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# Emergency Communications Districts

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Dear Reader:

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We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

Sincerely,

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# Emergency Communications Districts

Reference Number: CTAS-187

The establishment of a uniform emergency number to shorten the time required for a citizen to request and receive emergency aid is intended to save lives, reduce the destruction of property, quickly apprehend criminals and save money. Therefore, the legislative body may create an emergency communications district within all or part of its boundaries if the eligible voters in the district approve. The 911 service is funded by an emergency telephone service charge in telephone bills and county appropriations. T.C.A. §§ 7-86-102, 7-86-109.

Except as otherwise provided by law, an emergency communications district shall have a board of directors composed of no fewer than seven nor more than nine members to govern the affairs of the district. For districts created by a county legislative body, the county mayor shall appoint the members of the board of directors subject to confirmation by the county legislative body. When the county mayor names an appointee to the board, the county legislative body has ninety days or until the conclusion of its next regularly scheduled meeting, whichever is later, to confirm or reject the appointment. If the legislative body does not act within this time period, the appointment shall take effect without confirmation.. T.C.A. § 7-86-105(b).

An emergency communications district is not part of the county government. It is a separate governmental entity. Once created, the emergency communications district "shall be a 'municipality' or public corporation in perpetuity under its corporate name, and the district shall in that name be a body politic and corporate with power of perpetual succession, but without any power to levy or collect taxes." T.C.A. § 7-86-106. Pursuant to T.C.A. § 7-86-106, the District is an independent "municipality" or public corporation, not an arm of the county. Op Tenn. Atty. Gen 09-13 (February 6, 2009).

Any board member, executive committee member, employee, officer, or other authorized person of an emergency communications district who receives public funds, has authority to make expenditures from public funds, or has access to public funds is required to provide a corporate surety bond in a reasonable amount determined by the amount of revenues handled by the district. The minimum amounts for these bonds are set out in T.C.A. § 7-86-119. These bonds must be recorded in the office of the register of deeds and filed in the office of the county clerk.

Purchasing by an emergency communications district is to be carried out in accordance with the County Purchasing Law of 1983, compiled in title 5, chapter 14, part 2 of the Tennessee Code Annotated. The district board of directors is deemed to be the governing body for purposes of these statutes. T.C.A. § 7-86-121.

Regardless of agency or governmental jurisdiction, each emergency call taker or public safety dispatcher who receives an initial or transferred 911 call from the public is subject to the training and course of study requirements established by the state board. T.C.A. § 7-86-205.

Pursuant to T.C.A. § 7-86-301 *et seq.*, there is a nine-member statewide emergency communications board in the state Department of Commerce and Insurance to oversee the implementation of enhanced 911 service to wireless telephone users. In addition to levying a service charge on wireless phone service and implementing the new network, this board has certain supervisory powers over local 911 boards, particularly as it relates to financial stability. The board can set rules and regulations for the operation of emergency communications districts, examine the financial condition of districts, prescribe a rate structure, raise rates or order the consolidation of districts. The board is also authorized to order an election for the purpose of establishing a district for any county that failed to create a district by 2001. If a member of a local board of directors of an emergency communications district fails to attend meetings, refuses to carry out the orders of the state board, or otherwise neglects his or her duties, the state board, the city, or the county may pursue an action in the chancery court to remove the member. T.C.A. § 7-86-314. See Op. Tenn. Atty. Gen. 09-13 (February 6, 2009).

In order to maintain adequate 911 funding provided to emergency communications districts, the state board annually distributes to each emergency communications district a base amount equal to the average of total recurring annual revenue the district received from distributions from the state board and from direct remittance of 911 surcharges for fiscal years 2010, 2011, and 2012; however, in no event shall such distribution be less than the amount the district received in fiscal year 2012. On or before December 1, 2014, the state board shall publish on its web site the base amount for each emergency communications district. The state board may not reduce the base amount for any emergency communications district unless the local government funding for such emergency communications district is reduced, in which case the board may reduce the base amount by the same amount as the local funding reduction. Any emer-

gency communication district established after January 1, 2015, shall be entitled to receive a base amount from the board in an amount determined by the board. Disbursal of the base amount to emergency communications districts shall be conducted in the following manner:

(1) The board shall distribute one-sixth ( $\frac{1}{6}$ ) of the base amount for each emergency communications district every two (2) months, beginning at the end of the second month of each fiscal year; and

(2) Any emergency communications district with a locally established 911 surcharge in effect as of July 1, 2011, less than the maximum allowable surcharge then in effect shall be eligible to apply to the board for an increase in the base amount. The board shall promulgate rules and regulations to facilitate such a request and to set minimum criteria that the emergency communication district must satisfy to obtain increased funding. The board shall not be obligated to increase the base amount if the board lacks sufficient funds or if the board, after reviewing its criteria as set out in its rules, finds the emergency communication district has not met the guidelines.

T.C.A. § 7-86-303(e).

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