



GRETCHEN WHITMER
GOVERNOR

State of Michigan
STATE 911 COMMITTEE
LANSING

JEFF TROYER
CHAIR

State 911 Committee Meeting
September 13, 2023
Meeting Minutes

Voting Members Present	Representing
Mr. Jeff Troyer, Chair	House Appointee, Public Member
Ms. Jordyn Sellek	Michigan Communication Directors Association
Ms. April Heinze	Senate Appointee, Public Member
Chief Adam Carroll	Michigan Association of Fire Chiefs
Mr. Tim McKee	Governor's Appointee, Public Member
Sheriff Richard Behnke	Michigan Sheriffs' Association
Mr. Steven Berenbaum	Commercial Mobile Radio Service
Mr. Kevin Wilkinson	Michigan Association of Ambulance Services
Ms. Lisa Hall	Assoc. of Public Safety Communications Officials
Mr. Matt Weil	Michigan Professional Firefighters Union
Ms. Jeanette Doll	Department of Licensing and Regulatory Affairs
Ms. Stephanie Lehman	National Emergency Number Association
Mr. Gordon Caverly	Telecommunications Association of Michigan
Chief Dale Greenleaf	Michigan Association of Chiefs of Police
Mr. Bryce Tracy	U.P. 911 Authority
Mr. Ken Mitchell	Michigan Association of Counties
Mr. David Willis	Michigan Fraternal Order of Police
Major Beth Clark	Michigan State Police
Non-Voting Members Present	Representing
Ms. Joni Harvey	State 911 Administrative Office
Ms. Lyndsay Keith	State 911 Administrative Office
Ms. Cindy Homant	State 911 Administrative Office
Ms. Stacie Hansel	State 911 Administrative Office
Voting Members Absent	Representing
Det. Jonathan Pignataro	Deputy Sheriff's Association
Ms. Wendy Thelen	Michigan Public Service Commission
Sgt. Kelly Linebaugh	Michigan State Police Trooper's Association

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. Call to Order

The State 911 Committee (SNC) meeting was called to order at 10 a.m.

II. Roll Call

Roll call was taken, and a quorum was present. Member Thelen participated in the discussions remotely.

III. Additions to the Agenda

There were no additions.

IV. Approval of Minutes

A **MOTION** was made by TRACY, with support by MITCHELL, to approve the State 911 Committee meeting minutes for June 14, 2023. With no discussion, the **MOTION** carried.

V. Correspondence

There was no correspondence.

VI. Chair / Vice-Chair Report

A. New Members

Mr. Troyer welcomed new SNC members. Mr. Gordon Caverly is representing the Telecommunications Association of Michigan and Mr. Matt Weil is representing the Michigan Professional Firefighters Union.

VII. Certification Subcommittee Report

A. Subcommittee Updates

In the process of compliance reviews for Mackinaw, Luce, and Chippewa counties. Virtual meetings have been held with Mackinaw and Luce counties, with the review team doing follow up on some additional questions. The virtual meeting for Chippewa will be rescheduled.

Clinton County is in the process of their compliance review; the virtual meeting will be scheduled soon.

Before moving forward in completing their compliance review, the review team was waiting for Wayne County to produce a document regarding how they distribute funds to the service districts. They are unable to produce that document. A meeting will be scheduled for discussion on how to proceed. The Attorney General's office has been involved in the process.

B. Compliance Review Appeals

Three documents were given to the members:

1. FCC Input. At the last SNC meeting, it was suggested reaching out to the FCC taskforce to see if they had a position regarding the use of 911 fees for cell phones for public safety personnel outside of PSAP employees. The FCC requested a meeting. The informal staff opinion is summarized in this document. In general, they consider commercial cellular service to be a disallowable expense.
2. SNC Policy - Disallowable Expenditures of 911 Surcharge Funds. This document is regarding decision-making process and repayment of funds.
3. SNC Policy - Compliance Reviews. This document outlines the appeal process and what the responsibility is of the SNC.

Gogebic County Appeal

At the last SNC meeting, additional documentation was requested from Gogebic County. That information was provided in the meeting packet.

Gogebic was not able to provide detailed phone invoices, so the State 911 Office was unable to confirm or deny the \$10,436.97 for the 29 phones in question; however, that is what Gogebic County stated it is for.

Ms. Heidi DeRosso, Gogebic County Emergency Manager/911 Coordinator, commented there was a misunderstanding about needing detailed call logs, so she provided invoices. Every agency in the county is shown on the sheet provided; 911 does not pay for all of them. There was an incident in August regarding a follow up on a welfare check. After issues trying to run an individual through dispatch, the officer used his cell phone. The individual came back as a felon and under an officer safety caution. In her opinion, this is a perfect example of 911 paying for law enforcement cell phones.

SNC members asked for clarification if the cell phones are only used for 911 dispatch purposes. The SNC requested two months of information, which were summarized based on call logs provided. The summary contained best estimates of percentages of what the call usage looks like. The phones were used for additional purposes other than 911. Ms. DeRosso stated as a set monthly fee, they are used as department use also.

SNC members stated the appeal is for 100% of the payment; however, that is not necessarily what needs to be given. The SNC could deny the appeal with a caveat to identify a percentage that is directly attributable for the delivery of 911 services, with the agency proving there was no other means of communication available.

The responsibility is on the county to keep records showing allowable expenditures and how they are using the funds. It is also their responsibility to supply those records when pulled for a compliance review.

In the past, cell phones have always been considered a disallowable expense; however, the FCC summary says the 'primary use of coverage'. SNC member stated this is an unusual circumstance and Gogebic has proven they do not have coverage areas. The primary responsibility of 911 is the delivery of services and if they do not have the communication, then they have failed. Using the phones is Gogebic's answer to that issue. A two-way is probably never used even 50% of the time for only 911, yet that is an allowable expense, which is 100% covered. This should be determined on a case-by-case basis. Other SNC members agreed; however, stated if it was approved, the SNC would knowingly approve it, by Gogebic's own words, for phones not used 100% of the time for 911. The FCC agreed it could be an allowable expense using funds to pay the percentage of the time they are used for 911, but it is not a guaranteed approval. If the SNC does not abide with the FCC, the state risks losing all grant funding.

There is a difference between a public safety communication system device, a two-way radio, versus a commercial cellular service. The FCC made a point to indicate that. The FCC recognized not all radios are used only for 911 purposes. This is why the FCC determined it was a misuse of funds and created the Task Force to review. It is not the state's job to provide Gogebic County with in-building portable coverage; Gogebic County can choose to do that.

SNC member stated in speaking with other counties, local units pay for their phones as they recognize they are used for other purposes. Did not see in any supporting documentation why Gogebic cannot pay for the phones locally. Also, this cannot be an officer safety issue,

it needs to be a public safety issue. SNC member stated if there is coverage issues, what happens when firefighters go into an area with no coverage.

A **MOTION** was made by SELLEK, with support from HEINZE, to deny the appeal for 100% reimbursement; however, if desired, the county would be able to go back, work with the State 911 Office, and truly identify the percentage of use for 911 calls and could resubmit for that percentage of 911 use.

SNC members commented this should be a mutual audit between the State 911 Office and Gogebic County to determine that percentage. From an allowable/disallowable standpoint, the SNC is setting a precedent from the time a decision on Gogebic County's appeal is made until the allowable/disallowable list is modified. The percentage needs to be determined; however, Gogebic also needs to provide documentation to support the percentage. This follows the FCC guidance, allowing for a percentage.

For clarification on the motion, Ms. Sellek stated this is not a requirement. It is up to Gogebic County if they wish to do so.

SNC member discussions continued. Moving forward, as the list is currently written, cell phones for law enforcement, police, and fire will be allowable if they can provide a percentage and show documentation. This will be a different conversation which will need to take place. The SNC will need to review the allowable/disallowable list and clarify moving forward. Gogebic County will need to know whether they can continue to pay and/or if there is a deadline. The motion and discussion needs to be completed first.

Under the rules as they are written today, the SNC is saying the appeal is denied and if they choose, the county can prove it was for the direct service of 911, as a percentage.

The two largest items the FCC said to be allowable is the county had to show there is need and they need to prove how often those devices were being used solely for 911. And this would make it potentially allowable. This was information not available at the initial appeal made at the June SNC meeting. It is the county's decision to pursue or not, and if they do, the SNC is guided by the FCC guidelines.

SNC member asked, to clarify the motion, the SNC will deny the appeal, then Gogebic County can come back with another appeal to be able to work with the SNC to determine what the percentage is of what would be allowed at that time. This is a denial of the appeal and not setting a precedent yet as it still needs to be determined if a percentage is allowable.

The process is established in the policies given to SNC members. The county will bring the information to the Certification Subcommittee. If the subcommittee denies it, then it can be presented to the SNC.

Updating the allowable/disallowable list is not something that can be completed in an SNC meeting. Once the list is modified, it is presented to the House and Senate, who have 90 days for review. If they have any modifications or questions, it will come back to the SNC for consideration. If they do not have modifications, once it comes back to the SNC, then the list can be adopted.

With no further discussion, a roll call vote was taken:

Member	Yes	No	Abstain
Mr. Jeff Troyer	X		
Ms. Jordyn Sellek	X		
Ms. April Heinze	X		
Chief Adam Carroll	X		
Mr. Tim McKee	X		
Sheriff Richard Behnke		X	
Mr. Steven Berenbaum	X		
Mr. Kevin Wilkinson	X		
Ms. Lisa Hall	X		
Mr. Matt Weil	X		
Ms. Jeanette Doll	X		
Ms. Stephanie Lehman	X		
Mr. Gordon Caverly	X		
Chief Dale Greenleaf	X		
Mr. Bryce Tracy	X		
Mr. Ken Mitchell	X		
Mr. David Willis		X	
Major Beth Clark	X		

The **MOTION** carried.

Understanding the motion was not for 100%, Ms. DeRosso asked if they are allowed to use funds to pay for a portion, and as October 1 will be a year, does it all need to be paid back. This is correct. The denial of the appeal is for the use of 911 fees to pay for it, but she can come back to the SNC if she is able to identify the percentage directly attributable to 911 services. If she does not want to pay back 100% of the funds already used, she will need to provide the documentation.

Ontonagon County Appeal

At the last SNC meeting, additional documentation was requested from Ontonagon County. That information was provided in the meeting packet, as well as a summary page. Ontonagon County was unable to obtain any CAD reports or call reporting so the State 911 Office was unable to reconcile any calls made to or from the NRCC.

Mr. Michael Kocher, Ontonagon County Emergency Manager, understands the reasoning behind the rules; however, out of all counties in the state, they are the third largest. They cannot guarantee 24-hour coverage. They provide the best forms of communication they have for their officers. It was not clearly defined in the allowable/disallowable list, so they originally asked those who they felt would be most informed. The advice was not in their favor. The county is working with NRCC to provide CAD reports, which are only available up to 30 days. What additional documentation they did provide was individual phone logs. They are trying the best they can to provide 100% communication.

The SNC is not saying they do not want the best communication methods for public safety personnel. The FCC's input is not saying it is disallowable. Instead, it says proof is needed to show there is no other communication system available and proof is needed to show it is being used for direct 911 services.

A **MOTION** was made by SELLEK, with support from HEINZE, to deny the appeal for 100% reimbursement; however, if desired, the county would be able to go back, work with the State 911 Office, and truly identify the percentage of use for 911 calls and could resubmit for that percentage of 911 use.

SNC members commented there is no radio or cellular system 100% foolproof. The concern is there is an unrealistic expectation on 911 centers that not only is it the center's job to provide that, but also provide funding for it. The amount of surcharge funding distributed to each PSAP is generally a small percentage of the overall budget. It needs to be a partnership between law enforcement, EMS, fire, and the PSAP. It would be reckless for a PSAP to spend their money on cell phones for a law enforcement agency; however, do not want to inhibit centers from solving problems of a critical nature.

With no further discussion, a roll call vote was taken:

Member	Yes	No	Abstain
Mr. Jeff Troyer	X		
Ms. Jordyn Sellek	X		
Ms. April Heinze	X		
Chief Adam Carroll	X		
Mr. Tim McKee	X		
Sheriff Richard Behnke		X	
Mr. Steven Berenbaum	X		
Mr. Kevin Wilkinson	X		
Ms. Lisa Hall	X		
Mr. Matt Weil	X		
Ms. Jeanette Doll	X		
Ms. Stephanie Lehman	X		
Mr. Gordon Caverly	X		
Chief Dale Greenleaf	X		
Mr. Bryce Tracy	X		
Mr. Ken Mitchell	X		
Mr. David Willis		X	
Major Beth Clark	X		

The **MOTION** carried.

Mr. Kocher asked if the SNC is looking at each specific month or only months that were submitted, and in the future, is Ontonagon County to provide a different percentage each month of actual usage. It was suggested to go through each month and identify what the percentage is. Coming back to the SNC or going through another compliance review, the county will need to provide documentation for whatever percentage they are requesting 911 fee usage.

After the appeal discussions, it was decided among the members to hold a special meeting, before the December meeting, to solely discuss the allowable/disallowable list. A poll will go out to check availability.

VIII. 911 Training Subcommittee Report

A. FTE Count for Second Distribution

Seeking approval in a change of the FTE count for the second distribution of training funds. This is due to the removal of FTEs from Crawford County as they discuss contracting with another primary PSAP. Also, Romeo Police Department has damage to some equipment in the center which rendered them unable to function as a primary PSAP until equipment is replaced.

A **MOTION** was made by WILKINSON, with support by GREENLEAF, to approve the November training fund distribution FTE count of 1,711. With no discussion, the **MOTION** carried.

B. Subcommittee Updates

A workgroup was created to review the training rules.

The review team has approved 210 requests for training course approval and/or renewal, and denied five. The team has also approved 337 instructors and denied eight.

There are currently six delinquent telecommunicators and 118 undesignated. There have been nine Plans of Action reviewed since June. An email was sent to all directors who have an undesignated employee to submit a plan of action to bring the employee into compliance.

The next meeting is scheduled for November 8 at 10 a.m. at MSP HQ.

IX. Emerging Technology Subcommittee Report

A. Approval of Minutes

A **MOTION** was made by MCKEE, with support by LEHMAN, to approve the Emerging Technology Subcommittee meeting minutes from May 15, 2023. With no discussion, the **MOTION** carried.

B. Subcommittee Updates

The Emerging Technology Forum will be held September 18-20 in Muskegon. There are currently 211 registered.

X. Legislative Action Subcommittee Report

A. Subcommittee Updates

A firefighter union bill, HB4688, requires minimum staffing levels be a part of collective bargaining contracts. This would apply to any collective bargaining unit. This is in the House Labor Committee tomorrow. Options for the SNC are do nothing or oppose as written and then move forward with a letter asking for a carve-out for 911. The best avenue is to schedule an LAS meeting for discussion and recommendation.

Last year, the legislature passed a law that would change the presidential primary from the March date to February 27. That law will not go into effect until 91 days after the legislature adjourns for this year. They would need to adjourn in early November for the February 27 primary to take place.

XI. State 911 Administrator's Report

A copy of the full report was included in the meeting packet. Highlights included:

- As of September 1, the second quarter state surcharge revenue collected was almost \$10.8M.
- Text to 911 is still at 82 counties and three Wayne County Service Districts.

- Several efforts have been made to get all counties to upload their data into the repository for testing of geo-routing. If having issues, please reach out to the help desk. For those who have requested access and are not seeing it, please follow all instructions as it is a two-step process.
- Ms. Keith is currently acting as training analyst as well as the certification analyst. As soon as Civil Service approves the reclassifications, the vacancy position will be posted.
- The first round of enhancements in MiSNAP is estimated to be completed by the end of the year.
- The State and Local Cybersecurity Plan was approved on July 31. Michigan is going to apply for the next round of funding. Projects for the first round of funding have not been identified.
- NENA has opened the standards for 911 988 interactions for public comment, which are due by October 9. The Michigan 911 988 workgroup is considering a best practice; however, were waiting for the NENA standard to be approved to be in compliance with their document.
- Information on the delinquent suppliers has been sent to MPSC for review. Still working on the format for submission, etc.
- The Retailer Audit conducted by Treasury for prepaid accounts resulted in changes to the projections originally provided. There were a few providers that initially had substantial findings but requested a Request for Reconsideration and submitted additional information on their bundling data. Treasury determined they were reporting correctly but some findings were still upheld. Ms. Harvey and Ms. Homant are meeting with Treasury September 27 to understand what supporting information was submitted later to change the projections so significantly. Approximately \$1,066,000 has been collected to date.

XII. Other Reports

Interoperability Board

Due to the Gogebic and Ontonagon appeals, there have been discussions regarding coverage issues and interoperability in general. The workgroups are developing solutions and guidance to cover interoperability gaps.

The communications unit held training for eight new certified incident tactical dispatchers. They are now recognized in the state database as a communications asset resource. These dispatchers are being training at a different level to be deployed in the field. Nine information technology service unit leaders have been trained as well.

Emergency Alerts/Warnings

An advanced alert and warning workshop is scheduled for October 2 to be held at the Ingham County Emergency Management Office. A beginner class is being developed.

XIII. Old Business

SNC Taskforce 911 Network Events Report

The report is in draft form and has been sent to the provider for review. It is expected the report will be finalized and presented to members at the December meeting.

XIV. New Business

Conference of Western Wayne Anniversary Recognition

A letter of recognition for the Conference of Western Wayne's 45th anniversary is in the meeting packet. Asking for approval to formally recognize and celebrate the Conference of Western Wayne.

A **MOTION** was made by MCKEE, with support by HALL, to approve the Conference of Western Wayne's 45th anniversary recognition letter. With no discussion, the **MOTION** carried.

XV. Comments

Public Comments

There was no public comment.

Member Comments

Mr. Tracy requested an invite to the special SNC meeting discussing the allowable/disallowable list be forwarded to Ms. Pat Coates and Mr. Mel Maier who represented Michigan on the FCC taskforce.

XVI. Next Meeting

December 13, 2023

10 a.m.

Michigan State Police HQ

XVII. Adjourn

The meeting adjourned at 11:52 a.m.