



**TENNESSEE UNDERGROUND UTILITY DAMAGE PREVENTION BOARD**  
**Initial Meeting on July 12, 2016**

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**MINUTES**

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The first regular board meeting of the Tennessee Underground Damage Enforcement Board was called to order at 1:14 p.m. in the Ground Floor Meeting Room of 502 Deaderick Street, Nashville, Tennessee 37243 by Lisa Cooper, Chief of the Consumer Services Division of the Tennessee Regulatory Authority.

*Board Members Present:*

Bill Turner  
Bob Lambert  
Wayne Hastings  
Kevin Kruchinski  
Scott Niehaus  
Charles Hood  
Kevin Tubberville  
Bobby Pitts  
Kevin Raley  
Bill Hollin  
Kenneth W. King  
Thomas E. Suggs, Jr.  
Rick Tunnell

*Board Member(s) absent:*

Nick Pavlis

*Staff Present:*

Lisa Cooper  
Stacey Balthorp  
Kelly Grams  
Ryan McGehee

## I. Opening Introductions and Presentations for Informational Purposes

Lisa Cooper, the Chief of the Consumer Division of the TRA, opened the informational portion of the meeting at 1:14 p.m. Mrs. Cooper introduced TRA Staff members that would be providing investigative and administrative support to the Board. The members of the Board that were present introduced themselves.

Mr. Bill Turner, the president of Tennessee 811 and *ex officio* member of the Board, gave an overview of the role Tennessee 811 plays as the designated one-call service provider for the State of Tennessee.

Stacy Balthrop provided an overview of the complaint handling process and the Board's website. Mrs. Cooper discussed the Board's fund, which is funded by civil penalties, and that it will be maintained administratively by the staff of the TRA. Mrs. Cooper also discussed the general requirement that the cost of the TRA's administrative and investigative will be assessed through the Board and collected by Tennessee 811 in a proportional manner as required by the statute. Mrs. Cooper reported that the legal staff was reviewing the appropriate contract process for obtaining a provider for training and that such a process may require a Request for Proposal.

Kelly Grams, the General Counsel of the TRA, discussed policy and procedures and the need to formalize the relationship between the TRA, the Board, and Tennessee 811. Board members will receive a draft of a Memorandum of Understanding between the TRA and the Board, and a Memorandum of Understanding between Tennessee 811 and the Board.

Ryan McGehee provided an overview of the requirements of the Tennessee Open Meetings Act and the Tennessee Public Records Act. Mr. McGehee further discussed the principles of conflicts of interest and *ex parte* communications. Mr. McGehee further provided an overview of the duties of the Board, the Chairman position, and the Executive Committee. Mr. McGehee discussed the eligibility of Board members for the three seats of the Executive Committee, including the possibility of an expansive reading of Tenn. Code Ann. § 65-31-114(f)(2)(B) that would allow municipal electric and utility district representatives to serve in Seat B of the Executive Committee beyond appointees made pursuant to Tenn. Code Ann. 65-31-114(c)(7) and (9).

Mrs. Cooper discussed the need for scheduling the next meeting. Mr. Cooper further discussed that, with respect to obtaining a contract for a provider for training violators, state procurement policy may require a RFP and may require additional time. Mrs. Cooper provided possible date for the next meeting, including August 25, 2016.

Mr. Bobby Pitts, a Board member, discussed possible motions he intended to make for establishing the date of August 25, 2016, for the next meeting and for electing a Chairman and electing the same person to the Executive Committee.

Mr. Rodney Carmichael of the Tennessee County Highway Officials Association and Mrs. Denise Page of the Tennessee Municipal League, whom identified themselves as representing stakeholders during the legislative discussions of the creation of the Board, were allowed to provide public comment as the eligibility of Seat B of the Executive Committee. Mr. Carmichael and Mrs. Page expressed opposition to an expansive definition of “local government” with respect to Tenn. Code Ann. § 65-31-114(f)(2)(B) that would allow for election of a Board member beyond a city or county appointee as provided by Tenn. Code Ann. 65-31-114(c)(7) and (9).

## **II. The Board Meeting and Elections**

Mr. Pitts nominated Mr. Kevin Tubberville as Chairman of the Board and to fill Seat A of the Executive Committee. The motion was seconded by Mr. Bill Turner.

Mr. Tubberville agreed to accept a position on the Executive Committee, but stressed that his lack of experience prevented him from immediately accepting a nomination to serve as Chairman of the Board. Following further discussion, Mr. Tubberville accepted the nomination to serve as both Chairman of the Board and in Seat A of the Executive Committee.

Mr. Kevin Tubberville was elected the Chairman of the Board and to “Seat A” per Tenn. Code Ann. 65-31-114(f)(2)(A) on the Executive Committee by a unanimous roll-call vote of all members present. No further action was taken with respect to elections for Seat B and Seat C of the Executive Committee.

Mr. Pitts made a motion to schedule the next meeting on August 25, 2016, which was seconded. The motion was passed by a unanimous roll-call vote of all members present. Mr. Kenneth W. King announced he would be unable to attend the August 25<sup>th</sup> meeting.

Mr. Hollin made a motion to clarify that Seat B of the Executive Committee, established by Tenn. Code Ann. 65-31-114(f)(2)(B) would be filled by a Board member appointed from Tenn. Code Ann. 65-31-114(c)(7) (“Towns & Cities”) and (9) (“Counties”) which was adopted by a unanimous roll-call vote.

Robert’s Rules was formally adopted by the Board by a unanimous roll-call vote of all members present. The Board adjourned.