

**BRISTOL TENNESSEE
EMERGENCY COMMUNICATIONS DISTRICT
BOARD OF DIRECTORS' MEETING
November 16, 2016**

ITEM 1. Roll Call

All board members were present. Attorney A.D. Jones was absent. Mrs. Smelser, Sgt. Graham and Sgt. Antonino were present.

ITEM 2. Recognize Guests

Richard Linnen and Glenn Myers from Brown, Edwards, and Co. were present.

ITEM 3. Minutes of Previous Meeting – October 19, 2016

Tim Eads made a motion, seconded by Jim Messimer, to approve the minutes from the October 19, 2016 meeting.

ITEM 4. Financials

- A. 2015-2016 Audit Report by Brown, Edwards & Co.
Mr. Linnen and Mr. Myers presented and reviewed the draft of the 2015-2016 financial audit. The report is considered a draft until the response from the 911 attorney is received. A copy of the draft was given to each board member and a copy filed with these minutes.
- B. Receipts & Expenditures
The paperwork for the expenditures were passed to each board member for their review and appropriate signatures.
- C. Treasurer's Report
Mr. Warren presented and reviewed the financial and budget reports. Jim Messimer made a motion, seconded by Tim Eads, to approve the Treasurer's Report as presented. Roll call vote: Eads – yes, Elliott – yes, Honaker – yes, Messimer – yes, Muncy – yes, Wade – yes, Warren – yes. Motion passed.

ITEM 5. Old Business

- A. Report on Operations & Equipment
 - 1. Overview of Operations
 - a. Daily Operations
The 911 center has been receiving some hang up calls and when the dispatcher calls the number back, Knox County 911 answers the call. There have been approximately 14 of these call over the past month. They have been reported to Century Link and the Network Operations Center. It was determined that these are calls from an uninitialized cell phone that was registered in Knoxville. When the phone was tracked, it was discovered a child was given this phone as a toy.

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There have been some more changes to the radio system. Last week the settings were changed in the radio control manager in Chattanooga so we would be able to begin testing on the new programming templates. The new templates with the encrypted channels will be programmed into the subscriber units during the first week of December.

We have had in-service this week to bring everyone into compliance with some changes in standards and Tennessee state law. This also met some requirements for some recertifications.

- b. Personnel
New applicant testing is scheduled for tomorrow night. There are 21 who have confirmed their attendance. We have one opening.

- c. Update on Next Gen 911 Equipment and Aurora Stats
Mrs. Smelser stated she had been dealing with the problems with the Aurora product with Century Link. She requested guidance from the board on how they wish her to proceed with this issue. The phone company has sent the bills for the remaining part of the purchase and installation of the ng911 equipment. They also sent a bill for the maintenance on the PSAP hardware, software, and Avaya phone system that has been in operation for a couple years.

Mrs. Smelser stated she had reviewed all the original contracts again and it appears that our portion of the Aurora system is estimated at \$11,786.62. She has put that into dispute with the telephone company. Unofficially, they have advised Mrs. Smelser that they are not going to fix the Aurora nor do anything any different to the existing system. They advised her that Bristol is the only District having a problem with the system. She was advised that they will probably just refund that portion of the payment or remove it from the billing. Century Link is asking for payment of the \$136,773.13 and the \$23,147.64 and they will issue a refund after processing. Mrs. Smelser advised Century Link that she would not pay the amount in dispute and then wait for a refund. She also advised them she would bring the matter to this Board and ask if the Board wanted to pay the \$136,773.13 less the \$11,786.62 that is in dispute. There would have to be a new invoice from Century Link showing the correct amount before the check could be issued. The \$23,147.64 is for the maintenance of the equipment for the five year period. The 911 equipment is working. The amount owed is \$23,147.64 for the maintenance and \$124,986.51 for the remaining portion of the 911 equipment. Todd Muncy made a motion, seconded by Tim Eads, to pay the amount of \$23,147.64 and then \$136,773.13, less the \$11,786.62 to

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Century Link once a corrected invoice has been received. Roll call vote: Eads – yes, Elliott – yes, Honaker – yes, Messimer – yes, Muncy – yes, Wade – yes, Warren – yes. Motion passed

- d. Report on research of training supplement
Mrs. Smelser talked with Robert McLeod, the auditor with the Tennessee Emergency Communications Board regarding the training supplement. Mr. McLeod advised it had tentatively been approved but there were some things that had to be worked out through an inter-local agreement. He said the local Board can approve this project. This would have to be included in any inter-local agreement since the 911 Board does not officially have any employees. The local 911 Board would pay the City the amount that would then be paid by the City to the employee as a training incentive. This is a project by a few Districts in the State. The TECB is looking at doing this later to match the programs of the police and fire services. This is an independent way to compensate employees. The State advised this is not a supplement but rather a training incentive.

Chief Wade gave an overview of how the police supplement was originally started in Tennessee. There is a law for the police supplement which makes it much easier to accomplish.

Chief Wade advised this would have to be reviewed by the City and approved before the board could take action. The City has oversight of the employees and any benefits they receive.

Kingsport proposed a two tier system with up to a \$1,000 in annual compensation. Mrs. Smelser advised she did not feel comfortable recommending any amount other than the standard amounts given to police or fire. This program should align with those programs.

Chief Wade stated there were three ways to accomplish this with one being a change in state law, secondly having the TECB set up the program, and finally, the local Board do it independently.

The TECB is trying to work on how they could accomplish this as they took the available incoming money and distributed it back to the Districts. They do not retain enough money to fund this project. The only way they can accomplish this would be to restructure the whole financial plan for 911.

TACIR is tasked with studying the 911 funding model beginning in December and make recommendations to the legislature next year on how to restructure the 911 funding.

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Mrs. Smelser stated we would have to put in a policy that would ensure the employee has met the Board's requirements, and specify what those requirements are, prior to issuing any incentive pay.

- B. Statistics
Mrs. Smelser reviewed the monthly statistics.
- C. Discussion of UPS Maintenance Agreement and A.D. Jones review
Mr. Jones sent a response to Chief Wade and Mrs. Smelser concerning this agreement. A copy of his response was provided to each Board member for their review. Basically, Mr. Jones stated he had reviewed the contract and could only address the legal obligations and requirements. There were five concerns.
1. Under the coverage details there is an exclusion for equipment in which warranty has expired in excess of thirty days.
 2. Limited warranty, there is a 30 day limit for faulty workmanship.
 3. Limitation of remedy and liability is limited to the price paid by buyer for the specific services or parts provided.
 4. We are not entitled to any consequential damages or punitive damages including loss of profits, business interruption, loss of use, data, etc. with all having been specifically excluded.
 5. We have only 10 days from completion of services to inspect for fault otherwise we are deemed to have accepted the work.

Mr. Jones wrote that these are all pretty standard exclusions, but we need to understand we are accepting these terms and their conditions once the contract is signed. Mr. Jones could not be here today, however, he would be happy to answer any questions if needed.

Our warranty expires next week. What this means is that if our warranty expires before we authorize the contract, once we do authorize the contract, we will have to pay inspect and any repair fees before the maintenance agreement would take effect. Major Eads questioned the expiration date and what equipment was covered. The expiration is next week and covers the UPS. The UPS is wired directly into the electrical panel and when the powers cut off, the UPS continues operation of the panel until the generator starts. There is no equipment plugged directly into the UPS. If the contract is signed prior to the expiration of the warranty, there will not be an inspection or repair cost. An email from the company verifying this information was shared with the Board. The email read:

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Virginia, per our conversation, Bristol 911 does not fall into the category on the signature page coverage details. No expense will be incurred to bring the equipment up to date because the UPS is covered now. The statement only applied if the customer had lapsed in service.

Chief Wade stated that number one is no longer a concern. He then asked the Board if they understood each of the other concerns from Mr. Jones. In the minutes of the last meeting, there was a motion to approve subject to the contingency and recommendation from our attorney. We have five stipulations that were of concern to our attorney. Chief Wade stated that in his opinion the Board needed to revote on this contract to make this a legal action. Jim Messimer made a motion, seconded by Tim Eads, to approve the maintenance agreement for the UPS. Roll call – Eads – yes, Elliott – yes, Honaker – yes, Messimer – yes, Muncy – absent (left early), Wade – yes, Warren – yes. Motion passed.

ITEM 6. New Business

The TECB notified Mrs. Smelser that there is \$413,319.75 remaining in our reimbursement accounts. The TECB has voted to send the Districts any remaining money in their account. The TECB needs to know how this Board wants the money distributed. It can be sent all at once, either now or after July 1, 2017, or half can be sent now and half after July 1, 2017. Part of this money was for reimbursement for the amount we still owe Century Link on the ng911 equipment. Tim Eads made a motion, seconded by David Warren, to request all remaining money be sent now. Roll call vote: Eads – yes, Elliott – yes, Honaker – yes, Messimer – yes, Muncy – absent, Wade – yes, Warren – yes. Motion passed.

ITEM 7. Discussion Items

ITEM 8. Other Matters

ITEM 9. Citizens and Delegations Presentation

ITEM 10. Next meeting December 21, 2016

This meeting was cancelled due to the holiday. The next meeting will be Wednesday, January 18, 2017 at 3 p.m.