

E911BOARD MEETING MINUTES

Meeting Dates:

E911 Board Meetings
March 12-13, 2014
Telephone Conference
Conference Number (888) 670-3525
Conference Code 2323004133

Wednesday, March 12, 2014 and Thursday, March 13, 2014 beginning time 9:00 a.m. until conclusion of business

Board Members participating in telephone conference meeting:

Carolyn Dill-Collier, 911 Coordinator, St. Lucie County
John Ford, Chairman – Bureau Chief, DMS - Division of Telecommunications
Charles “Chuck” Freeman, 911 Coordinator, Pinellas County
Stan Greer, Area Manager – External Affairs, AT&T
Benjamin “Ben” Guthrie, 911 Coordinator, Gulf County
Sandra “Sandy” Khazraee, Regulatory Affairs Director, Southern Region, Century Link
David “Dave” Konuch, Attorney, Florida Cable Telecommunications Association
Dale Mitchell, 911 Coordinator, St. Johns County
Tom Nadler, Manager, Sprint
Ira Pyles, 911 Coordinator, Hillsborough County

Staff participating in telephone conference meeting:

Jeff Barbacci, Thomas Howell Ferguson, P.A.
Kimberly Bickley, Administrative Support, DMS-Division of Telecommunications
Wink Infinger, Statewide 911 Coordinator, DMS-Division of Telecommunications
Clark Jennings, Legal Counsel, Office of the Attorney General
Adrienne Jones, Administrative Support, DMS-Division of Telecommunications
Donald Lamb, Technical Support, DMS-Division of Telecommunications
Chris Polischuck, Thomas Howell Ferguson, P.A.
Kent Raheb, Technical Support, DMS-Division of Telecommunications
Penney Taylor, Administrative Support, DMS-Division of Telecommunications

Public participating in telephone conference meeting:

Laurie Anderson, Charlotte County

Brett Bayag, Broward County

Christine Cooper, Okaloosa County

Robert Downie, Senior Attorney, Department of Management Services

Tim Gundlach, TGRA

Marilyn Haroutunian, Former E911 Board Member

Steve O'Connor, Synergem

Jennifer Payne, Suwannee County

Annette Rodgers, Orange County

Dina Walker, Seminole County

(Some telephone conference participants may not be listed as no email was received acknowledging their participation.)

Wednesday, March 12, 2014 beginning at 9:00 a.m. until conclusion of business

1. Call to Order

Meeting called to order at approximately 9:00 a.m.

The meeting started with staff conducting roll call. All current Board members participated in this telephone conference meeting.

Staff members participating in this telephone conference meeting were acknowledged. Public members participating were requested to acknowledge their participation by sending an email to staff to assure that they would be properly noted in the meeting minutes.

Mr. Ford introduced Robert Downie, Senior Attorney from the Department of Management Service who is currently assisting with the procurement process. Therefore, Mr. Downie is being engaged upfront for a better understanding of all Board processes.

Operational Audit

Mr. Ford informed the Board members that the Emergency Communications Number E911 System Fund (E911 Trust Fund) was currently undergoing an operational audit and that some Board members may be contacted by a member of the audit team (not anticipated but not to be surprised). Mr. Ford also informed the Board that this audit is scheduled to last approximately 60 days in an effort for the auditors to review all operational processes in place.

Electronic Meeting Packages

The meeting was temporarily delayed due to some Board members not receiving and/or unable to access the electronic meeting package.

2. Approve Meeting Minutes for the February 12-13, 2014 E911 Board Meetings

Meeting minutes from the February 12-13, 2014 E911 Board meetings were reviewed by the Board. There were no significant changes or updates received from the Board members or staff after the initial draft was circulated. All updates were incorporated in the draft meeting minutes as presented.

Ms. Dill-Collier made a motion to adopt the February 12-13, 2014 meeting minutes as received. Mr. Greer seconded the motion that polled 8-0. Mr. Guthrie abstained from the vote as he did not have access to the meeting package materials. Mr. Nadler did not respond to the polled vote.

3. Old Business

Board Member Appointments

Mr. Ford informed the Board that two current members seeking re-appointment were required to submit an application to the Governor's Appointment Office and questioned if they had been able to submit their applications. Ms. Dill-Collier responded yes and Mr. Greer stated that he had issues but would make sure to submit the application by close of business today.

Mr. Infinger informed the Board that a response was forthcoming from the Florida Association of Counties (FAC) related to their submittal status of information for the County seats.

Ms. Taylor informed the Board that it was the understanding that one (1) name has been submit for the vacant wireless seat. Ms. Taylor also informed the Board that she had spoken with a representative in the Appointment Office who had expressed the desire to make appointments before getting to far into the 2014 Legislative Session; therefore it was imperative that the members seeking re-appointment submit their applications at the earliest convenience.

Legislative Update

Mr. Greer informed the Board that his understanding of the current status of the E911 Bill was that they were still working on the fee rate.

Mr. Ford stated that it was his understanding that a meeting was held on Tuesday, March 11th with the two sponsors of the Bill. There is a draft of the Bill with has not been posted with a new fee rate of \$.40. Also included would be some changes related to the Board's authority and ability to adjust the fee rate after three (3) months of receipt of the fee.

Other issue(s) discussed:

- General Revenue Funds to keep counties whole
- Potential Special Distribution
- Effective Date of Bill (January 2015 for collection)
- Amendment Review
- Adjustment of Fee
(after June 1, 2015 can evaluate for change with 120 day notice to the Department of Revenue and 90 days to the Industry before any changes in the fee)
- Bill Numbers (175 E911 Bill – 177 Privacy)

Mr. Ford requested that while the Board reviews the financial information that the Board think about the reserve in the E911 Trust Fund and creative, equitable ways the Board can assure the counties can still function if Bill does go through.

4. Discuss confidential data related to provider revenues by county, discrepancies, disbursements and provider invoices.

All confidential information discussed in a manner as not to disclose any confidential information and/or trade secrets.

Mr. Polischuck reviewed confidential data related to the wireless and non-wireless December 31, 2013 monthly disbursements to counties and financial statements.

The Board was informed that issues continue to be encountered with remittance reports from some companies and with fluctuations of subscribers from some companies.

5. Discuss the recommendation(s) and vote on items from confidential data

Wireless

Wireless financial reports for the period ending December 31, 2013 were reviewed and discussed by the Board.

Mr. Guthrie made a motion to authorize distribution of wireless revenues in the amount of \$4,082,988.36. Mr. Konuch seconded the motion that carried unanimously (10-0).

Nonwireless

Nonwireless financial reports for the period ending December 31, 2013 were reviewed and discussed by the Board.

Ms. Mitchell made a motion to authorize distribution of nonwireless revenues in the amount of \$3,398,603.40. Mr. Guthrie seconded the motion which carried unanimously (10-0).

Missing Revenue Remittance Reports

Staff reported that all missing remittance reports as listed had since been received for distribution processing.

Financial Statement

Mr. Barbacci started the review of the Financial Statement by stating that the nature of a compilation report is to compile all the remittance reports received. Mr. Barbacci also stated that these reports are not audited or reviewed and often not independent as stated in the financial statement. Mr. Barbacci gave an overview of the financial statement for the period ending December 31, 2013 which included a summary of liabilities, deposits and pooled investments, trust fund balance, revenues, expenditures and subsequent events.

Financial Statement

Mr. Konuch inquired concerning the action item if Board Counsel was able to research the statement as made related to the independency of the accounting firm related to the financials and that these reports are not audited or reviewed and often not independent as stated in the financial statement.

Mr. Jennings responded that he did not see any problem with the statement as there is no statutory requirement that the services provided by the accountant be “independent” when preparing the annual report. Mr. Jennings stated that it appears that the accounting believes it is important to insert into their work product a disclaimer that the services provided do not qualify as “independent” as that term is defined by the Florida Institute of CPAs (FICPA) and the American Institute of CPAs (AICPA).

Mr. Jennings explained that a company is considered independent if they go out and obtain all the information themselves or verify the correctness of the information provided by a client before subsequently producing a report. A company would not be considered independent if what they are doing is taking the information as provided by the client and basically arranging and analyzing the information, having never verified the provided data which formed the basis of the report. Mr. Jennings stated that this is what the accounting firm is doing and the language has been included to protect them. This does not affect the services provided and they are in compliant with statute.

Provider Cost Recovery Reimbursement

Mr. Barbacci reviewed that Provider Cost Recovery Reimbursement Report that reflects year to date expenditures through December 2013. The only issues with this report is the negative amount reflected due to a provider request for cost recovery reimbursement that was rejected by the Department of Financial Services (DFS) due to the need for additional information.

Break

The meeting reconvened with Mr. Ford stating that as a reminder related to votes and opening the floor for comments, questions and/or concerns before taking a final vote. While it was after the fact; Mr. Ford asked if there were any comments, questions and/or concerns related to votes made on the February meeting minutes or distributions to counties.

Mr. Jennings requested that staff conduct a roll call for Board Members to assure that a quorum of members were participating in the telephone conference meeting after break (all members acknowledge participation with the exception of Mr. Nadler).

No comments, questions and/or concerns were received on previous votes conducted.

Discuss the recommendation(s) and vote on items from confidential data (continued)

Financial Report Review

Mr. Ford requested that the Board members refer to the Financial Report page 3 Revenue and Expenditures through the period of December 31, 2013. Mr. Ford pointed out the current revenues coming into the trust fund and calculated a 20% reduction off revenues coming in. Mr. Ford informed the Board that they should be considering how to keep the counties whole and what impact it would have on the trust fund in order to keep counties whole. Mr. Ford suggested that potentially the first two months a special disbursement be prepared to keep counties whole on fee reduction and for the third month a true up would be performed with potentially a third month special disbursement.

Mr. Ford stated that there appears to be ample cash available to perform a total special disbursement of \$4.5 million without drawing the trust fund down to nothing. Mr. Ford encouraged the Board to keep number in mind when considering any other special disbursements and that all questions, concerns and thoughts around processes that the Board may put in place is kept in the keep whole status effective January 1, 2015 if the bill goes through.

Other issue(s) discussed:

- Status of Special Appropriations
- Effective date of Revenue Collection
- Impact of Medium and Large County Revenue Loss
- Revenue Trending Report Monitoring

Staff agreed to compile information to be presented in the April Board meeting to assist with the understanding of potential revenue loss and special disbursements to keep counties whole.

Wireless Service Provider Cost Recovery Consent Agenda

The following wireless service provider cost reimbursement invoice(s) were reviewed for payment authorization:

Mr. Freeman made a motion that payment authorization for Item 1, as listed on the Wireless Service Provider Cost Recovery Consent Agenda in the total amount of \$2,553,899.29 be approved. Ms. Dill-Collier seconded the motion that carried 9-0. Mr. Nadler did not respond to this vote.

Mr. Freeman made a motion that payment authorization for Item 2, as listed on the Wireless Service Provider Cost Recovery Consent Agenda in the total amount of \$24,682.29 be approved. Mr. Guthrie seconded the motion which carried 9-0. Mr. Nadler did not respond to this vote.

Wireless Service Provider Cost Recovery Consent Agenda (continued)

Mr. Freeman made a motion that payment authorization for Item 2, as listed on the Wireless Service Provider Cost Recovery Consent Agenda in the total amount of \$293,073.74 be approved. Mr. Guthrie seconded the motion which carried 9-0. Mr. Nadler did not respond to this vote.

No comments, questions and/or concerns were received on these votes.

Mr. Greer filed Form 8A.

6. Discuss Board Rules, Rule Development and Status Report

Mr. Jennings reported to the Board that all Board Rules were adopted with no pending Rules.

7. Discuss 2014 Spring Rural County Grant Program

Mr. Infinger reported that grant applications for the 2014 Spring Rural County Grant Program are being received. As the applications are received, they are reviewed by staff and support available to all counties submitting applications for this grant program. All applications for the 2014 Spring Rural County Grant Program are due on or before April 1, 2014.

8. Discuss Rural County and State Grant Program Quarterly Reports and Change Requests

Mr. Raheb acknowledged all counties with active grants in support of the quarterly reporting process and the timely submission of the reports. There were no Change Request(s) to be presented to the Board during this meeting for consideration.

Mr. Ford reported that while staff supporting the Board is still attempting to locate the Duval County check; the Duval County grant project has been closed with a refund of approximately \$71,000 being returned to the fund.

9. Discuss Fee Allocation Percentages and the Emergency Communications Number E911 System Fund (E911 Trust Fund)

Mr. Ford stated that this item is included monthly as a placeholder to allow discussion. This item has been skimmed over in the past few months but sure that it will be getting a lot more attention in the coming months.

There were no further discussions related to this item.

10. Discuss 2013 E911 Board Annual Report to the Governor and Legislature

Mr. Ford acknowledged Mr. Infinger and other staff members in support of the 2013 E911 Board Annual Report to the Governor and Legislature. Copies of the Report have been mailed to all Board members.

Mr. Ford informed the Board that no comments or input to date has been received on the Report.

11. Other Business

Educational Funding Request

The following Educational Funding requests were received for Board consideration. Mr. Infinger provided an overview of the funding request:

➤ **Florida APCO Training Conference**

The Association of Public Safety Communications Officials (APCO) submitted an educational funding request for two classes (The Art of the Call and Lesson Plan Development) in the total amount of \$8,000. These classes are to be held at the May APCO/NENA Training Conference in Orlando in May 2014.

This educational training request approval was tabled pending the need for additional supporting information to justify these classes.

➤ **Florida National Emergency Number Association (NENA)**

The Florida NENA submitted an educational funding request for two classes (Understanding Databases in NG9-1-1 and Supervisory Development: A Guide to Moving Ahead in Your Career) in the total amount of \$7,000. These classes are to be held at the 2014 Florida NENA/APCO Conference and 911 Coordinators Meetings scheduled May 18, 2014 through May 22, 2014 at the Wyndham Hotel, Lake Buena Vista.

Mr. Guthrie made a motion to accept the NENA educational funding request in the not to exceed amount of \$7,000. Mr. Konuch seconded the motion that carried 9-0. Mr. Nadler did not respond to this vote.

No comments, questions and/or concerns were received on these votes.

Other Business (continued)

Proposed 2014/2015 Meeting Schedule

The Proposed 2014/2015 Meeting Schedule was presented for Board consideration. Mr. Ford requested that the January 2015 and March 2015 meeting not be scheduled to be held by telephone conference but face-to-face due to the many distractions.

The Board is of the consensus that staff should move forward with arranging the meeting schedule as presented. Mr. Ford requested that Mr. Jennings request a replacement to support the Board on legal issues on those days where he has identified conflicts with the approved schedule.

Accounting Firm Requirements

Mr. Jennings stated as a point of clarification that legally there are no requirements to have independent accountants compile the financial statements in the annual report. If there are future concerns Mr. Jennings suggested that all concerns be discussed with the accountants before the next report is due.

Mr. Konuch stated that it appears that Counsel has done his research and there appears to be no issues how the financials are being prepared to date, as they appear to be prepared the same as they have in the past. The key issue has been addressed and addressed to Counsel's satisfaction therefore no additional follow-up required.

State Grant Program

Ms. Khazraee requested a re-visit to discussion related to the next State Grant Program due to fact that a concerned party that was not in attendance to the last board meeting wanted to know the outcome.

Ms. Khazraee stated that it was the understanding that there are a number of rural counties submitting applications in the Spring program for window 7 upgrades in addition to the regular maintenance request. Ms. Khazraee also stated that as she is not familiar with the funds available for this program; is the Board going to be prepared to handle any funding request shortfalls.

Mr. Freeman asked Mr. Infinger if he had any idea of the available funds for the 2014 Spring Rural County grant program. Mr. Infinger stated that the anticipated funds were not prepared as staff did not know they would be requested; however, the figures would be available for the April meeting.

Mr. Infinger stated that the Board has not established a date for the next State grant program, however, once established staff would make sure that all processes are in place for implementation.

Other Business (continued)

State Grant Program (continued)

Ms. Khazraee stated that it is the understanding that the windows 7 upgrades needed to be completed by the summer timeframe and asked if any counties on the telephone conference that would be affected had any input or feedback. There was no county response.

Mr. Infinger agreed to send out a notification to all counties interested in having a State Grant Program to be on the telephone conference for the next scheduled meeting or to be in attendance for the meeting to discuss the State grant program. Mr. Infinger also stated that in order to have the State grant program the notice would need to be posted ninety days before the application is due. If approved in the April meeting a July or August timeframe is possible if no modifications are done to the application.

12. Adjourn

Thursday, March 13, 2014 beginning at 9:00 a.m. until conclusion of business
Meeting cancelled as all meeting agenda items discussed in the Wednesday meeting.

Next scheduled meeting:

April 16-17, 2014, 9:00 a.m. until conclusion of business

LOCATION:

Betty Easley Conference Center
4075 Esplanade Way – Room 152
Tallahassee

PWT/pwt