

Meeting Date: Wednesday, February 17, 2016

Meeting Location: Palm Beach Emergency Operations Center, West Palm Beach, FL 33415

February 17, 2016:

Board Members, meeting attendance:

1. Stan Greer, Area Manager, External Affairs, AT&T, Vice 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. Ben Guthrie, 911 Coordinator Gulf County
6. Sandra "Sandy" A. Khazraee, Director of State Regulatory Affairs, CenturyLink
7. David "Dave" Konuch, Attorney, Florida Cable Telecommunications Association (by phone)
8. Sergeant Dale Mitchell, 911 County Coordinator, St. Johns County
9. Tom Nadler, Manager, Sprint
10. Ira Pyles, 911 County Coordinator, Hillsborough County

Staff Members, meeting attendance:

1. Ben Fairbrother, External Affairs Coordinator, DMS-Legislative Affairs
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-Division of Telecommunications
5. Diane Guillemette, Legal Counsel, Office of the Attorney General

Staff Members, participating via teleconference:

1. Adrienne Jones, Administrative Support, DMS-Division of Telecommunications
2. Kim Bickley, Technical Support, DMS-Division of Telecommunications
3. Larry Houff, and Partner, Carr, Riggs & Ingram, LLC (CRI)
4. Daniel Rodriguez, Manager, Carr, Riggs & Ingram, LLC (CRI)

Members of the Public, meeting attendance:

1. Silas Daniel, Sumter County
2. Steve O'Connor, Synergem Technologies
3. Tim Roberts, GDIT
4. Suzanne Lowe, Miami-Dade County
5. David Gleason, TCS
6. Pat Wehrle, PBC Fire Rescue
7. Chuck Spaulding, PBC Fire Rescue
8. Tony Parrot, Solacom

Members of the Public, participating via telephone conference:

1. Christine Cooper, Okaloosa County
2. Stacy Needham, Manatee County
3. Rolf Preuss, Volusia County
4. Jennifer Payne, Suwannee County
5. Vanessa Thompson, Putnam County
6. Annette Rodgers, Orange County

(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. Ten of the eleven current seated E911 Board Members were present. Mr. Konuch attended by phone.
- 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. Approval of Meeting Minutes

- Mr. Greer stated the Board would approve the minutes later in the meeting due to technical difficulties being experienced in the room and the need for the accountants to have an uninterrupted presentation.
- At approximately 10:00am, the Board took up this agenda item and began review of the minutes.
- Ms. Khazraee moved to approve the January 13, 2016 Meeting Minutes. Ms. Dill-Collier seconded the motion which carried (11-0).
- Ms. Khazraee moved to approve the January 28, 2016 Meeting Minutes. Mr. Guthrie seconded the motion which carried (11-0)
- Mr. Pyles asked if Board members need to be excused from meetings they cannot attend.
 - Ms. Guillemette stated that the E911 Board does not require absences to be excused.
 - Mr. Pyles stated his preference would be that reasons for absences be noted in the record.
- Ms. Dill-Collier moved to approve the February 4, 2016 Meeting Minutes. Sgt. Mitchell seconded the motion which carried (11-0).

3. Review and Vote on Disbursements to the Counties

Wireless

Wireless financial reports for the period ending November 30, 2015, were reviewed and discussed by the Board. Ms. Dill-Collier moved to authorize distribution of wireless revenues in the amount of \$3,657,859.73. Sgt. Mitchell seconded the motion which carried (11-0).

Non-wireless

Non-wireless financial reports for the period ending November 30, 2015, were reviewed and discussed by the Board. Mr. Pyles moved to authorize the distribution of non-wireless revenues in the amount of \$2,207,931.30. Mr. Guthrie seconded the motion which carried (11-0).

Prepaid Wireless

The county allocations of the fee in the Prepaid Wireless category for the period ending November 30, 2015, were reviewed and discussed. Ms. Khazraee moved to distribute \$1,063,515.77 to the counties. Ms. Anderson seconded the motion which carried unanimously (11-0).

4. Review Accountant's Financial Statement

- Mr. Houff presented an overview of the Financial Statement (Blue book).
- Mr. Houff presented the trend analysis of the E911 Trust Fund Balance.
- Mr. Raheb presented a review of special disbursements made to counties for 2015. Mr. Raheb also presented a possible adjustment to the amount of the special disbursement based on revenue data from March 2015 through November 2015 at the direction of the Board.
- Sgt. Mitchell moved to make a special disbursement in the amount of \$259,110.43 each month to the counties consistent with the chart Mr. Raheb presented. Mr. Guthrie seconded the motion which carried (11-0).
- Mr. Raheb presented a brief review of letters sent to service providers who are late in reporting.

5. Review and Vote on Items for Cost Recovery Disbursements

- Ms. Dill-Collier moved to disburse \$315,651.62 out of current year funds. Mr. Guthrie seconded the motion which carried.
- Ms. Dill-Collier moved to disburse \$24,519.62 out of current year funds. Mr. Guthrie seconded the motion which carried.
- Ms. Dill-Collier presented a review of the cost recovery payments for the current year.
 - Mr. Konuch stated that the E911 Trust Fund balance has increased approximately \$7 million dollars from this point in 2014 and asked if cost recovery payments that will likely be made in the next several months will reduce that balance.
 - Mr. Raheb stated that those payments could offset that increase in his opinion.

- Mr. Greer agreed that cost recovery payments scheduled to be made in the coming months are likely to account for a large part of the fund balance increase, but that each month the balance is likely to continue to grow.

6. Vote on Grant Change Requests

- Ms. Needham presented a review of a grant extension request for Manatee County.
 - Mr. Guthrie asked if Manatee County is asking for a one year extension.
 - Ms. Needham stated Manatee County is asking for a 10-12 month extension.
 - Ms. Dill-Collier moved to accept the grant extension request from Manatee County. Mr. Guthrie seconded the motion which carried (11-0)
 - Ms. Khazraee asked if there is anything else covered by the grant that may cause another grant extension request.
 - Ms. Needham stated there are no additional costs anticipated that would require another extension request.

7. E911 Board Rule Development and Status Report

- Ms. Guillemette presented a review of proposed changes to the grant application now to include the word "interlocal agreement" as requested by Alachua County.
- Ms. Guillemette presented a review of proposed changes to the grant application now to include the ability of the Board to accept electronic versions of grant applications.
 - Mr. Guthrie asked if this change would allow grant applications to be signed by a county representative, scanned and emailed to Board staff.
 - Ms. Guillemette confirmed that scenario would be possible as a result of this change.
 - After discussion, the Board decided on language that would make application acceptance options more clear.
 - Ms. Guillemette asked if the Board would like to change the rural county grant application to include the word "interlocal", add the email addresses to which counties could send grant applications and add language to the rule that allows the application to be accepted by email.
 - Ms. Khazraee moved that the Board make the changes as stated by Ms. Guillemette. Ms. Dill-Collier seconded the motion. Mr. Greer asked that the issue be tabled until Mr. Dillon returned to the room.
- Ms. Guillemette asked the Board for permission to discuss the E911 Fee Rate rule change. Mr. Greer recognized Ms. Guillemette to proceed.
 - Ms. Guillemette stated that the SERC has not been completed yet, but the Board expects to have the SERC complete sometime in March.

- Ms. Guillemette also stated that once the SERC is complete, the Board may notice the rule.
- Ms. Guillemette also stated that the rule development is only good for a year, so the rule notice must be complete within a year of the initial rule change vote, which she believed was in August of 2015.
- Ms. Guillemette stated the Board may vote March or April 2016 meeting, which would keep the rule change process going.
- Ms. Khazraee stated the SERC was expected to be complete on March 11 and asked Ms. Guillemette if the Board would vote to schedule a rule hearing.
 - Ms. Guillemette stated that if by the March meeting the SERC is complete, the Board may approve the SERC, notice the rule language making the fee 45 cents, and schedule a rule hearing for the April meeting.
- Mr. Greer asked DMS staff for a status update on the SERC.
 - Mr. Fairbrother stated that Carr, Riggs and Ingram are still working on the SERC, but on track for completion by the original deadline at this time.
- Mr. Greer stated that when the Board took the original vote to increase the fee rate, the Board did not contemplate the extended period of time that it would take to complete the rule change process.
- Mr. Greer also stated that the Board should make a final decision regarding whether the fee rate should be 45 cents or a higher rate.
- Mr. Greer also stated that his original motion to increase the fee was intended to be a two phase approach; first to account for the downturn in prepaid, which came out to be the 45 cent rate, and second to start develop funding for NG911.
 - Mr. Pyles stated that the 45 cents would replace the supplemental disbursements the Board is currently executing, but by the time the rule change to increase the fee to 45 cents was complete, it would be time to move forward with NG911 projects. Therefore, the Board may consider moving forward with a higher increase now.
 - Ms. Anderson asked where a strategic plan that explains what the Board would like to do and how much those priorities are going to cost comes into play.
 - Mr. Greer stated that he asked Board staff for other state level strategic plans in order to use them as a point of reference for what the funding may need to be for Florida.
 - Sgt. Mitchell asked if the Board still intended to write a strategic plan for Florida.
 - Mr. Greer stated that his understanding is that the Board needed to write a strategic plan in order to get funding from the Legislature to start the NG911 project.

- Mr. Pyles clarified that the strategic plan is necessary to have the business case conducted to tell us to move forward with the NG911 project.
- Sgt. Mitchell stated that she had something to bring up to the Board and now was the most appropriate time. Sgt. Mitchell handed copies of a packet of information that she received via Crime Stoppers of NE Florida to Board and staff.
 - Mr. Konuch asked if staff could email him a copy of the packet since he is attending the meeting via teleconference. Staff emailed a copy to Mr. Konuch.
- Sgt. Mitchell read the letter that was attached to the Crime Stoppers tip and the Crime Stoppers tip itself verbatim aloud.
 - Sgt. Mitchell stated the St. Johns County Sheriff's Office would not be investigating the tip because that office does not have jurisdiction. Sgt. Mitchell also stated she does not believe the Florida Department of Law Enforcement would have jurisdiction.
 - Mr. Greer asked for guidance from Ms. Guillemette.
 - Mrs. Guillemette stated that she was aware of the existence of this tip prior to the meeting and that she sent this person to the whistleblower statute. Ms. Guillemette also stated there isn't anything she sees the Board could do with the tip.
 - Sgt. Mitchell asked if there was any way to know whether the strategic plan would be conducted.
 - Mr. Greer asked Mr. Fairbrother to provide an update regarding the strategic plan.
 - Mr. Fairbrother stated that the Request for Quotes (RFQ) to bring in a strategic planning facilitator to the E911 Board was posted by DMS on January 11, 2016 with a 30 day timeframe for response.
 - Mr. Fairbrother also stated there were several questions received by vendors regarding the RFQ, but no official responses were received by the response due date of February 5th, 2016.
 - Mr. Fairbrother also stated that DMS reached out to the vendors who submitted questions regarding the RFQ to ascertain why they did not submit an official response.
 - Mr. Fairbrother stated that once DMS receives responses to those inquiries, DMS plans to adjust and repost the RFQ in order to obtain official quotes from vendors for this project.
- Ms. Dill-Collier asked where this RFQ was posted because some items on the E911 Board website are difficult to find.
 - Mr. Fairbrother stated that the RFQ was posted in in the normal place that the vendor community is very familiar with.
- Mr. Greer asked Mr. Fairbrother how many vendors asked questions.

- Mr. Fairbrother stated that DMS received questions from two vendors, but a total of approximately 30 questions.
- Mr. Dillon asked if DMS had any idea what the concerns of the vendors were that prevented them from providing an official response.
 - Mr. Fairbrother stated that from the one vendor who communicated with DMS after the closing of the RFQ, their concern was the limitations on cost.
 - Mr. Fairbrother also stated that when DMS reposts this RFQ, they will not specify the cost and allow vendors to provide a quote without a preconceived limitation.
- Mr. Greer stated that it was a good idea to remove the cost limitations and repost as soon as possible.
 - Mr. Fairbrother stated that DMS would repost the RFQ as soon as possible, but even a delay of 30-60 days would not put us on a timeline that would prevent the Board from requesting an LBR from DMS for the next legislative session.
- Ms. Dill-Collier asked who is actually putting together the budget for the E911 Board.
 - Mr. Pyles stated this year's budget was put in place without the Board's approval. Mr. Pyles also stated the Board typically reviews and approves whatever requests are being submitted to the legislature and that last year that did not happen.
 - Mr. Fairbrother stated that his understanding is that the Board works with DMS to provide recommendations on the budget that DMS submits to the legislature.
 - Mr. Greer stated that did not happen last year and the Board approved those budget requests after the fact.
 - Ms. Dill-Collier stated that the Board is providing a salary for five employees and asked if there was an agreement between the Board and DMS for that.
 - Ms. Guillemette began researching the rules and statutes for references to agreements regarding employees.
- Ms. Guillemette asked if the Board could conduct a vote on rule changes that were temporarily postponed earlier in the meeting.
- Mr. Greer stated that the Board already had a motion by Ms. Khazraee and a second by Ms. Dill-Collier to accept the changes to the grant application as stated by Ms. Guillemette. The motion carried (11-0).
- Ms. Guillemette stated the Board needs to answer the question "Will the proposed rule amendment have an adverse impact on small business or will the proposed rule amendment be likely to directly or indirectly increase regulatory costs to any entity including government in excess of \$200,000 in the aggregate in Florida within one year after the implementation of the rule?"

- Ms. Khazraee moved that the Board respond “no” to that question. Mr. Pyles seconded the motion which carried (11-0).
- Mr. Greer temporarily adjourned the meeting for lunch.

8. Discuss E911 Board Annual Report for 2015

- Mr. Raheb stated that the 2015 Annual Report is linked on the agenda and all edits made by the Board has been included.

9. Other Business

- Mr. Fairbrother presented a review of spending authority for the current fiscal year.
- Mr. Greer asked for a status update regarding funding for the text control centers.
 - Mr. Fairbrother stated that Wink Infinger was heading up that project and has since retired. Mr. Fairbrother also stated that DMS continues to conduct research into this subject and hopes to provide an update by the March 2016 meeting.
- Ms. Anderson asked how you can adjust the amounts of spending authority in a given category.
 - Mr. Fairbrother stated any time a significant adjustment in spending authority needs to be made, the Board must ask the legislature through an LBR or LBC.
- Mr. Pyles stated that he is ok with spending money on text control centers from the discretionary portion of the Wireless category.
- Ms. Khazraee asked if LBR's or LBC's need to be approved during a legislative session or can if they can be approved outside session.
- Mr. Dillon asked if there is anything in front of the legislature right now that has to do with statewide systems.
 - Mr. Greer stated there is nothing currently in front of the legislature dealing with statewide systems.
- Mr. Dillon asked if there was any way to request changes to spending authority during this legislative session.
 - Mr. Greer stated that it is probably too late to change anything for the 2016 Legislative Session.
- Mr. Pyles asked if the timeline for the compilation of the E911 Board Strategic Plan would allow time to request an LBR from DMS prior to the 2017 Legislative Session.
 - Mr. Fairbrother stated that state agencies prepare LBR's throughout the summer and those LBR's do not actually get submitted until approximately September or October. Mr. Fairbrother also stated that the strategic planning process is part of the research associated with the LBR that the Board will likely submit for the 2017 Legislative Session.

- Mr. Fairbrother stated that even if the strategic planning process was delayed by 30-60 days and was eventually completed by approximately June of 2016, the Board would still have plenty of time to submit a request to DMS for an LBR.
- Mr. Greer asked if the Board needs to submit a request to DMS for an LBR to cover costs associated with text control centers.
 - Mr. Fairbrother confirmed that the Board may request that DMS include an LBR for that purpose.
- Mr. Pyles asked if the timeframe for completing the strategic planning process could be expanded beyond the original deadline of May 2016.
 - Mr. Greer confirmed that the Board has flexibility to expand that timeline.
- Mr. Greer stated that the Board has received three example 911 Strategic Plans from other states and stated that he would like to get as much information from other states as possible.
 - Mr. Parrot stated that he may have some examples of statewide systems up and running today.
 - Mr. Greer asked Mr. Parrot to send those examples to Mr. Fairbrother.
- Mr. Pyles asked for clarification on the process for changing the E911 fee allocation.
 - Ms. Guillemette read F.S. 365.172 (6) (e), which states “After taking the action required in sub-subparagraphs a.-d., the board may review and, with all members participating in the vote, adjust the percentage allocations or adjust the amount of the fee as provided under paragraph (8)(g)...”
 - Ms. Guillemette also stated that she believes the statute does give the Board the authority to change the E911 fee allocation percentages.
 - Ms. Dill-Collier stated that in the past, the Board has changed the allocation percentages, but it required 2/3 of the Board members present. Ms. Dill-Collier also stated that letters were sent out to carriers explaining the change and a SERC was not required.
 - Ms. Guillemette stated that one part of the statute specifies how the E911 fee revenue is allocated, but another part of the statute states that the Board has the authority to change the allocation percentages.
 - Mr. Pyles stated that the intent of the legislature to allow the Board to change the percentage allocations. Mr. Pyles also stated that the Board may consider examining the amount of dollars coming into the wireless provider reimbursement fund and have some of those dollars go to the counties instead.
 - Mr. Greer stated that his preference would be to see how the 2017 Legislative Session goes in reference to the rule change to increase the E911 fee rate. Mr. Greer stated that if the fee rate is not approved, the Board may have to get more creative in the way they fund certain things.

- Ms. Dill-Collier asked if staff could tell the Board when the last time the allocation percentages were changed by the Board.
 - Mr. Raheb stated that he would find out and report back to the Board.
- Mr. Greer stated that if the Board is thinking about making a change in the fee allocation percentages, the Board may consider calculating how much changing those percentages would account for in terms of dollars.
- Mr. Pyles asked for updates regarding the vacant positions within the Division of Telecommunications.
- Mr. Fairbrother stated that DMS has advertised the State E911 Coordinator position and is working to fill the Director of Telecommunications position as soon as possible.
 - Mr. Pyles asked if the State E911 Coordinator position is categorized as a type of engineer.
 - Mr. Fairbrother confirmed that is correct.
- Mr. Greer asked if the State E911 Coordinator position is now categorized as a supervisor position.
 - Mr. Fairbrother confirmed that is correct.
- Sgt. Mitchell asked if DMS changed the job description for the State Coordinator position from when Wink Infinger was employed with DMS.
 - Mr. Hadley stated that the position has been posted as a supervisory role with the normal duties of a State E911 Coordinator.
 - Mr. Hadley also stated that the position advertisement closes today and that he welcomes the Board's input on the selection of the successful applicant.
 - Sgt. Mitchell asked if Mr. Hadley will be sending the information regarding applicants to the Board.
 - Mr. Hadley stated that normally he would invite a Board member to be part of the selection process and that Board member would represent the entire Board.
 - The Board discussed who from the Board would be appropriate to work with DMS to select the next State E911 Board Coordinator but did not come to a decision.
- Sgt. Mitchell asked if DMS staff have found a way to get Board member hotels paid for in advance of monthly meetings and reimbursements paid quicker.
- Mr. Fairbrother stated that DMS is in the process of moving to a new system for processing travel reimbursements that will significantly reduce the time it takes for reimbursements to be paid.

- Mr. Fairbrother also stated that the new system should be live within approximately 6 weeks and will include more electronic means of processing travel authorizations and reimbursements.
- Mr. Nadler asked DMS staff to reach out to other state boards and commissions to ascertain if they have credit cards that can be used to pay for hotels for Board members upfront.
 - Mr. Fairbrother stated he would contact other agencies and ask about their board procedures.
- Mr. Nadler asked if there are any accountability measures for county response times and other standards.
 - Mr. Greer stated he does not believe there are any provisions within the statutes that prescribes accountability measures for counties. Mr. Greer also asked if DMS conducts any kind of evaluation of PSAP's.
 - Mr. Pyles stated there is a certification and inspection process that includes Public Safety Answering Point's for equipment and response times.
 - Mr. Nadler asked if there could be accountability measures put in place that state counties must meet certain standards or they would not be eligible for grants.
 - Mr. Pyles stated that it may be more appropriate for boards of county commissioners to receive a letter from DMS outlining areas of concern rather than making counties ineligible for grants.
 - Mr. Spaulding stated that the more pressing issue funding and building out statewide technology.
 - Mr. Greer asked if DMS has a mechanism to capture data such as response times.
- Mr. Pyles stated that many counties are currently going through the audit process and asked what the Board will do with those findings.
 - Mr. Greer stated the Board does not have the ability to do anything with the findings.
 - Ms. Guillemette stated the Florida E911 Board does not have a duty or responsibility to take action on audit findings, but some other entity may.
 - Ms. Khazraee stated that if audit findings come back that are questionable, the county coordinator could come before the E911 Board and present an explanation.
- Mr. Raheb stated that at the last Board meeting, a Board member asked about the unusually high unspecified amount from the Prepaid wireless category and he has a response from the Department of Revenue. Mr. Raheb stated the Department of Revenue's response was that a taxpayer did not fill out the county distribution portion of the tax return and DOR would reach out to the taxpayer to request an amended return.
- Ms. Anderson asked if the Board ever came to a resolution on who would assist DMS with the hiring of the Statewide E911 Coordinator.

- Mr. Guthrie stated that he would be willing to assist.

10. Adjourn

- Ms. Dill-Collier moved to adjourn the meeting. Mr. Pyles seconded the motion which carried (11-0).

Next scheduled meeting:

DATE: March 16, 2016

LOCATION: Meeting Information:
Rosen Centre Hotel
9840 International Drive
Orlando, FL 32819

Hotel Information:
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9840 International Drive
Orlando, FL 32819