again. I'm glad everybody -- I thank you for
23 coming today and hope you have a safe trip home and wish
24 you and your family the best here at Thanksgiving and
25 Christmas.

1 We look forward to a great new year
2 coming up. It's going to be a very busy and exciting
3 time because we'll be able to move on with NG911, so the
4 next 12 to 18 months are going to be hectic, but it'll
5 be fun. Rex bringing on something new, so we look
6 forward to that.

7 Anything else?

8 If not, I'll take a motion to adjourn.

9 MEMBER COBB: Motion.

10 MEMBER SNEED: Second.

11 CHAIR PORTER: All in favor, say "aye."

12 BOARD MEMBERS: Aye.

13 CHAIR PORTER: All opposed, like sign.

14 (Pause)

15 CHAIR PORTER: Motion carried.

16 (End of the proceedings.)

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REPORTER'S CERTIFICATE

STATE OF TENNESSEE)
COUNTY OF MONTGOMERY)

I, Tracy Foley-Wilkes, court reporter and
notary public for the state of Tennessee,

DO HEREBY CERTIFY that the foregoing
transcript of the proceedings were taken on the date and
place set forth in the caption thereof; that the
proceedings were stenographically reported by me; and
the foregoing proceedings constitute a true and correct
transcript of said proceedings.

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
of events of this action.

IN WITNESS WHEREOF, I have hereunto
affixed my official signature and seal of office this
the 31st day of January, 2011.

Tracy Foley, LCR #366
Court Reporter and Notary Public
State of Tennessee

My Commission Expires: May 21, 2011.