

## **BYLAWS**

### **ALABAMA FIRST RESPONDER WIRELESS COMMISSION**

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The Alabama First Responder Wireless Commission (the "Commission") was created by the Alabama Legislature through Act Number 2013-330, signed into law by the Governor of the State of Alabama on May 20, 2013 and codified as Code of Alabama §§ 31-9C-1-7. The Commission is directed to operate for the common purpose of carrying out the duties and obligations of the Commission as set forth in Code of Alabama §§ 31-9C-1-7. These Bylaws shall serve as the written rules for the regulation, management, and governance of the Commission.

#### **ARTICLE ONE NAME AND PRINCIPAL OFFICE**

1.01 The legal name of the Commission shall be the "Alabama First Responder Wireless Commission c/o Alabama Law Enforcement Agency". The principal mailing address shall be Post Office Box 304115, Montgomery, Alabama 36130-4115, however, the Members may, by a two-thirds vote, designate such other principal office or mailing address as they may deem appropriate.

#### **ARTICLE TWO PURPOSE AND OBJECTIVES**

2.01 The Commission is responsible for promoting the efficient use of public resources to ensure that law enforcement, fire and rescue services, and essential public health and emergency support personnel have effective communication services available in emergency situations, and to ensure the rapid restoration of such communication services in the event of disruption caused by natural disaster, terrorist attack, or other public emergency. The Commission serves as the Alabama Statewide Interoperability Governing Body (SIGB).

2.02 The Commission may purchase, lease, acquire, or otherwise implement a statewide wireless communication system to serve first responder users in state and local governments and those private entities that enter into a partnership with the Commission. The Commission shall have the sole authority over, and bear full responsibility for, the design, engineering, and construction of the system and shall ensure the proper operation and maintenance of all equipment thereto, unless otherwise owned and maintained by other state or local entities. This system should enable interoperability between various wireless communication technologies.

2.03 The Commission shall establish policies, procedures, and standards and incorporate them into a comprehensive management plan for use and operation of the system.

2.04 In order to carry out the duties set forth in this section, the Commission may:

- (1) Provide system planning with all public safety communication systems.
- (2) Assist with the establishment of state and local wireless communications.
- (3) Grant authority to local agencies to use the system under terms and conditions established by the Commission.
- (4) Provide technical support to users.
- (5) Seek proposals for services through the competitive bid process where required by law and select service providers under procedures provided for by law.
- (6) Create a standard user agreement or other documents of agreement as necessary.
- (7) Establish the cost of maintenance and operation of the system.
- (8) Assess charges to subscribers for access and use of the system.
- (9) Enter into mutual aid agreements among federal, state, and local charge subscribers for access and use of the system.
- (10) Lease or sublease privately owned ground space as necessary to locate equipment, including towers, to support the system when practicable and feasible.
- (11) Contract with a person or business entity to provide subject matter expertise in matters pertaining to the responsibilities of the Commission as outlined in this chapter.

2.05 The Commission may lease or sublease to a private entity space on a tower or ground space under the control and ownership of the Commission when practicable and feasible. The cost for such space shall be established by the Commission. All monies collected shall be deposited into the fund.

2.06 The Commission shall be granted access to state owned property, as appropriate for the construction and operation of the system, and may obtain antenna space on any tower owned by the state.

2.07 The Commission shall ensure that it complies with all state and federal communication requirements as provided by law.

2.08 The Commission may adopt rules to carry out its responsibilities as provided by law.

2.09 The Commission shall be assisted by all state government agencies, departments, and entities who are directed to make available, all publicly owned wired and wireless communications infrastructure, including, but not limited to, communication towers, microwave or fiber optic lines, transmission equipment, transmission frequencies and other related properties and facilities.

### **ARTICLE THREE MEMBERS**

3.01 The Commission shall consist of the following Members:

- (1) The Governor or his or her designee.
- (2) The Director of the Alabama Department of Transportation or his or her designee.
- (3) The Secretary of the Alabama State Law Enforcement Agency or his or her designee.
- (4) The Director of the Alabama Department of Economic and Community Affairs or his or her designee.
- (5) The Director of the Alabama Emergency Management Agency or his or her designee.
- (6) The Director of the Alabama Department of Corrections or his or her designee.
- (7) The Commissioner of the Alabama Department of Finance or his or her designee.
- (8) The Director of the Alabama Department of Public Health or his or her designee.
- (9) The President of the Alabama Sheriff's Association or his or her designee.
- (10) The President of the Alabama Association of Chiefs of Police or his or her designee.
- (11) The President of the Alabama Association of Volunteer Fire Departments or his or her designee.
- (12) The Adjutant General of the Alabama National Guard or his or her designee.
- (13) The Commissioner of the Alabama Department of Conservation and Natural Resources or his or her designee.
- (14) The Administrator of the Alabama Alcohol Beverage Control Board or his or her designee.
- (15) The President of the Alabama Association of Emergency Managers or his or her designee.

- (16) The President of the Alabama Association of Fire Chiefs or his or her designee.
- (17) The President of the Alabama Chapter of the National Emergency Number Association or his or her designee.
- (18) The President of the Association of County Commissions of Alabama or his or her designee.
- (19) The President of the Alabama League of Municipalities or his or her designee.
- (20) The Tribal Chair of the Poarch Band of Creek Indians or his or her designee.
- (21) The President of the Alabama Association of 9-1-1 Districts or his or her designee.
- (22) The President of the Alabama Association of Rescue Squads or his or her designee.
- (23) The Chairperson of the Alabama Forestry Commission or his or her designee.
- (24) The Chairperson of the Federal Communications Commission Region 1 700MHz Regional Planning Committee or his or her designee.
- (25) The Statewide Interoperability Coordinator for Alabama or his or her designee.
- (26) The Alabama State Fire Marshal or his or her designee.
- (27) The Commissioner of the Alabama Department of Agriculture and Industries or his or her designee.

3.02 The Members of the Commission shall serve for a term of not less than two years.

3.03 Members may be removed by the designating authority at any time.

#### **ARTICLE FOUR VOTING**

4.01 Each Member or designee shall be entitled to one (1) vote on each matter submitted to a vote of the Members.

4.02 All actions of the Commission shall be authorized by majority vote of the Members.

4.03 Any matter voted upon by the Commission must be voted upon at a properly convened meeting under the Open Meetings Act (Alabama Code Section 36-25A-1 through 11).

## **ARTICLE FIVE MEETINGS**

5.01 The Commission shall conduct meetings, at least quarterly, at a time and a place designated by the Chair. Any matter on which the Commission is authorized to act may be acted upon at any properly convened meeting consistent with these Bylaws. The Commission will endeavor to conduct meetings in person to the extent practicable, but meetings may be conducted through telephone conferencing or video conferencing so long as a physical majority of a quorum of Members is present and an audible, roll call vote is taken. Members participating in meetings by telephone or video may vote as if physically present. (Ala. Code § 36-25A-5.1) Meetings of the Members may be continued in session by being adjourned to a specific time and place by a majority vote of the Members.

5.02 The Chair shall be responsible for giving or directing another Member to give, or cause to be given, at least seven (7) days' notice of all meetings of the Members, and all other notices required by law or by these Bylaws, provided however, that if in the judgment of the Chair urgent business so requires, the Chair may give or cause to be given such shorter notice of meetings as is practical as provided by law.. Notice may be given by scheduling the next meeting at any meeting of the Members provided that such scheduling is noted in the minutes. Otherwise, notice of meetings will be in writing and such notices may be delivered personally, by first class mail, overnight delivery service, facsimile transmission, or electronic mail. The notice shall state the place, date, and time of the meeting. Notice of any meeting may be waived by any Member, either before or after the meeting. Waiver of notice by a Member may be made by any of the methods by which notice of meetings may be given. Attendance at any meeting by any Member without objecting to the lack of or untimely notice at the beginning of the meeting also shall constitute waiver of notice.

5.03 A quorum of the Commission for any meeting shall consist of not less than a majority of the Members.

5.04 Minutes of the meetings of the Commission as well as resolutions adopted by the Commission shall be recorded and maintained by such person as may be designated by the Chair. As soon as practicable after each meeting, said designee shall distribute, copies of the minutes and any resolutions adopted by the Commission to each Member via electronic mail or as otherwise designated by the chair. The minutes of the meetings of the Commission may be approved or amended at the next meeting or any subsequent meeting, as circumstances dictate, by a majority vote of the Members.

## **ARTICLE SIX OFFICERS**

6.01 The Commission shall hold an election at the last quarterly meeting of the Fiscal Year to elect from its membership a Chair and Vice Chair to serve two year terms.

These terms shall be staggered with the Chair elected at the last quarterly meeting of even numbered years and the Vice Chair elected at the last quarterly meeting of odd numbered years.

The Chair of the Commission shall preside over the meeting of the Commission and shall have such powers and duties as may be conferred by law or by the Bylaws herein. When authorized by the Commission or required by law, the Chair shall execute, in the name of the Commission, any and all documents or instruments as the conduct of the Commission's business may require.

6.02 The Chair may nominate Members to serve as officers, assistant officers, and agents as the Chair deems necessary, each of which shall hold their offices upon majority approval of the Commission for such terms and shall exercise such powers and perform such duties as shall be determined from time to time by the Commission and/or Chair.

## **ARTICLE SEVEN WORKGROUPS**

7.01 The Chair may recommend one or more workgroups to assist with the objectives and tasks of the Commission, as ratified by the Commission, and may appoint Members, replace or remove workgroups Members and task the workgroups as needed to advise and inform the Commission. Permanent workgroups will consist of Policy & Procedures and Broadband & Interoperability Workgroups.

7.02 The Chair will call the first meeting of each workgroup, providing at least seven (7) days' notice, at which the workgroup will be responsible for electing its own Chair by majority vote to serve as working leader. Thereafter, workgroups shall meet upon the call of their Chair who shall be required to give at least seven (7) days' notice of all meetings, provided however, that if in the judgment of any workgroup Chair urgent business so requires, the Chair may give or cause to be given such shorter notice of meetings as is practicable and in accordance with law. The workgroups shall keep regular minutes of their proceedings and report the same to the full Commission. A physical majority of workgroup members present shall constitute a quorum for the Workgroup. Workgroup members not physically present may participate and vote as provided by law.

## **ARTICLE EIGHT ADMINISTRATION OF ALLOCATED FUNDS AND GRANTS**

8.01 Any funding provided or obtained by the Commission shall be held in the State Treasury in a special fund known as the "First Responders Wireless Commission Fund" (the "Fund"). This Fund shall be administered by the Alabama Law Enforcement Agency, with expenditures approved by the Commission.

8.02 The Fund may consist of gifts, federal grants, and appropriations from the Legislature, fees and contributions from user agencies that the Commission considers necessary to maintain and operate the system, monies collected for lease or sublease, and monies from any other sources permitted by law.

8.03 Consistent with state law Members of the Commission shall receive reimbursement for travel expenses when approved by the Chair and incurred in the performance of their duties but no other compensation.

8.04 The Commission may employ or contract for an executive director, who shall serve at the pleasure of the Commission and who shall be responsible directly to the Commission for the general supervision and execution of the work of the Commission. The Commission shall fix his or her compensation, with the approval of the Governor, and shall further designate his or her duties and authority.

8.05 The Commission may employ, on a part-time or full-time basis, such engineers, attorneys, laborers, technicians, or administrative employees, and supervisory or professional personnel as may be necessary or advisable to carry out in the most efficient and beneficial manner the purposes and provisions of the Commission's enabling legislation and these Bylaws. All permanent, full-time employees, other than the executive director, shall be subject to the state Merit System.

## **ARTICLE NINE AMENDMENT**

9.01 These Bylaws may be amended or repealed by the affirmative vote of two-thirds of the Members at a properly convened Open Public Meeting, provided that the substance of any proposed amendment or repeal shall be provided to each Member at least seven (7) days' prior to such meeting. Any Member may propose amendments to or repealing these Bylaws and the proposing Member shall be responsible for causing the required pre-meeting notice to be issued to the other Members. The notice may be waived by a majority of a quorum of Members voting to amend or repeal and causing such waiver to be noted in the minutes without objection..

## **ARTICLE TEN DISSOLUTION**

10.01 The Commission shall remain in effect until amended or modified by law.

We, the undersigned, comprising all the Members of the Commission, hereby certify that the foregoing Bylaws have been duly adopted by us as the Bylaws of the Commission on this 16th day of August, 2018.

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Governor or their designee

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Alabama Department of Transportation

*Hal Taylor*

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Alabama State Law Enforcement Agency

*Mike McHugh*

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Alabama Department of Economic and Community Affairs

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Alabama Emergency Management Agency

*Willie J. [Signature]*

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Alabama Department of Corrections

*Bob Kenville*

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Alabama Department of Finance

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Alabama Department of Public Health

*Paul C. [Signature]*

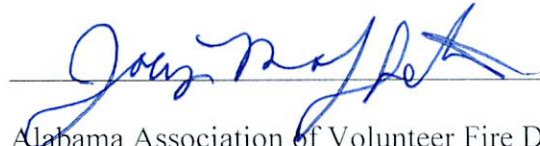
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Alabama Sheriff's Association



Alabama Association of Chiefs of Police



Alabama Association of Volunteer Fire Departments



Alabama National Guard



Alabama Department of Conservation and Natural Resources

Alabama Alcohol Beverage Control Board



Alabama Association of Emergency Managers




Alabama Association of Fire Chiefs



Alabama Chapter of the National Emergency Number Association

Alabama Association of County Commissions



Alabama League of Municipalities

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Federal Communications Commission Region 1, 700MHz Regional Planning Committee



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Alabama Department of Agriculture and Industries