



**RICK SNYDER**  
GOVERNOR

State of Michigan  
**STATE 9-1-1 COMMITTEE**  
LANSING

**SHERIFF DALE GRIBLER**  
CHAIR

**State 911 Committee Meeting**

Tuesday, June 11, 2013

MSP - HQ

Meeting Minutes

<b>Members Present</b>	<b>Representing</b>
Sheriff Dale Gribler, Chair	Michigan Sheriffs' Association
Mr. Rich Feole	Association of Public Safety Communication Officials
Ms. Yvette Collins	Commercial Mobile Radio Service
Mr. Jeff Troyer	House Appointee, Public Member
Mr. Dale Berry	Michigan Association of Ambulance Services
Mr. Tim Smith	Michigan Communication Directors Association
Chief Paul Trinka	Michigan Association of Fire Chiefs
Ms. April Heinze	National Emergency Number Association
Ms. Susana Woolcock	Michigan Public Service Commission
Mr. Lloyd Fayling	Senate Appointee, Public Member
Ms. Jennifer Greenburg	Telecommunications Association of Michigan
Mr. James Loeper	UP Emergency Medical Services Corporation
Mr. Don Welch	Governor's Appointee, Public Member
Mr. Jon Campbell	Michigan Association of Counties
Mr. Mark Docherty	Michigan Professional Firefighters Union
Sgt. Christopher Luty	Michigan State Police Troopers Association
Ms. Karen Towne	Department of Licensing & Regulatory Affairs
<b>Non-Voting Members Present</b>	<b>Representing</b>
Mr. Hal Martin	Office of the Attorney General
Ms. Harriet Miller-Brown	State 911 Administrator's Office
Ms. Theresa Hart	State 911 Administrator's Office
Ms. Amanda Kennedy	State 911 Administrator's Office
Ms. Stacie Hansel	State 911 Administrator's Office
<b>Members Absent</b>	<b>Representing</b>
Mr. Shawn Sible	Michigan State Police
Mr. John Buczek	Fraternal Order of Police
Lt. Frank Baker	Deputy Sheriff's Association
Chief Kay Hoffman	Michigan Association of Chiefs of Police

Association of Public Safety Communications Officials • Commercial Mobile Radio Service • Department of Licensing and Regulatory Affairs  
 Department of State Police • Deputy Sheriff's Association • Fraternal Order of Police • Michigan Association of Ambulance Services  
 Michigan Association of Chiefs of Police • Michigan Association of Counties • Michigan Communications Directors Association  
 Michigan Association of Fire Chiefs • Michigan Professional Firefighters Union • Michigan Public Service Commission • Michigan Sheriff's Association  
 Michigan State Police Troopers Association • National Emergency Number Association • Telecommunications Association of Michigan • Upper Peninsula  
 Emergency Medical Services • Members of the general public appointed by the Governor, Speaker of the House, and Majority Leader of the Senate

**I. Roll Call**

Sheriff Dale Gribler called the State 911 Committee (SNC) meeting to order and roll call was taken.

**II. Approval of Minutes**

A **MOTION** was made by Mr. Lloyd Fayling, with support from Chief Paul Trinkka, to approve the meeting minutes of March 12, 2013. Ms. Karen Towne asked for clarification on page three, section VII, A, last paragraph. After discussion, it was decided to change the word “disallowed” to “allowed” for the sentence to read...“not prevent the course itself from being allowed, only...” With approved changes, the **MOTION** carried.

**III. Correspondence**

Sheriff Gribler introduced and welcomed Ms. Amanda Kennedy, new employee to the State 911 Office.

Sheriff Gribler announced that Ms. April Heinze is the new director at Eaton County Central Dispatch.

**IV. Old Business**

TracFone

Mr. Hal Martin provided a copy of the Proposal for Decision (PFD) and gave background information. An attempt to initiate a contested case proceeding on behalf of the SNC against TracFone failed at the administrative level. In lieu of an answer, TracFone filed a Motion to Dismiss. The administrative law judge held a hearing in March and issued a Proposal for Decision in May.

Referencing earlier discussions about pressing petition as a committee, Mr. Martin stated the SNC is not among those entities enumerated under section 602(2). It was argued the term “public service agency,” which is undefined in the act, should be read “public safety agency,” which is defined in the act. The MSP is a public safety agency and the committee is created within MSP. The administrative law judge agreed with the term public service agency; however, she found being created within and staffed by MSP did not make the committee the MSP. Though not stated directly, MSP is one of the entities that could bring a petition, along with the counties.

Procedurally, May 3 was the deadline to take exception to the decision. Mr. Martin had a conference call with the Executive Committee and concluded it would be frivolous to challenge the decision. Ms. Collins stated the commission could issue an order stating something different than the PFD. Mr. Martin stated the rules under the Administrative Procedures Act require the commission to adopt the PFD if no exceptions are filed.

Mr. Martin was asked to brief his office regarding the collection of prepaid 911 issues as the Attorney General was talking with other Attorney Generals and that was to be a topic of discussion. Mr. Martin referenced a recent case in Kentucky against TracFone. He reviewed the Kentucky statute, which specifically states the state may issue a collection action, Michigan’s statute does not state the same. Mr. Troyer asked if it allowed municipalities to take action. If municipalities wanted to go together and pursue, using information from the State 911 Office, would the information be able to be turned over? Mr. Martin stated 602(2) allows various combinations of entities to bring a contested case for a determination of rights and duties.

Ms. Greenburg asked if there was word on how the prepaid collection was going. Ms. Miller-Brown stated, in Treasury’s database she has seen some large providers, along with smaller ones, who have been remitting through the retail point of sale. That will be part of Ms. Amanda Kennedy’s responsibilities in the future, tracking who is submitting fees and who is not.

Ms. Greenburg wanted to clarify that the ALJ only said the SNC did not have standing, not that the facts put forward were wrong or there was no case.

Mr. Jon Campbell asked Mr. Martin if the Michigan Association of Counties would have standing to join the municipalities. Mr. Martin believed they would have standing to join.

Sheriff Gribler stated the information should go to the Legislative Action Subcommittee for review.

## **V. New Business**

None.

## **VI. Certification Subcommittee**

Mr. Feole welcomed Ms. Amanda Kennedy to the team.

### **A. Review Updates**

The subcommittee met on May 30 to discuss the upcoming reviews.

Otsego County - The Otsego review team has been given a draft copy of the report. Mr. Barry Nelson and Ms. Kennedy traveled to Otsego for a follow up visit to gather missing information. The final draft report will be reviewed by the subcommittee soon and presented to the SNC at the next meeting.

Huron County – All the paperwork has been received and a site visit is scheduled for June 27. The team will consist of Mr. Feole, Mr. Barry Nelson, Mr. Vic Martin, and Ms. Kennedy. The report should be available to present to the SNC at the next meeting as well.

Baraga and Schoolcraft Counties – The site visits will be combined on August 7. There is still paperwork needed from Baraga. Mr. Jim Loeper has been working with the county to get everything submitted before the deadline of July 21. The team will consist of Mr. Greg Clark, Sheriff Gribler, Mr. Gary Johnson, Mr. Barry Nelson, and Ms. Kennedy.

The goal of the subcommittee is to have four reviews approved by the end of the year. At the Certification meeting in August, the next county for review will be chosen.

### **B. Appeal for Allowable Fund Use**

There was an appeal for allowable fund use from the Upper Peninsula 911 Authority (UPA). The subcommittee denied the request and the UPA wanted the full SNC's decision. Mr. Jim Loeper stated in 2009 an issue came up regarding wanting to use 911 funds for addressing; at the time the SNC denied the use of 911 funds for road signs and addressing implements. The UPA is asking for the rule to be changed and be allowed to use 911 funds in rural areas. Mr. Loeper presented a handout showing a row of mailboxes, but the actual house is a quarter mile or more away. The UP can also not rely on phones for locating callers as many do not have landline phones or cell phone coverage. When wireless calls are tested, location can be one block to 20 miles off, as AT&T antennas are in a straight line and cannot triangulate. There are also issues on ATV trails. Mr. Loeper stated GIS mapping was approved and believes addressing is an offshoot of that, allowing responders to locate the scene.

Ms. Collins asked whether or not it is the right thing to do, it is currently listed as disallowable. Mr. Loeper's purpose is to change that, as has been done with other issues in the past. Other general discussion followed.

Ms. Miller-Brown advised the Committee under the statute, section 401b, even if the committee makes the change to the allowable/disallowable list, a 90-day notice to the legislature is required.

A **MOTION** was made by Mr. Jim Loeper to amend the allowable/disallowable form to allow addressing implements as an allowable expenditure. With support from Sgt. Christopher Luty, general discussion followed and a roll call vote was taken.

	Yes	No	Abstain
Sheriff Dale Gribler, Chair		X	
Mr. Rich Feole		X	
Ms. Yvette Collins		X	
Mr. Jeff Troyer		X	
Mr. Dale Berry		X	
Mr. Tim Smith	X		
Chief Paul Trinko		X	
Ms. April Heinze		X	
Ms. Susana Woolcock			X
Mr. Lloyd Fayling		X	
Ms. Jennifer Greenburg		X	
Mr. James Loeper	X		
Mr. Don Welch		X	
Mr. Jon Campbell		X	
Mr. Mark Docherty	X		
Sgt. Christopher Luty	X		
Ms. Karen Towne		X	
<b>TOTAL</b>	<b>4</b>	<b>12</b>	<b>1</b>

With a vote of 4 in support and 12 against, the **MOTION** did not carry.

## VII. Dispatcher Training Subcommittee

### A. Meetings

Mr. Troyer included meeting minutes from February 26 and March 5, 2013, in the SNC packets.

### B. Updates From May 23, 2013, Meeting

1. The subcommittee met on May 23, 2013. The first issue discussed was the training standards tracking program, which is now available. Application forms were sent to all PSAPs for access to the portal. Ms. Hart presented an overview of the program at NENA and the MCDA conference.
2. To date, the subcommittee has approved 91 requests for training course approval and denied ten. The subcommittee plans to take a proactive role in auditing training courses at random. There is an increase in requests for approval of training courses since training standards are now in place and many are new training providers. The subcommittee wants to make sure the course being taught is one they approved. They also want to make sure the content being taught is following outlines and syllabus received, which is what the subcommittee uses to approve the courses. The draft audit form is being created.
3. A few PSAPs are requesting Module I training course approval for their PSAPs internal training program. The approach taken by the subcommittee is whether the course is internal or in-house training. Internal training is considered on the job training specific to the PSAP. In-house training is training that is approved for training fund use, generally this means sending employees to a class or bringing an instructor into the PSAP. The difference is in-house training is opened to outside PSAPs. If the training is not available to outside PSAPs, it will not be approved for Module I.

4. Regarding grandfathering of police officers working as dispatchers, Mr. Troyer gave the example of smaller police department-ran PSAPs. There may be four or five primary telecommunicators, but police officers are used to backfill. Several entities are interpreting the training standards as, if they are an employee of the police department, because they operate a PSAP, all the staff employed there are automatically grandfathered. The training standards and the manual do refer to emergency telecommunicators in the primary responsibilities. If the employee's primary role at the agency is an emergency telecommunicator, they are grandfathered. If the primary role is a patrol officer, they are not grandfathered. The subcommittee will be sending a letter to all PSAPs reinforcing the training manual, which was approved by the SNC, and refers to the primary responsibilities, significantly stating the difference.
5. The subcommittee has an annual application process for training funds. Sheriff Gribler requested a survey go out to the PSAPs who did not submit an application to find out the reasons. One survey received revealed that the PSAP returned the application to the wrong e-mail address and therefore it was never received in the State 911 Office. The individual did not know the application was not received and thought they would receive training funds. Other PSAPs replying to the survey that did not submit applications asked to be considered for a mid-year distribution as this is the first year of the training standards.

A mid-year distribution has been discussed in the past, but never done. This year, the subcommittee took action to create a mid-year application process for 2013 only, due to the implementation of the training standards. The subcommittee would like the SNC to approve a mid-year application process for 2013. The policies already in place regarding spend down, and any other deadlines set in the policy will remain intact. This application process would not apply to anyone who was denied funds because of non-spend down.

A **MOTION** was made by Mr. Jeff Troyer that the SNC approve a mid-year dispatcher training fund application process for 2013 only. With support from Mr. Jon Campbell, discussion followed.

When asked if the mid-year process would cause confusion for next year, Ms. Miller-Brown stated the application would only be sent to the PSAPs who did not submit applications originally (approximately 30 PSAPs); it would not be a mass mailing to all PSAPs. July 26, 2013, would be the deadline to apply. Mr. Fayling expressed concerns that 30 PSAPs could significantly affect the second distribution when budgets have already been created using the first distribution amounts. General discussion followed and a roll call vote was taken.

	Yes	No	Abstain
Sheriff Dale Gribler, Chair	X		
Mr. Rich Feole		X	
Ms. Yvette Collins		X	
Mr. Jeff Troyer	X		
Mr. Dale Berry	X		
Mr. Tim Smith	X		
Chief Paul Trinka	X		
Ms. April Heinze		X	
Ms. Susana Woolcock			X
Mr. Lloyd Fayling		X	
Ms. Jennifer Greenburg		X	
Mr. James Loeper	X		

Mr. Don Welch	X		
Mr. Jon Campbell	X		
Mr. Mark Docherty	X		
Sgt. Christopher Luty	X		
Ms. Karen Towne	X		
<b>TOTAL</b>	<b>11</b>	<b>5</b>	<b>1</b>

With a vote of 11 in support and five against, the **MOTION** carried.

**VIII. Emerging Technology Subcommittee**

Ms. Heinze announced the Technology Forum this year was the largest attended to date, with approximately 126. Overall evaluations were positive, with good feedback for future years. A copy of the evaluation was included in the SNC packets.

**IX. Legislative Action Subcommittee**

Ms. Miller-Brown reported for Mr. Sible. The SNC packets contained a copy of HB 4671, which has passed the House and is being moved to the Senate. The bill is for Treasury to receive \$150,000.00 of the state 911 revenue for administering the act. When asked if it was discussed in the LAS meetings, Ms. Miller-Brown stated it was similar to a bill voted by the LAS not necessarily to endorse it, but to not oppose it. Ms. Greenburg stated when the other bill was originally reviewed 18 months ago, during a different legislative session, it was before CLEAR NG911 recommendations were introduced, and there have been changes in orders with the MPSC. She suggested the LAS may need to schedule a meeting and stated she would shy away from saying the LAS supported this particular bill, when it is new from what was reviewed 18 months ago. Ms. Miller-Brown stated LAS supported the concept in the past.

Ms. Karen Towne, looking at the senate fiscal agency analysis for this legislation, indicated PA 200 of 2012 appropriated \$148,800.00 for fiscal year 12/13 from the emergency 911 fund to the department of treasury. When they do an appropriation and budget bill, they have to do a secondary piece of legislation to allow the actual occurrence. This could be a tie in to the budget process.

Sheriff Gribler suggested an LAS meeting be scheduled.

Ms. Miller-Brown stated HB 4011, the amendment to the Freedom of Information Act (FOIA), is in committee currently. The LAS formed a workgroup to make modifications to the proposal, which went to house policy. The bill does not change the 911 act; it changes the FOIA act to protect 911 calls in certain circumstances.

**X. Policy Subcommittee**

Nothing to report.

**XI. State 911 Administrator**

A. CLEAR NG911 Report. Ms. Miller-Brown stated over the last couple months, her work with CLEAR has been reviewing and collecting data.

B. Annual Surcharge Changes. There were a number of counties who appealed the original determination of the MPSC (15489) for their local 911 fees. Settlement agreements were set for several – 12 were set and adopted by the Commission prior to the June 1 notice, others are yet pending. Every year the 911 office sends out notices on June 1 to the providers stating what the state 911 fee is and what the local 911 fee is. An updated notice to the providers will be sent as orders are subsequently issued by the MPSC.

- C. GIS Project. As sub-grant funds are no longer available, an opportunity, at no cost, was opened to PSAPs that had not participated in the past. Ms. Miller-Brown referred some counties that expressed interest to the CGAP fund through Treasury/Governor's Office on collaborative projects. Of the 16 counties who are not participating, eight have affirmatively expressed interest. Contact has been made with non-participating counties to let them know about the second opportunity.

Ms. Miller-Brown may have more information by the next SNC meeting, DTMB nominated the GIS project for national recognition through the National State Chief Information Officers Association and the top three candidates should be announced in August.

- D. State 911 Fund. Ms. Miller-Brown stated at the next SNC meeting, the committee should receive the back quarters' worth of evaluation reports.

Ms. Miller-Brown received notice the annual audit, by the OAG of the 911 funds, is complete with no findings.

- E. Other Activity. Ms. Miller-Brown has co-presented at Michigan NENA, Michigan Sheriff's Association, assisted with 911 Goes to Washington, Tech Forum, and MCDA.

## **XII. Public Comment**

Ms. Bianconi stated she hopes the CLEAR committee would make a presentation to the LAS and asked if that was moving forward.

Ms. Bianconi asked if the appeals process from the MPSC case was referring to the state or local surcharge. Ms. Miller-Brown stated it was local surcharges. Ms. Bianconi asked if it would have any impact on the existing local surcharges as her surcharge is maxed at 42 cents and other counties are in excess of that amount. Ms. Miller-Brown stated it will only impact those counties who appealed.

Ms. Pat Anderson stated in early May there was a notice sent to all service providers in the U.P. that the U.P. was going to change their 911 service provider. She forwarded the information to Ms. Heinze and Ms. Miller-Brown as a possible topic for the Emerging Technology Subcommittee. Ms. Anderson forwarded questions to Peninsula Fiber, who stated they are working on a plan to bring all the providers together that would be impacted to discuss the project. An Emerging Technology Subcommittee meeting will be scheduled.

## **XIII. Next Meeting**

October 8, 2013  
MSP Headquarters

## **XIV. Adjourn**

The meeting adjourned at 12:06 p.m.