

E911 BOARD
MEETING MINUTES

Meeting Date: Wednesday and Thursday, October 14 and 15, 2015

Meeting Location: Pinellas County Support Facility, Clearwater, Florida

Wednesday, October 14, 2015

Board Members, meeting attendance:

1. Bill Rogers, Director, Department of Management Services, Division of Telecommunications, E911Board Chairman
2. Laurene "Laurie" Anderson, 911 County Coordinator, Charlotte County
3. Carolyn Dill-Collier, 911 County Coordinator, St. Lucie County
4. Chesley Dillon, Vice-President, Corporate Tax, Tracfone
5. Stan Greer, Area Manager, External Affairs, AT&T "Vice Board Chair"
6. Ben Guthrie, 911 Coordinator Gulf County
7. Sandra "Sandy" A. Khazraee, CenturyLink
8. David "Dave" Konuch, Attorney, Florida Cable Telecommunications Association
9. Sergeant Dale Mitchell, 911 County Coordinator, St. Johns County
10. Tom Nadler, Manager, Sprint
11. Ira Pyles, 911 County Coordinator, Hillsborough County

Staff Members, meeting attendance:

1. Kimberly Bickley, Administrative Support, DMS-Division of Telecommunications
2. Kent Raheb, Technical Support, DMS-Division of Telecommunications
3. Donald Lamb, Technical Support, DMS-Division of Telecommunications
4. Charles Hadley, Interim Chief, Public Safety Bureau, DMS-DivTel
5. Diane Guillemette, Legal Counsel, Office of the Attorney General

Staff Members, participating via teleconference:

1. Wink Infinger, Statewide 911 Coordinator, DMS-Division of Telecommunications
2. Thelma Hawkins, Administrative Support, DMS-Division of Telecommunications
3. Adrienne Jones, Administrative Support, DMS-Division of Telecommunications
4. Larry Houff, and Partner, Carr, Riggs & Ingram, LLC (CRI)
5. Daniel Rodriguez, Manager, Carr, Riggs & Ingram, LLC (CRI)

Public Members, meeting attendance:

1. Sandy Chernoff, 911 County Coordinator, Collier County
2. Chuck Freeman, 911 Coordinator, Pinellas County
3. Sally Lawrence, 911 Coordinator, Polk County
4. Richard Swank, Florida Department of Management Services (DMS)
5. Ed Gonzales, Intrado
6. Alan Woods, Intrado
7. Paul Boynton, CenturyLink
8. Susan Nelson, Airbus DS Communications
9. Darren Light, AT&T Public Safety

Public Members, participating via telephone conference:

1. Jody Kenyon, Pasco County
2. Deborah Sands, 911 County Coordinator, Brevard County
3. Jennifer Payne, 911/GIS Coordinator, Suwannee County
4. Christine Cooper, 911 County Coordinator, Okaloosa County
5. Rolf D. Preuss, Essential Management Solutions, LLC

(If teleconference participants are not listed, it may be due to non-receipt of emails acknowledging participation.)

1. Call to Order

- Meeting called to order at approximately 9:00 a.m.
- Staff conducted roll call. All eleven of the current seated E911 Board Members were present.
- Roll call for staff members was conducted.
- Public members attending this meeting or participating in the telephone conference were requested to acknowledge their participation by signing in on the sign-in spreadsheet on the computer in the back of the room or by sending an email to staff to ensure that they would be properly noted in the meeting minutes.
- Public members with issue(s) to be presented to the board for consideration were requested to list their issue(s) on the issue(s) index cards provided, or to send the issue(s) via electronic mail to the staff.

2. Sunshine Law Review

- Ms. Guillemette reviewed the Sunshine Law and its requirements.
 - When outside the Board meeting, Board members are not allowed to speak with each other about Board business.
 - When the Board is in session, Board members' voices must be loud enough that the public can clearly hear them.
 - Public records include documents, audio files, pictures and text messages.

3. Approval of Meeting Minutes

- Meeting minutes from the September 23-24, 2015, E911 Board meeting were reviewed by the Board.
 - There had been one change requested by Ms. Dill-Collier which had been changed. No additional changes were requested.
- Mr. Guthrie motioned to adopt the September 23-24, 2015, meeting minutes. Mr. Nadler seconded the motion which carried unanimously (11-0). There were no questions or comments related to this vote.
- Mr. Pyles asked if there had been any appointment updates.
 - Ms. Bickley reported that there had been no change at this time.
 - While dining with the Lieutenant Governor, Mr. Nadler advised that the Lieutenant Governor would check on the appointments.

4. Vote on Disbursements to the Counties

Wireless

Wireless financial reports for the period ending July 31, 2015, were reviewed and discussed by the Board. Ms. Khazraee motioned to authorize distribution of wireless revenues in the amount of \$3,948,654.77. Ms. Dill-Collier seconded the motion which carried unanimously (11-0). There were no questions or comments related to this vote.

Non-wireless

Non-wireless financial reports for the period ending July 31, 2015, were reviewed and discussed by the Board. Ms. Khazraee motioned to authorize the distribution of non-wireless revenues in the amount of

\$2,646,818.61. Ms. Dill-Collier seconded the motion which carried unanimously (11-0). There were no questions or comments related to this vote.

Prepaid Wireless

The county allocations of the fee in the Prepaid Wireless category for the period ending July 31, 2015, totaled \$1,074,703.74. Ms. Khazraee motioned to distribute \$1,074,703.74 to the counties. Ms. Dill-Collier seconded the motion which carried unanimously (11-0). There were no questions or comments related to this vote.

- The Board requested that CRI provide both the percentage and amount of the funds associated with the missing remittances.

5. Review Accountant's Financial Statement

- Mr. Houff presented an overview of the Financial Statement (Blue Book).

6. Wireless Service Provider Cost Recovery

- There was nothing to report for this period.

7. 2015 Fall Rural County Grants, Review and Prioritize

- Ms. Khazraee presented each of the 19 submitted grant applications.
 - The Hendry County application was missing a required Form 6A; the form was not received with a postmark date on or before October 1, 2015. Ms. Bickley reported that she received it via email on the morning of October 14, 2015.
 - Ms. Guillemette stated that with an appeal letter from Hendry County that the Board could grant a waiver of the rule. This would allow the Board to approve and award Hendry County's grant application at the November's Board meeting.
 - Hendry County with guidance from Ms. Guillemette will draft and send the letter to the Board, appealing this ruling and requesting a waiver.
 - Ms. Khazraee asked Mr. Lamb and Mr. Raheb to prepare the 2015 Fall Rural Grant spreadsheet by priority for the Board to vote on Thursday, October 15, 2015.

8. 2015 Spring Rural County Rule Development and Status

- The Board requested that Form 6A be placed in both the Rural County and State Grant forms.
 - The Board requested that Form 6A identifies where the active Form 6A spreadsheet may be found and that after it is filled out, a copy of it must be included in the grant applications.

9. Rule Status

- Ms. Guillemette reviewed the status of all pending Rules.

10. Vote on Grant Change Requests

- Mr. Raheb reported on Putnam County's request for a six-month extension for Grant 14-10-23.
 - Sergeant Mitchell made a motion to accept Putnam County's request for a six-month extension on Grant 14-10-23. Mr. Guthrie seconded the motion which carried unanimously (11-0). There were no questions or comments related to this vote.

11. Review and Vote on Cost Recovery Proposals for Text-to-911

- The Board discussed whether cost recovery is authorized under existing statute (F.S. 365.172) for Text-to-911 using Wireless Cost Recovery.
 - Ms. Anderson made a motion to table this item until additional information can be provided. Ms. Dill-Collier seconded the motion which carried unanimously (11-0). There were no questions or comments related to this vote.

12. Discuss E911 Board 2015 Annual Report

- Mr. Konuch made the motion to use the same cover page as was used for the 2014 Annual Report, but update the date and change the color of the cover page. Mr. Nadler seconded the motion which carried unanimously (11-0). There were no questions or comments related to this vote.
 - Board decided that members would complete the same report sections they were assigned last year.
- In the Request for Information to the counties on their financials for the Annual Report, the Board requested the staff to change the word “should” to “must.”
 - Mr. Konuch made the motion to accept with this change. Ms. Dill-Collier seconded the motion which carried unanimously (11-0). There were no questions or comments related to this vote.

13. Consideration of the Fee Rate

- The Department of Revenue will be receiving approximately \$3,300.00 per month starting in November 2015 through June 2016, to cover their expenses for processing the prepaid funds.
- Discussion was held by the Board on the need to create a Statement of Regulatory Costs (SERC), what entity should create a SERC, how to define “small business”, and how to define adverse impact on small businesses.
 - Mr. Pyles made a motion that the increase would not have an adverse impact on small businesses or regulatory costs and therefore a SERC is not necessary. Ms. Dill-Collier seconded the motion which carried (9-2). “No” votes were cast by Chairman Rogers and Mr. Dillon.
- Mr. Raheb presented the fee adjustment spreadsheet that was briefed at the September’s Board meeting. The spreadsheet allows the Board members to see what the impact would be if the fee is adjusted by an increment of one cent.
- Ms. Guillemette advised the Board on the statutory requirements to change the fee.
- Mr. Greer requested the totals of available funds for the 2015 Fall Rural Grants and 2015 December State Grants, as well as the current estimated amount to be obligated for the 2015 Fall Rural Grants.
 - Mr. Lamb answered that there was \$843,687.00 available for the current Rural Grant period.
 - Ms. Khazraee stated that there was an estimated amount of \$685,335.17 requested for the 2015 Fall Rural grant period, including Hendry County.
 - Mr. Raheb provided the estimated available funds of \$2,800,000.00 for the December State Grant cycle.
- The Board held discussions on what the fee rate should be if changed.
 - Mr. Konuch recommended delaying any fee adjustment until the Board receives more data to base an adjustment on. He stated that overall the fee is revenue neutral, although, there are

counties that are doing worse and counties that are doing better. Until there is enough data to make a decision, the Board should make special disbursements to offset the counties that are below where they were prior to the fee reduction to \$0.40.

- Ms. Anderson stated that the money that would be used for special disbursements is meant to be used for statewide initiatives.
 - The Chairman recognized Ms. Lawrence, 911 Coordinator Polk County. Ms. Lawrence stated that the counties are not attempting to cover 100 percent of their expenses from the fee. She stated the fee would still not be enough to cover those costs within the counties.
 - Sergeant Mitchell stated that the fee needs to cover the rising costs. The Board held discussions on the subject.
- Mr. Nadler made a motion to make counties whole with special disbursements. No second was made. Board discussion continued.
 - Mr. Dillon made the statement that it has not been a year and many want to change the fee. He stated that he found it interesting that the supporters of increasing the fee could not convince the Legislature to retain the fee at a higher level.
 - Mr. Pyles stated that there were concessions made by the counties to ensure prepaid wireless could be collected.
 - Ms. Khazraee stated that the counties worked with the Legislature to get prepaid collection started again and that the amount of fee reduction was supposed to be \$0.46. The change to \$0.40 was a last minute change.
 - Ms. Anderson made a motion to raise the fee to \$0.50. Sergeant Mitchell seconded the motion. Mr. Konuch requested to wait to vote until the full Board membership and the Board's counsel was present. The vote did not take place.
 - Members reintroduced discussion regarding special disbursements
 - Ms. Anderson questioned how long the Board can afford to do the special disbursements.
 - Mr. Freeman, 911 Coordinator, Pinellas County was recognized to speak. He questioned why the Board is seeking to keep the counties at a fee level equal to a past rate and not accounting for increase of costs.
 - Ms. Guillemette provided updated guidance on the standards and requirements related to SERCs.
 - Ms. Guillemette received the SERC checklist and further direction from her office. The cost of the fee adjustment statewide and the cost to implement the change need to be included in total regulatory costs.
 - Ms. Guillemette continued to state if in the SERC process it is determined that it meets the criteria of increasing the costs by \$1,000,000.00 in a five year period based on an economic analysis, it will be required to go before the Legislature. If it is determined that fee adjustment is likely to increase the cost by \$1,000,000.00 to go before the Legislature, the SERC and a request to send it to the Legislature must be presented to the President of the Senate and the Speaker of the House no later than 30 days prior to the start of the Legislative session. The Rule may not take effect until ratified by the Legislature.

- Ms. Guillemette continued the Board cannot move forward with the role until a SERC is completed. She stated it is necessary to know what the number (fee) is in order for the SERC to be done.
- Mr. Greer volunteered to get in touch with points of contact he believes have done SERC previously regarding the documentation and the process they used to complete the SERC process.
- A vote was conducted on the prior motion by Ms. Anderson to raise the fee to \$0.50. The vote failed (6-5); passage of the vote requires a two-thirds majority (eight votes). The “No” votes were cast by Chairman Rogers, Vice Chairman Greer, Mr. Dillon, Mr. Konuch and Mr. Nadler.
- Mr. Guthrie made a motion to do a SERC at a \$0.10 increase. Mr. Pyles seconded the motion which carried unanimously (11-0).
- Following the vote, Sergeant Mitchell asked if the Board intended to do special disbursements to keep the counties whole.
- Mr. Pyles made a motion to do a special disbursement to counties to provide funding to the counties to bring them back to 2014 levels. Mr. Konuch seconded the motion. The Board discussed.
 - Mr. Raheb was tasked with identifying the amount needed to make this special disbursement, based on the five months that the special disbursement was not made.
 - Mr. Nadler stated that he calculated that it would be approximately \$189,000.00 per month of the disbursement.
 - Ms. Dill-Collier stated that there is last year’s interest funds and the unspecified funds which could be used for this.
 - Mr. Pyles and Mr. Konuch withdrew their motion and second to do a special disbursement to counties in light of additional information to be presented to the Board at a later time.

14. Discussion of a Strategic 911 Plan

- Mr. Infinger provided background on a Board 911 Strategic Plan including potential avenues to create the plan.
 - The Plan could be divided in sections and each Board member would be tasked with completing a section of the Plan.
 - The Board may also want to consider getting a facilitator to assist the Board in writing the plan.
- Mr. Infinger recommended that with either method the final product should be the Board’s.
- Ms. Dill-Collier asked if the Board has spending authority to hire a facilitator to assist with the plan or would DMS pay for the facilitator.
- Mr. Greer asked if the request that was sent to the Legislature last year for funding to have a business case drafted, was the same funding to have a facilitator assist in creating the Strategic Plan.

- The Board provided they would like to have a facilitator if funding is available. The Board requested DMS staff to determine the cost to hire a facilitator and to determine the E911 funds available to pay for a facilitator to assist in creation of the Strategic Plan.

Day one recessed until 9:00 a.m., October 15, 2015.

Day Two E911 Board Meeting

Thursday, October 15, 2015

Board Members, meeting attendance:

1. Bill Rogers, Director, Department of Management Services, Division of Telecommunications, E911Board Chairman
2. Laurene "Laurie" Anderson, 911 County Coordinator, Charlotte County
3. Carolyn Dill-Collier, 911 County Coordinator, St. Lucie County
4. Chesley Dillon, Vice-President, Corporate Tax, Tracfone
5. Stan Greer, Area Manager, External Affairs, AT&T "Vice Board Chair"
6. Ben Guthrie, 911 Coordinator Gulf County
7. Sandra "Sandy" A. Khazraee, CenturyLink
8. David "Dave" Konuch, Attorney, Florida Cable Telecommunications Association
9. Sergeant Dale Mitchell, 911 County Coordinator, St. Johns County
10. Tom Nadler, Manager, Sprint
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Staff Members, meeting attendance:

1. Kimberly Bickley, Administrative Support, DMS-Division of Telecommunications
2. Kent Raheb, Technical Support, DMS-Division of Telecommunications
3. Donald Lamb, Technical Support, DMS-Division of Telecommunications
4. Diane Guillemette, Legal Counsel, Office of the Attorney General

Staff Members, participating via teleconference:

1. Wink Infinger, Statewide 911 Coordinator, DMS-Division of Telecommunications
2. Thelma Hawkins, Administrative Support, DMS-Division of Telecommunications
3. Adrienne Jones, Administrative Support, DMS-Division of Telecommunications
4. Charles Hadley, Interim Bureau Chief, Public Safety Bureau, DMS-DivTel

Public Members, meeting attendance:

1. Sandy Chernoff, 911 County Coordinator, Collier County
2. Chuck Freeman, 911 Coordinator, Pinellas County
3. Sally Lawrence, 911 Coordinator, Polk County
4. Richard Swank, Florida Department of Management Services (DMS)
5. Ed Gonzales, Intrado
6. Alan Woods, Intrado
7. Paul Boynton, CenturyLink
8. Susan Nelson, Airbus DS Communications
9. Darren Light, AT&T Public Safety

Public Members participating via telephone conference:

1. Jody Kenyon, Pasco County
2. Deborah Sands, 911 County Coordinator, Brevard County
3. Jennifer Payne, 911/GIS Coordinator, Suwannee County
4. Christine Cooper, 911 County Coordinator, Okaloosa County
5. Rolf D. Preuss, Essential Management Solutions, LLC

6. Jim Smith, CenturyLink

(If teleconference participants are not listed, it may be due to non-receipt of emails acknowledging participation.)

Call to Order

- Thursday, October 15, 2015, at approximately 9:00 a.m.
- Staff conducted roll call. All of the current eleven seated E911 Board Members were present.
- Roll call for staff members was conducted.

15. Consideration of the Fee Rate Continued (Option 13 of prior days meeting)

- Mr. Raheb presented additional options for special disbursements.
- Mr. Greer stated that it would be approximately \$232,000.00 per month. A total for five months would be \$1,158,906.71 that would come out of the Service Providers' portion, which has approximately \$26,000,000.00.
- Ms. Dill-Collier requested that staff provide the breakdown of where the \$0.40 is distributed.
- Ms. Dill-Collier made a motion to do a five-month special disbursement to counties for the period of March 2015 to July 2015. Mr. Guthrie seconded the motion which carried unanimously (11-0.) There were no questions or comments on this vote.
- Mr. Greer made a motion to adjust the fee by \$0.05, from \$0.40 to \$0.45, to submit a SERC request at that level and to continue the special disbursements until the new fee level is put in place. Ms. Dill-Collier seconded the motion. Board discussion on this proposal occurred and the process to complete the proposal.
 - The Chairman recognized Ms. Lawrence, 911 Coordinator Polk County who encouraged the Board to raise the fee to \$0.46. She also read the E911 Board's Mission Statement.
 - Mr. Greer clarified that the numbers in his plan were based on the current funding numbers that have been gathered to this point.
 - Mr. Smith of CenturyLink made a comment via teleconference bridge. He stated that the number of prepaid customers was overestimated by approximately 2,000,000 customers, which caused the fee amount to be changed to \$0.40 instead of \$0.46 to keep it revenue neutral.
- The vote on the motion to adjust the fee by \$0.05 to \$0.45, to submit a SERC request at that level, and to continue the special disbursements until the new fee level is put in place carried (9-2). Mr. Dillon and Mr. Konuch voted "no." There were no questions or comments on this vote.

16. Discuss and Vote on Rural County Grant Awards

- Ms. Khazraee presented the grants by priority groups for vote.
- Ms. Khazraee made a motion that all items designated 2a be approved and awarded as 2a. Mr. Guthrie seconded the motion which carried unanimously (11-0). There were no questions or comments on this vote.

- Ms. Khazraee made a motion that all items designated 2c be approved and awarded as 2c. Ms. Dill-Collier seconded the motion which carried unanimously (11-0). There were no questions or comments on this vote.
- Ms. Khazraee made a motion that all items designated 3d be approved and awarded as 3d. Sergeant Mitchell seconded the motion which carried unanimously (11-0). There were no questions or comments on this vote.
- Ms. Khazraee made a motion that all items designated 5b be approved and awarded as 5b. Ms. Dill-Collier seconded the motion which carried unanimously (11-0). There were no questions or comments on this vote.

Ms. Khazraee requested Board Counsel to review the need for her to file a Form 8A, Potential Conflict of Interest Notice. Ms. Khazraee had been informed by the previous Board Counsel it was not required due to the grant funds going to the counties directly. Ms. Khazraee felt it necessary to double check with the current Counsel after this Board meeting to ensure there was no appearance of impropriety. Ms. Khazraee consulted with the Board Counsel in a side bar and received clarification on Friday October 23, 2015 and submitted the Form 8A to the Board staff at that time.

17. Other Business

- **Staff Reports**
 - 911 Boot Camp and Coordinators meeting is next week starting Monday October 19, 2015, at Hutchinson Island.
- **Public Comments**
 - None were presented.

18. Follow-up Items from the September 2015 E911 Board Meeting

- a) Request CRI provide the percentage of missing remittances in the financial report to include an estimate of the amount of funds the missing remittances accounted for.
 - In the future when there are missing remittances, CRI must include this information and its impact for that month and any previous missing remittances that are still outstanding and their impact.
- b) Contact Hendry County and provide the 911 Coordinator with Ms. Guillemette's contact information so they may seek her guidance about their Fall 2015 Rural Grant Application appeal letter, related to their late Form 6A.
- c) Include a copy of the Form 6A in the 2016 Rural and State Grant applications, as well as provide information to where the functioning Form 6A Excel spreadsheet is located for their use on the DMS – DivTel – E911 Webpage.
- d) Investigate and report to the Board the following:
 - The cost to hire a facilitator to write the Strategic Plan.
 - The possibility of a DMS staff augmentation to create the Strategic Plan.
 - Identify if there is spending authority to cover either of the above options

- e) Change the word “should” to “must” in the Request for Information on the financials for the Annual Report.
- f) Provide the percentages of the fee for Wireless, Prepaid and Non-Wireless.
 - How they are broken down by percentage.
 - What portion of each of the Wireless, Prepaid and Non-Wireless the Counties actually receive from the fees.
- g) Make the changes to the 2016 Fall Rural County Grant final PDF, including:
 - Glades Priority 2c to “Map Maintenance.”
 - Glades 5b to “GIS Services.”
- h) Provide information on the next Board’s location and hotel.
- i) Investigate if the Board can get spending authority to the Legislature for Text-to-911.
- j) Investigate whether DMS staff is available to assist on the SERC.
- k) Advise when will the Board members be reimbursed for the September and October E911 Board meetings’ hotel costs.
 - Advise whether Board members will continue to pay for their rooms up front.
- l) Contact DMS Communications about using the same cover page, but use different colors and change the date.

18. Adjourn

Mr. Nadler motioned to adjourn. Ms. Dill-Collier seconded the motion which carried unanimously (11-0). There were no questions or comments related to this vote.

Next scheduled meeting:

DATE: November 18, 2015
LOCATION: Hotel Information:
Embassy Suites
225 Shorecrest Dr.
Altamonte Springs, FL 32701