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August 27, 2007

Opinion No. 07-128

Use of Emergency Communications District Funds for Purposes Other Than 911

QUESTIONS

1. Is it a permissible use of funds for an Emergency Communications District (ECD) to advertise or educate citizens as to the use of phone services other than 911?

2. If not, is it permissible for an ECD to enter into an inter-local agreement with a local governing body to support a county effort to educate citizens on the existence of and use of 543-NEED or 311?

OPINIONS

1. No. The statute does not authorize ECDs to use their funds to promote phone services other than 911.

2. No. The statute does not authorize such an interlocal agreement.

ANALYSIS

1. Under the Emergency Communications District Law, Tenn. Code Ann. §§ 7-86-101, *et seq.* (the "Act"), a county or municipality may create an emergency communications district by resolution or ordinance. Tenn. Code Ann. § 7-86-103(1) and -104. The Act's purpose is to "provide a simplified means of securing emergency services, which will result in saving of life, a reduction in the destruction of property, quicker apprehension of criminals and, ultimately, the saving of money." Tenn. Code Ann. § 7-86-102(a). An ECD is the operating body established to implement and maintain this emergency notification system (911). *See* Tenn. Code Ann. §§ 7-86-104 and -105.

The Act permits use of an ECD's funds exclusively in the operation of the ECD. The Act is consistent on this requirement. Tenn. Code Ann. § 7-86-102(d) clearly states that all "funds [of the emergency district] from all sources shall be used exclusively in the operation of the emergency communications district." *See also* Tenn. Code Ann. §§ 7-86-108(a)(1)(C) (funds to be used for purposes described in § 7-86-303, *viz*. "the provision of 911 service"); 7-86-108(e) (revenues to be used for the operation of the district and for purchase of necessary equipment). It is clear from reading the Act as a whole that emergency communications means a 911 services system. Other public assistance numbers are not mentioned in the Act.

2. Both the Act and a policy of the Tennessee Emergency Communications Board (TECB) authorize interlocal agreements. Tenn. Code Ann. § 7-86-105(b)(6) and TECB Policy No. 5.[1] The Act authorizes two or more counties, cities or existing emergency communications districts to consolidate their operations to create a joint emergency communications district under an interlocal agreement. Tenn. Code Ann. § 7-86-105(b)(6). The statute does not refer to any other possible use of interlocal agreements. The authorization is intended to encourage consolidation "to provide the best possible technology and service to all areas of the state in the most economical and efficient manner possible." *Id.* The TECB's Policy Number 5 is a general requirement that interlocal agreements be in writing. The Policy does not provide a supplemental source of authority to enter into interlocal agreements for purposes other than those specified in Tenn. Code Ann. § 7-86-105(b)(6).

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Requested by:

The Honorable Jim Kyle
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[1] Available at the TECB website, http://www.state.tn.us/commerce/911. The policy reads as follows:

"Effective August 1, 2004, all agreements or arrangements between an emergency communications district and another governmental entity in which facilities, resources and/or income of any kind are shared, contributed or obtained shall be memorialized in written interlocal agreements and adopted by the board of directors of the local emergency communications district before the implementation of such an agreement."