



EMERGENCY TELEPHONE SERVICE COMMITTEE MEETING
Michigan State Police Collins Centre
Lansing, Michigan

August 19, 2003
10:00 a.m.

MINUTES

MEMBERS PRESENT	REPRESENTING
Mr. Paul Rogers, Chair	National Emergency Number Association
Mr. William Charon	Michigan Communications Directors Assoc.
Mr. Steve Berenbaum	Telecommunications Association of Michigan
Mr. Dale Berry	Michigan Association of Ambulance Services
Lt. Jim Hull	Deputy Sheriff's Association
Mr. Leonard Norman, representing Mr. John Buczek	Fraternal Order of Police
Ms. Suzan Hensel	Assn. of Public Safety Comm. Officials
Chief Kay Hoffman	Michigan Association of Chiefs of Police
Lt. Col. Peter Munoz, Vice Chair	Department of State Police
Mr. Dan Kearney	Michigan Public Service Commission
Mr. Charles Nystrom	Public Member, House Appointee
Sheriff Dale Gribler	Michigan Sheriffs' Association
Mr. Scott Temple	Commercial Mobile Radio Service
Sgt. Ron Johnson	Michigan State Police Troopers Association
Mr. Hugh Crawford	Michigan Association of Counties
Chief Paul Trinkka	Michigan Association of Fire Chiefs
Mr. Lloyd Fayling	Public Member, Senate Appointee
Mr. Thomas Martin, representing Ms. Norene Lind	Dept. of Consumer and Industry Services
Mr. Jim Loeper, representing Mr. Robert Struck	UP Emergency Medical Services Corporation
Mr. Monte Nye, representing Mr. Paul Hufnagel	Michigan Professional Firefighters Union

MEMBERS ABSENT	REPRESENTING
Mr. John Hunt	Public Member, Governor's Appointee

STAFF SUPPORT	REPRESENTING
Sgt. Matt Bolger	Department of State Police
Ms. Mary Jo Hovey	Department of State Police
Ms. Jodie Frese	Department of State Police

The Emergency Telephone Service Committee (ETSC) meeting was called to order by Mr. Paul Rogers at 10:00 a.m.

APPROVAL OF MINUTES

MOTION to approve the minutes of the May 12, 2003, ETSC meeting. A vote was taken and the MOTION CARRIED.

REPORT OF CHAIR

A. Committee Reappointments

Mr. Scott Temple, representing Commercial Mobile Radio Service, and Mr. John Hunt, Public Member, Governor's Appointee, were both reappointed by Governor Granholm. Their terms will expire June 30, 2005. Mr. Charlie Nystrom's term expires October 1, 2003. Contact will be made with the Governor's Office advising of the need for a reappointment.

OLD BUSINESS

A. Update of 3 Cent Fund

The Schumaker Report (recommendations for projects to receiving funding) was provided to the Governor's Office, Speaker of the House, and Rep. Ken Bradstreet early in 2003. Questions have arisen and a meeting was held to clarify these issues. A further meeting is anticipated with Representative Bradstreet in the early Fall.

Members of the ETSC who are appointment by, or have contact with, Legislative entities are encouraged to speak with them to assist in moving this report forward.

There are concerns that the proposals may become outdated with the rapid changes that occur in technology. Once approval is received by the Legislature to move forward with the projects, a second survey may need to be distributed to assess where the projects stand.

Marquette County has completed dispatch center work and are hoping decisions will be made on the distribution of the 3 cent fund monies soon, as they have experience a financial crisis due to this year's flooding.

NEW BUSINESS

A. NORAD/NENA Agreement

Ms. Suzan Hensel gave an overview of the Memorandum of Agreement (MOA) between NENA, NORAD (North American Aerospace Defense Command), and NASNA (National Association of State 9-1-1 Administrators). The agreement was created to provide notification: (1) when there is a possible incident, terrorist or otherwise, taking place on an aircraft; (2) when there is a suspicious aircraft, or suspicious object in the air; and (3) when there is the theft of an aircraft. The agreement does not supercede or negate any local plans in place.

This is highly confidential information, for PSAP use only. NENA encourages the adoption of the MOA by all PSAPs for the safety of Michigan citizens. The procedures for notifying NORAD have been put into a PowerPoint presentation by Ms. Hensel and is available electronically for training purposes.

A MOTION was made to forward the Memorandum of Agreement to all Michigan PSAPs, along with NENA, NORAD, and NASNA. MOTION CARRIED.

B. Bylaws Review

There have been questions raised in the past year about voting practices of the committee. There is nothing in the bylaws that prohibit the chair of the committee from voting on any issue. The first sentence of the first paragraph of the bylaws indicates that all members are entitled to vote. Mr. David Voges advised there is a bit of ambiguity, but the committee can proceed assuming that the chair is entitled to vote on every matter provided there is no conflict of interest.

A MOTION was made to allow the chair to vote on issues that come before the ETSC, except where there is a known conflict of interest. MOTION CARRIED

ETSC members representing the Governor, House of Representatives, and Senate may not delegate his/her vote to another. Alternates will be allowed only upon written notification by the appointing authority.

C. Compromise Funding Proposal for 9-1-1 Service Providers

Mr. Scott Temple has been working with the wireless community to draft a proposal that would provide funding for wireline companies who incur expenses in the delivery of wireless 9-1-1 calls. The wireless community has offered a proposal whereby they would pay up to 1.5 cents out of their 25 cents to reimburse the wireline community. Under the proposal, SBC would need to be willing to give up the concept of a tariff and MCDA and Barry County would need to drop their lawsuit. Modification of the 9-1-1 legislation would need to occur to provide for this change.

Mr. Rogers facilitated a meeting in July between the presidents of MCDA, NENA, APCO, representatives of SBC, Lt. Col. Peter Munoz, and representatives of the wireless community. Agreement has not been reached. Mr. Rogers will attempt to continue to facilitate a compromise or solution.

D. House Bill 4439

Rep. Ken Bradstreet has introduced a bill to address the sunset date of the Act. There is question as to if the bill would eliminate the CMRS funding, which indicates a repeal date of July 1, 2004, for that section. Lt. Colonel Munoz intends to meet with Representative Bradstreet on this issue.

ANNUAL REPORT

The annual report is in the process of being compiled. Copies will be provided electronically to the Governor's Office and members of the Legislature by the due date of August 31, 2003. The report will be posted on the ETSC web site. A mailing will not occur due to budgetary considerations.

CMRS SUBCOMMITTEE REPORT

A. Review of Invoices

A change was indicated to the August 12 subcommittee minutes. Item III., Explanation of Invoice, second paragraph, is to read: "The supplier indicated they have spoken with MPSC regarding the 9-1-1 cost model. MPSC staff could be looked at for subject matter expertise." Mr. Dan Kearney noted that the last sentence would pertain if permitted under law or a requirement for filing.

Lt. Colonel Munoz reviewed the 24 invoices presented to the committee. MOTION to approve the following invoices: 03-0024, 03-0025, 03-0028, 03-0029, 03-0030, 03-0031, 00-0033, 03-0034, 03-0035, 03-0036, 03-0038, 03-0039, 03-0040, 03-0041, 03-0042, 03-0043, 03-0046, totaling \$4,212,886.43. MOTION CARRIED.

A MOTION was made to approve the payment of Invoice 03-0026 in the amount of \$39,223.31, which is 125 percent of available funds of this supplier. MOTION CARRIED.

A MOTION was made to not approve the following invoices as noted:

- Invoice 03-0023 no funds available under the Federal identification number provided by the supplier
 - Invoice 03-0027 no funds available under the Federal identification number provided by the supplier
 - Invoice 03-0032 no funds available under the Federal identification number provided by the supplier
 - Invoice 03-0037 insufficient funds available. The supplier has already been paid \$12,915.52 above what they have contributed to the fund.
 - Invoice 03-0044 no funds available under the Federal identification number provided by the supplier
 - Invoice 03-0045 no funds available. 125% of the available funds were used to pay invoice 03-0026.
- The MOTION CARRIED.

At future meetings, invoices will be voted on a case-by-case basis and not together as a group.

Discussion was held regarding the means by which 125 percent payment of an invoice is calculated. Currently, calculation is based on funding available (on hand) as reported by the Department of Treasury. The committee is being asked to consider basing the 125 percent on funds contributed to the fund to-date. The CMRS Subcommittee will look into this matter further.

B. Guidelines for Approval of Invoices

Lt. Colonel Munoz requested clarification on what the ETSC would like to see included in guidelines for CMRS invoices. The following topics were discussed.

- The lack of wireline expertise on the subcommittee when considering invoices for payment.
- Verification of work performed by providers. Have provider sign or certify the invoices indicating work was done.
- Procedure for pre-expenditure approval.
- Seek participation of 9-1-1 service providers in establishing guidelines for criteria.
- Developing guidelines for invoices being considered for payment at 125 percent of funds.
- Bring together subject matter experts to participate in the analysis of invoices.

Mr. Lloyd Fayling offered an amendment that the ETSC create a subcommittee to develop a procedure for pre-expenditure approval by those telephone companies that have FCC wireless order implementation costs that exceed by more than 125 percent of the amount of revenue contributed to the CMRS emergency telephone fund by that company in order to implement Section 410(4)(b) of the Emergency Telephone Service Enabling Act.

Mr. Rogers noted that we currently have a subcommittee in place. We need to only give direction to that subcommittee of what we are looking for them to accomplish.

A MOTION was made for the CMRS Subcommittee to establish written guidelines for (1) a pre-approval process, (2) calculation of the 125 percent distribution of funds, and (3) how the CMRS subcommittee operates. The subcommittee is to establish draft guidelines by November 1, 2003, and submit to the ETSC for approval at the December 2003 meeting. MOTION CARRIED.

Meeting dates of the CMRS Subcommittee are to be forwarded to the full ETSC and placed on the web site.

DISPATCHER TRAINING SUBCOMMITTEE REPORT

Mr. Charlie Nystrom gave an overview of the last subcommittee meeting. The following motion was offered regarding eligibility for training funds.

A MOTION was made that individuals working in an eligible primary PSAP, who are eligible to be counted as an FTE MCOLES officer under the provisions of Section 3(a) of Public Act 302, of 1982, as amended, being MCL 18.423(a), shall not be eligible for inclusion in the count toward the FTE count for participation by the eligible PSAP in the training fund distribution of Section 409 of Public Act 32 of 1986, as amended; being MCL 484.1409 (1) (d). MOTION CARRIED.

Mr. Nystrom further noted that, in the past, some people have refused to provide social security numbers for MCOLES to check eligibility.

A MOTION was made requiring eligible primary PSAPs to submit an annual registration identification of personnel and a report of expenditures to establish or maintain eligibility to receive a distribution from the PSAP training fund. MOTION CARRIED.

In early October 2003, the Department of Treasury will distribute training funds to the PSAPs at approximately \$383.00 per employee.

The next training distribution application process will be mailed in early December, with a due date of February 13, 2004.

LEGISLATIVE ACTION SUBCOMMITTEE REPORT

The legislative rewrite package is at the Governor's Office for review. Potential sponsors were discussed at a meeting Sgt. Matt Bolger had with the Governor's Legislative Division. They are aware of the sunset date.

Informal contact with potential sponsors from both parties has brought forth the knowledge that certain members of the ETSC have been expressing concerns to the Governor's Office and Legislators about specific portions of the rewrite. Due to these contacts, some portions of the rewrite may never see introduction in the bill.

Please coordinate contacts with bill sponsors through Sergeant Bolger. If the ETSC committee appears disorganized to the Legislature, it could be detrimental to the rewrite.

POLICY SUBCOMMITTEE REPORT

Mr. Dale Berry is working to address the issue of conflict of interests with members of the ETSC. The ETSC has no current conflict of interest or duality of interest policy and one may be needed. Mr. Voges advised there are state laws that govern conduct and ethics. Members of the ETSC are public officers and are bound by the standards of conduct set forth in MCL 15.342. The Attorney General's office is preparing a response to additional questions concerning conflict/duality of interest. Once this is received, the subcommittee will meet to decide if the bylaws need to be changed.

RE-CERTIFICATION SUBCOMMITTEE REPORT

A. 2004 Re-certification Criteria

Mr. William Charon reviewed proposed requirements for implementation of Phase I and II for 2004 wireless funding.

A MOTION was made to accept these requirements for 2004 wireless funding. The MOTION CARRIED.

Fifth year certification will require a "PSAP Wireless Implementation Status Report" form be submitted for every primary wireless PSAP in each county. These forms will need to be postmarked by January 31, 2004.

B. County Audits

The ETSC has been made aware of possible misuse of 9-1-1 funds. In response to a request by the full committee, the Recertification Subcommittee is proposing that the following audit procedures be adopted:

1. An audit of 10 percent of the counties (8) in Michigan be conducted annually to assure compliance with the emergency service order.
2. The 8 counties audited will be selected from a random drawing of all counties in the state.
3. The names of the audited counties will be announced at the first ETSC meeting of each year.
4. Members of the Recertification Subcommittee will conduct the audits. They may ask for assistance from other PSAP directors.
5. Members of the Recertification Subcommittee will contact the counties to be audited to schedule an auditing date.
6. Counties audited will select a meeting site in their county.
7. The chairperson of the Recertification Subcommittee will report the progress and status of the auditing at each ETSC meeting.

A MOTION was made to accept the above noted auditing procedures. The MOTION CARRIED.

The information will be mailed to all PSAPs and counties in mid-September. (PLEASE NOTE: Due to a spending freeze implemented on the State of Michigan, this mailing will not be sent until October 1, 2003).

Audits will cover the past year and assure expenses are in accordance with the Act. Consideration will be given to auditing a county based on feedback received from sources concerned about the expenditures of a specific county's 9-1-1 funds. The subcommittee was asked to draft a "for-cause audit policy."

Mr. Rogers further asked the subcommittee to draft specifics of what they will be looking for in an audit. The subcommittee may also need to look at how many years records are to be kept.

PUBLIC COMMENT

A request from the audience was made for a status report on wireless implementation in the state.

Ms. Hensel advised that the Michigan NENA Association provided refreshments for today's meeting.

NEXT MEETING

A. Next Meeting

- September 24, 2 p.m., at the Kettunen Center in Tustin. This meeting is sponsored by APCO.
- December 9, 2003, 9:30 a.m., location TBA.

B. Dates for 2004 ETSC meetings

To comply with the Open Meetings Act, meeting dates will be set for 2004 as follows:

- March 23
- June 15
- September 21
- December 14

Meeting locations will be announced at a later date. All meetings will begin at 9:30 a.m.

ADJOURN

The meeting adjourned at 1:00 p.m.

Approved:

PAUL M. ROGERS, CHAIR