



Tennessee Emergency Communication Board (TECB)

Board Member 101

Curtis Sutton, Executive Director

Introduction

This presentation was created to educate and prepare new Tennessee Emergency Communications Board (TECB) members, and local Board members, for their service.

The TECB: Background

- The Tennessee Emergency Communications Board (TECB) is a self-funded nine-member board located within the Tennessee Department of Commerce and Insurance
- The Board is supported by the TECB staff of eight, led by Executive Director Curtis Sutton
- The TN Legislature created the TECB “for the purpose of assisting emergency communications district boards of directors in the area of management, operations, and accountability, and establishing emergency communications for all citizens of the state.”
- The Board operates on local, state and federal levels to facilitate the technical, financial and operational advancement of Tennessee’s 911 systems



TECB Mission

Ensuring that the public can effectively access the **life-saving power** of 911 service.

TECB Values

The TECB is **committed** to providing excellent customer service to the Tennessee 911 community through **integrity, leadership, and accountability.**

Our Values

Commitment

We serve the Emergency Communications Districts in support of their life-saving services. We are dedicated stewards of the public trust and resources.

Integrity

We act respectfully, transparently, and honestly.

Leadership

We improve emergency communications through innovation, technology advancement, and training. We are leaders in Next Generation 911.

Accountability

We acknowledge responsibility for our actions, performance, and results.



TECB Strategic Initiatives

Technology

*Text-to-911
Call Handling
NG911*

Communication

*Project Update Sheets
Webinars
Site Visits
Newsletter*

Funding

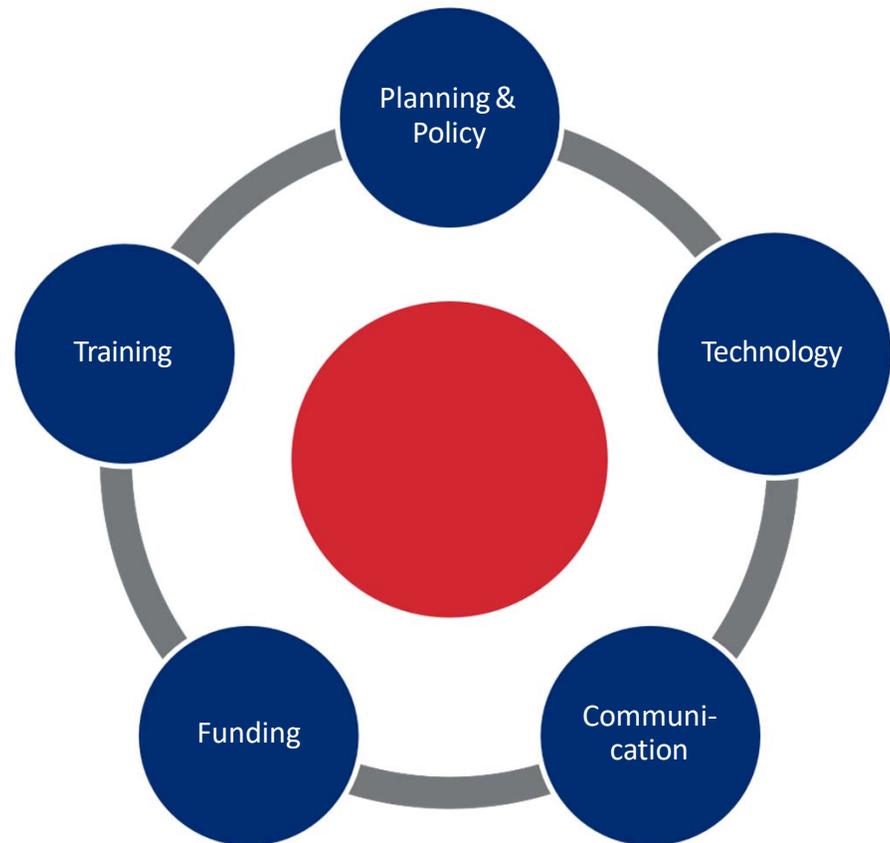
*Stability
Cost Study*

Training

Online training platform launch

Planning & Policy

Future Focused



TECB Members

Name	Representing
Mr. Greg Cothron	Comptroller of The Treasury
Mr. Mark Archer	ECD Representative, West TN
Hon. Blake Lay	City Government Representative
Mr. Brad Anders	ECD Representative, East TN
Vice Chairman Steve Martini	ECD Representative, Middle TN
Mrs. Jennifer White	ECD Representative, At-Large
Chairman Phillip Noel	ECD Representative, At-Large
Hon. David Crews	County Government Representative
Mr. Dan Springer	Public Citizen Representative

How the TECB Serves Local Boards

Financial & Audit

- Assist with creating and setting budgets
- Provide audit support and financial policy development
- Answer procurement and revenue standards questions

Legal

- Provide assistance in locating and understanding laws, AG opinions, rules, policies, and bylaws of the TECB
- Maintain an interlocal agreement database for research and reference by the ECDs
- Provide updates on the law from amendments passed by the TN Legislature

Training

- Develop online and in-person training courses and content to provide beneficial and cost-effective opportunities for directors and telecommunicators

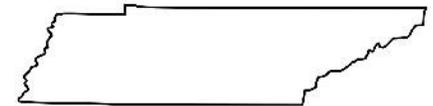
Technology

- Establish technical operating standards for ECDs
- Provide advisory technical assistance to any ECD upon request
- Assist with network problems and solutions
- Help develop and test Continuity of Operations Plans

Local Board Members

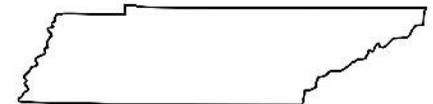
What is an ECD?

- An Emergency Communications District (ECD) is an independent governmental entity, a “municipality” or “public corporation in perpetuity” and a “body politic and corporate with power of perpetual succession” but without the power to tax.
- *Tenn. Code Ann. § 7-86-106*
- There are 100 ECDs in Tennessee (94 counties & 6 municipalities)
- ECDs are governed by their boards of directors, usually appointed by the County Executive



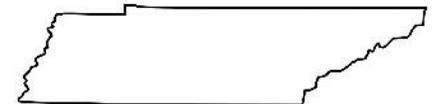
Purpose of an ECD

- ECDs provide a simplified means of securing emergency services, to result in saving of life, reduced property damage, quicker apprehension of criminals, and cost savings
- The funds received by the ECD are to be used to obtain emergency services for law enforcement and other public service efforts requiring emergency notification of public service personnel
- The funds received from all sources shall be used exclusively for the operation of the ECD



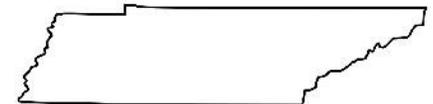
Authority of an ECD

- Each ECD board has the authority to employ such employees, experts, and consultants as the board may deem necessary to assist the board in the discharge of its responsibilities to the extent that funds are available
- ECDs are charged with the responsibility to create an emergency communications service within their geographic boundary whereby a public safety answering point may receive telephone calls dialed to the telephone number 911
- Upon receipt of the call, the ECD must then utilize one of the following three methods in response to emergency calls:
 - Direct Dispatch method
 - Relay method, or
 - Transfer method



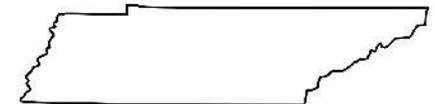
Answering 911 Calls

- Each ECD specifically tailors its call taking and dispatch arrangements to meet the local needs of its citizens
 - Some ECDs perform call taking and/or dispatching with their own staff and resources
 - Other ECDs work with local governments to performing these functions
- These arrangements must be memorialized in writing in an interlocal agreement (aka contract), be signed and authorized by all participating authorities, and submitted to the TECB



How an ECD is Funded

- An ECD may receive funds from any source, including the following:
 - Federal
 - State
 - Local
 - Private
 - Issuance of bonds
- All funds received by the ECD are public funds for the furtherance of the 911 system
- Funds shall be used exclusively in the operation of the emergency communications district - TCA § 7-86-102(d)



How an ECD is Funded

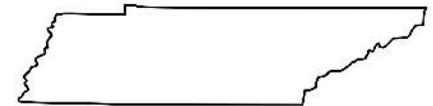
- TN has a 911 monthly surcharge of \$1.50 per cellphone and landline
- 911 surcharge was set by a statewide law that went into effect on January 1, 2021
- Funds are collected by dealers who retain a 2% administrative fee before submitting funds to the TN Department of Revenue
- The Emergency Communications District Act guarantees a base amount of funds to each ECD equal to the average of the total recurring annual revenue the ECD received from fiscal years 2010, 2011, 2012 , or 2012 whichever is higher, and at least a minimum of 50% of any revenue collected in excess of TECB's annual fiscal requirements to the ECD
- TECB policy states that 75% minimum of "excess funds" will go to ECDs*

911 Revenue Standards

- The TECB has established Revenue Standards that govern how ECDs expend 911 revenue
- There are:
 - 8 required revenue uses
 - 27 permissible uses
 - 8 prohibited uses

Standards are available for review here:

https://www.tn.gov/content/dam/tn/commerce/documents/e911/posts/E911_Revenue_Standards.pdf



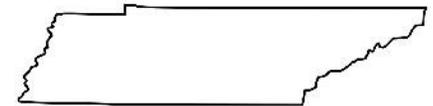
State 911 Laws

TECB and ECD laws are written and contained within Tennessee Code Annotated Title 7 Chapter 86, Parts 1 through 4

- Part 1 – Creates and governs ECDs
- Part 2 – Establishes requirements of Public Safety Dispatchers
- Part 3 – Creates and governs the TECB
- Part 4 – Kari's Law

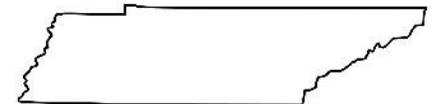
All of Title 7, Chapter 86 can be found here:

<https://www.tn.gov/commerce/e911/laws-rules-policies/laws.html>



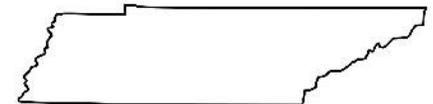
TN Open Meetings Act (Sunshine Law)

- TN State law requires that meetings of all boards and commissions be noticed and held publicly
- A meeting is broadly construed, so a phone call, email exchange or general conversation outside of an official and noticed meeting between two or more board members about board business would be a violation of the sunshine laws
- If you believe a board member or board members violated sunshine law, consult with the board attorney
 - May be possible to rectify any possible violation, but its best to avoid violations or even the appearance of a violation
- TN Open Meetings Act located on Comptroller of the Treasury website:
<https://www.comptroller.tn.gov/office-functions/open-records-counsel/open-meetings/sunshine-laws.html>



Open Records Laws

- Generally speaking, all records of the state and local government are subject to an open records request, unless specifically exempted or considered by statute as confidential
- ECDs are required to adopt an Open Records Policy, a standard form of which can be obtained from the Office of Open Records Counsel at the Tennessee Comptroller of the Treasury
- For assistance with open records requests, the best option is to contact the Office of Open Records Counsel:
<https://www.comptroller.tn.gov/office-functions/open-records-counsel.html>



ECD Policies: Audits

Ask your Director for your ECD's most recent policies

- At the close of every fiscal year, all ECDs are required to be audited and the audit report to be submitted to the Office of the Comptroller no later than December 31.
- What group audits the ECDs?
 - The Office of the Comptroller or an independent CPA under a contract to audit accounts.
- What should an ECD expect from an audit report?
 - An opinion on the ECD's financial statements regarding the financial health of the district and descriptions of violations of Generally Accepted Accounting Principles (GAAP).
- TECB can provide support to Districts by confirming revenues and helping to prepare responses to any material weakness and findings

ECD Policies: Ethics

Ask your Director for your ECD's most recent policies

- Comprehensive Governmental Ethics Reform Act of 2006 changed ethics laws, resulted in the Ethics Commission
- The Ethics Act requires all governmental entities to adopt ethical standards for all officials and employees and submit their ethical standards to the Ethics Commission
- Ethical standards are required to include rules and regulations on:
 - Disclosure by officials and employees of any personal interests that impact or appear to impact their discretion
 - Acceptance of gifts and other things of value received by an official that impact or appear to impact their discretion
- ECDs can:
 - Adopt a model ethics policy created by MTAS or CTAS
 - Adopt their own policy
 - Determine whether they are covered by a policy adopted by the county or municipality

TECB Rules

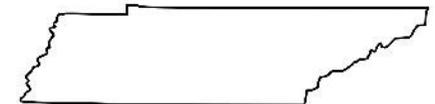
- The TECB has the authority to create and enact rules to effect the purposes and authorities given to it by law.
 - 0780-06-01 – Sets procedures for how the TECB receives and handles proprietary and confidential information.
 - 0780-06-02 – Establishes minimum dispatcher training requirements, including T-CPR requirements.
 - 0780-06-03 – Requires all wireless telecommunications providers to submit and maintain contact information for law enforcement use.
 - 0780-06-04 – Sets application process and minimum requirements for ECDs to apply for base funding increase in accordance with state law.
 - 0780-06-05 – All distributions from board are to be provided to ECDs in same proportion as base funding distributions.
 - These go live on November 26, 2018

TECB Policies

- The TECB enacted several policies that dictate procedure with regard to certain TECB and ECD activities and situations. These policies ensure uniform application of TECB authority when acting in similar circumstances.
- All TECB Policies can be found here:
<https://www.tn.gov/content/dam/tn/commerce/documents/e911/posts/E911-Policies.pdf>

Additional Policy Guidance

- Comptroller's Office
 - <http://comptroller.tn.gov>
 - [Division of Local Government Audit](#)
 - [ECD Accounting and Financial Reporting Manual](#)
 - [Internal Control and Compliance Manual for Government Entities](#)
 - Office of Open Records Counsel
 - <https://www.comptroller.tn.gov/office-functions/open-records-counsel.html>
- Municipal Technical Advisory (MTAS)
 - www.mtas.tennessee.edu/
- Tennessee County Services Association (CTAS)
 - www.ctas.tennessee.edu/



TECB Bylaws

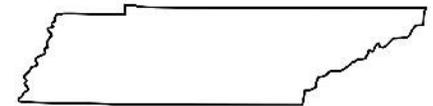
- The Board adopted bylaws which help to govern certain procedural and substantive elements of the Board meetings
- Meetings
 - The Board meets at a minimum 4 times a year with occasional “special meetings” when time is of the essence and Board business requires extra meetings
 - A quorum consists of 5 of 9 members present in order for the Board to take action(s)
 - Board members may participate in meetings by attending either physically in person or by telephone
 - Board members by law are required to attend at least 50% of the regularly scheduled meetings during a 12 month rolling window
- Board officers
 - The Board nominates and votes on a Chair and Vice-Chair which typically lead the Board through the agenda at the meetings
- TECB Bylaws can be found on the TECB website here:
https://www.tn.gov/content/dam/tn/commerce/documents/e911/posts/TECB_Bylaws.pdf

Important Dates To Remember

Item	Annual Due Date	Contact	Authority
Annual Budget - In accordance with 7-86-304	August 16	James.Barnes@tn.gov	TECB Policy No. 4
COOP & Results – A COOP must exist defining plans and procedures for minimizing the impact of 911 outages. Plan tests should be performed annually with results submitted to the TECB.	June 30	Eddie.Burchell@tn.gov	TECB Policy No. 9 & TCA § 7-86-306(a)(9)-(10)
Audit – Annual audit report of Financial Statements	December 31	Comptroller of Treasury	TCA § 7-86-113
ECD Board of Directors – Name, address, telephone and email of current members	With changes	Curtis.Sutton@tn.gov	TECB Policy No. 5
Interlocal Agreements	45 days after execution	Benjamin.Glover@tn.gov	TECB Policy No. 8
Surety or Fidelity Bonds – Bond made payable to the state to provide coverage that insures the lawful performance by officials and their employees of their fiduciary duties and responsibilities	With change in applicable personnel	Recorded with register of deeds, filed with the county clerk	TCA § 7-86-119

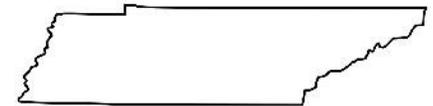
Board Member's Responsibilities

- Manage ECD 911 funds
- Approve 911-related ECD purchases
- Approve 911 budgets
- Set operating standards
- Establish revenue and operations policy
- Govern the district
- Prepare for audits
- Respond to open records requests



Conflicts of Interest

- Always consult with the Board attorney if you believe that you have a conflict of interest
- If a conflict exists or you think exists, disclose it to the Board, and in some instances it may be wise to abstain from voting on a Board action that pertains to your conflict of interest



Your Feedback Matters

- Questions?
- Anything missing?
- What else would you like to know?

