



GRETCHEN WHITMER
GOVERNOR

State of Michigan
STATE 911 COMMITTEE
LANSING

JEFF TROYER
CHAIR

State 911 Committee Meeting
June 14, 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
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
Ms. Jeanette Doll	Department of Licensing and Regulatory Affairs
Ms. Stephanie Lehman	National Emergency Number Association
Chief Dale Greenleaf	Michigan Association of Chiefs of Police
Mr. Bryce Tracy	U.P. 911 Authority
Mr. Ken Mitchell	Michigan Association of Counties
Det. Jonathan Pignataro	Deputy Sheriff's Association
Mr. David Willis	Michigan Fraternal Order of Police
Ms. Wendy Thelen	Michigan Public Service Commission
Sgt. Kelly Linebaugh	Michigan State Police Trooper's Association
Non-Voting Members Present	Representing
Ms. Joni Harvey	State 911 Administrative Office
Ms. Theresa Hart	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
Chief Adam Carroll	Michigan Association of Fire Chiefs
Mr. Matthew Sahr	Michigan Professional Firefighters Union
Mr. Scott Stevenson	Telecommunications Association of Michigan
Major Beth Clark	Michigan State 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. 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.

III. Additions to the Agenda

An update to the provider surcharge delinquency will be added under Old Business.

IV. Approval of Minutes

A **MOTION** was made by MITCHELL, with support by SELLEK, to approve the State 911 Committee meeting minutes for March 15, 2023. With no discussion, the **MOTION** carried.

V. Correspondence

There was no correspondence.

VI. Chair / Vice-Chair Report

A. Address Confidentiality Program

Creates a confidentiality program for victims who meet certain criteria, not requiring them to share their address with law enforcement or 911. It was passed in 2020 with an implementation date of May 23, 2023. A summary was drafted informing PSAPs to seek their own legal counsel's opinion. This program has now been put on hold.

B. SNC 911 Network Event Task Force Recommendations

The recommendations are still in draft form and will be ready at the September SNC meeting.

VII. Certification Subcommittee Report

A. Approval of Minutes

A **MOTION** was made by MCKEE, with support by TRACY, to approve the Certification Subcommittee meeting minutes for March 6 and April 18, 2023. With no discussion, the **MOTION** carried.

B. Compliance Review Appeals

The Certification Subcommittee, as part of a compliance review, asks for proof of expenditures directly attributable to the delivery of 911; centers are responsible for providing that proof to support the expenditures. For appeals denied at the subcommittee level, the agency has the opportunity to bring their appeal to the SNC. It is the agency's responsibility to provide supporting documentation they would like the SNC to use in their decision making. That documentation needs to be provided five days before the SNC meeting. If more documentation is needed, the SNC can table the appeal; however, a decision must be made at the next regularly scheduled meeting, and that decision is final.

During the course of the Negaunee Regional Communications Center (NRCC) compliance review (review period was 2019, 2020, and 2021), it was found several counties were using 911 funds for disallowable expenses. Gogebic County is using the funds to pay for 29 law enforcement cell phones, which they began doing in 2022, and Ontonagon County is paying for six law enforcement cell phones. Schoolcraft County was using the funds to pay for radios for the road commission. The subcommittee denied their appeal, Schoolcraft County chose not to appeal to the full SNC, and they have since stopped using those funds for that purpose. Representatives from Gogebic and Ontonagon counties attended virtually to appeal the subcommittee's denial.

Gogebic County Appeal

Attending: Ms. Heidi DeRosso, Gogebic County Emergency Manager/911 Coordinator, and Mr. Jon Whitford and Lieutenant Teachout from NRCC.

Documentation submitted by Gogebic County was provided in the meeting packet.

Ms. DeRosso stated Law enforcement safety is an issue with lack of 800 coverage. According to the coverage map provided, and instances they have, the issue is in-building coverage in some of the more populace places where radio coverage is lost or non-existent. Other solutions were explored. Motorola conducted a study for a Tower Top Antenna (TTA), which showed it is very expensive and would not improve the area. Both DTMB and the county do not have funds to build additional towers. The purchase of cell phones was a fairly inexpensive way to provide safety and was a last resort option due to the lack of 800 coverage.

Cell phone bills do not show a breakdown, so Ms. DeRosso could not supply information to show which calls are or are not directly attributable to 911. An NRCC representative stated the primary means of dispatching all public safety entities is the radio system. Ms. DeRosso stated there are issues with pagers as well that are on the 800 system. Other than the total number of calls on the admin line submitted on the annual reporting documents for NRCC as a whole, an estimate cannot be determined how many times the county resorts to cell phones to dispatch calls for service.

Ms. DeRosso stated the budget for the cell phones is approximately \$17,000/year. From October 1, 2022, to May 22, 2023, the cost was \$4,945.98.

Members of the SNC stated the burden of proof is on the county to show what percentage the cell phones are being used for 911. For example, a report listing of every voice call made to and from the phone. Having the phones as a backup plan for dispatching should be an agency decision, not 911. Under disallowable expenses, it states non-emergency 911 systems are not allowable; admin lines are not emergency 911 systems. Even if the dispatch center is calling the cell phones 90% of the time, it does not mean they are being used for 911 90% of the time.

Ms. DeRosso and members of the SNC stated the 29 cell phones, across five different law enforcement agencies, were purchased under a contract, so there is a static cost to budget for each month. All phones are carried, in addition to personal phones, as a separate-issued phone and secondary back up for public safety operations.

Ms. DeRosso stated primary dispatch is NRCC, but dispatching is also done locally. The sheriff's office dispatches local calls which come in directly using the 10 digit number. When assigned, the cell phones are also used for dispatch from the sheriff's office.

Ms. DeRosso stated as an explanation of why this only pertains to law enforcement and not fire agencies, not all fire departments are on 800. The fire departments are all volunteer and have Active911 as a backup. An NRCC representative stated there is a combination of VHF and 800 for the fire departments. Ms. DeRosso stated 911 funds pay for Active911 and it is up the fire departments if they want to put it on their personal phones. All fire volunteers have Active911 on their personal phones, but they are hit and miss, where law enforcement is year-round. The ambulance service is a private company.

If Ms. DeRosso feels she would be able to provide additional supporting documentation, it was suggested the appeal be tabled until the September meeting.

If the SNC is going to ask for further documentation, for the benefit of Gogebic County the SNC needs to be specific what the request is and identify a specific time period. The SNC is asking Gogebic County to work with NRCC to identify which calls are being made from NRCC to the cell phones that are directly attributable to the delivery of 911 calls for service for November 2022 and April 2023.

Members of the SNC stated non-emergency calls are disallowable. The purpose is to get the call to the public safety professional and if an ancillary function comes from that, why not allow it. Ex: If 10% are 911 calls and 90% are officer responding to safety checks, the 10% are the calls that are saving lives. The costs are then covered for that 10% of the time.

Members of the SNC stated, to clarify, the allowable/disallowable list says 'non-emergency N-11 systems' which refers to 411, 811, etc. and not non-emergency admin lines going into a center. 911 fees cannot be used to support those systems.

A **MOTION** was made by TRACY, with support by MITCHELL, to table the Gogebic appeal until the September meeting in collaboration with any information provided by Gogebic County and/or Negaunee Regional to identify calls for service through cell phones to public safety officers in Gogebic County, and direct back for analysis to the Certification Subcommittee to provide further report at the next meeting. Gogebic County will be invited back to the next SNC meeting, allowing for virtual attendance again, to discuss the matter.

For clarification, the appeal is at the SNC level, and cannot go back to the subcommittee. The subcommittee's only consideration was the information provided to them at the time.

The State 911 Office will work with Ms. DeRosso to obtain the information requested and set a deadline, approximately 30-45 days from today's meeting, to have documentation submitted.

With no further discussion, the **MOTION** carried.

Ontonagon County Appeal

Attending: Mr. Michael Kocher, Ontonagon County EM and 911 Coordinator/Director; Sheriff Dale Rantala, Ontonagon County Sheriff's Office; and Mr. Jason Clinesmith, Ontonagon County 911 Assistant.

Documentation submitted by Ontonagon County was provided in the meeting packet.

Mr. Kocher stated the county is next to Gogebic County and has most of the same issues regarding providing adequate, 100% coverage across the board. There are no backup vehicles and no other law enforcement agencies in the county. Everything they do in the county hinges on some form of communications. They maintain redundant radio systems of the 800 system, the VHF system, and tried the Wave app. They have tried to be redundant for the safety of everyone involved. The cost of the phones is a fixed, known expenditure. There are six phones for officers in the field. For the officers not in the field or not working at the time, they receive notifications via the app to see if there is a serious incident happening in the county. This allows everyone to respond in an emergency situation even if they did not have a radio on them or directly contacted by NRCC.

Responding to questions asked during Gogebic County's appeal regarding call reports, Mr. Kocher stated Ontonagon County may be able to provide. There are many tools issued to law enforcement that may never be used in a career; however, if used even one time, and it was agency provided, it has met the intended purpose. They believe providing six cell phones being used on an almost daily basis for 911 is just as justifiable.

Mr. Kocher stated, when starting this job, he was given the allowable/disallowable list. There was very little guidance, so they went to NRCC for some guidance. Based on information received by the director of NRCC at the time, it was believed there was nothing prohibiting a cell phone used as an auxiliary piece of radio communication. The list does not exclusively disallow cell phone use, so it was decided it was in their best interest to prevent liability issues. A member of the SNC stated both counties made decisions based on the information they had at the time.

Mr. Kocher stated the documentation submitted by the county includes a letter from NRCC stating cell phone usage is a daily occurrence and emails explaining why decisions were made.

Members of the SNC stated correspondence dated February 10, 2020, stated this issue was being addressed by the State 911 Administrator and chair of the Certification Subcommittee to be discussed at the subcommittee meeting February 13. The minutes of that meeting state this is a disallowable expense.

Mr. Kocher stated there are population exemptions, such as with the state ENPG, so lower populated counties are not required to meet the same criteria as Wayne County, for example. A suggestion to consider while updating and clarifying the allowable disallowable list. An SNC member suggested if a county can show they have exhausted all other options, an exemption could be made.

Members of the SNC stated giving an officer a cell phone with the understanding it is only to be used for dispatch to call and give the call for service, it is understood it is 100% applicable to 911. If not the case, and the phone is used for other parts of law enforcement, then the percentage is needed, and that percentage is what the 911 funds can be used for. If the SNC is not looking at the 911 funds appropriately and asking for documentation of proof, Michigan can be at risk of not being able to collect 911 funds anymore. Whatever is decided at these appeals will set the precedent moving forward.

With the understanding of the law and the authority of the SNC, it was asked what the punishment would be if the SNC says stop using 911 funds for this purpose and do not do it in the future, and what is the penalty if the money does not go back into the fund. And who enforces the punishment. In trying to fix gaps in communication, the easiest and cheapest way currently is by cell phones.

A **MOTION** was made by TRACY, for this same appeal be tabled, the same as Gogebic, to allow other information to come in and be allowed to talk about it at the next SNC meeting.

Members of the SNC stated as a public body, the SNC's responsibility is to approve or deny things based on information and proof received. If decisions are not made on actual proof, that sets a bad precedent. At this point, the SNC does not have all the information.

Members of the SNC stated this is a not an officer safety issue, it is a public safety issue. This affects the entire dispatch community these counties are serving. The FCC is evolving with this issue and the SNC needs to be receptive to it and take their guidance into consideration.

The State 911 Office will do the same as Gogebic County, requesting the additional information to submit to the SNC in time for review before the September meeting (SNC). The **MOTION** was supported by BEHNKE with an addition. Ontonagon County to provide a coverage map, showing the percentage of what is and is not covered, same as received by Gogebic County.

Members of the SNC stated the FCC and SNC priority is determining if things purchased with 911 fees are directly attributable to the delivery of 911. It is not to determine if things can be purchased at all, but if they fall within the allowable expenditure list the SNC has the responsibility to maintain.

Regarding enforcement, it is the responsibility of the SNC to enforce the state 911 law, who answers to the FCC who enforces law at the federal level. A member of the public in attendance stated the FCC 911 Fee Diversion Taskforce discussed consequences which include the inability to apply for federal grants, inability to collect 911 surcharges, and if the violation is serious enough, taking away public safety frequency licenses. The review with the FCC began with five states either putting 911 surcharge funds in general funds or putting it in law enforcement or fire expense, rather than toward 911 expense. The review was related to misuse of 911 funds for things not directly related to dispatching or receiving 911. An SNC member stated the taskforce sent their recommendations to the House and Senate, and the Legislature makes the decisions.

Mr. Kocher asked for clarification on what should be provided to prove it is being used for 911. The State 911 Office will work with him directly to obtain the information, including detailed call logs of November 2022 and April 2023, and coverage study maps of radio coverage.

With no further discussion, the **MOTION** carried.

A member of the SNC stated Title 47 Section 9, includes a procedure to petition the FCC for a determination on the allowable/disallowable expenditures. After receiving additional documentation from both counties, it was suggested to send the information through the petition process and ask the FCC to provide a ruling. This would aid in the appeal and also answer questions on the allowable/disallowable list.

C. Compliance Review Reports

There were no significant findings from the compliance reviews done at Lake, Manistee, and Clare counties.

A **MOTION** was made by WILLIS, with support by WILKINSON, to approve the Lake, Manistee, and Clare counties review.

As part of the review, there is an operational portion, which is optional. This was partially completed for NRCC; however, outside agencies were not brought in for the discussion portion. It is recommended if a PSAP is dispatching multiple calls for service via cell phone, it should be looked at as part of the operational portion of the review.

With no further discussion, the **MOTION** carried.

D. Local Surcharge Template

In an effort to help PSAPs collect information from service suppliers, a template was created. This template is not mandatory, but rather to include in the service supplier notices going out.

A **MOTION** was made by MCKEE, with support by MITCHELL, to approve the local surcharge template. With no discussion, the **MOTION** carried.

E. Allowable/Disallowable Expenditure List

All changes discussed by the subcommittee and SNC members have been made.

A **MOTION** was made by TRACY, with support by WILLIS, to approve the allowable/disallowable surcharge list updates.

After discussions held during the appeals, having ‘telecommunications devices’ under disallowable is in conflict with the allowables. The FCC taskforce language should possibly be used for clarification. Approving it today to be enacted in September does not give PSAPs time to make adjustments.

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

Member	Yes	No	Abstain
Mr. Jeff Troyer, Chair		X	
Ms. Jordyn Sellek		X	
Mr. Tim McKee	X		
Sheriff Richard Behnke		X	
Mr. Steven Berenbaum		X	
Mr. Kevin Wilkinson		X	
Ms. Lisa Hall		X	
Ms. Jeanette Doll		X	
Ms. Stephanie Lehman		X	
Chief Dale Greenleaf		X	
Mr. Bryce Tracy		X	
Mr. Ken Mitchell		X	
Det. Jonathan Pignataro		X	
Mr. David Willis		X	
Ms. Wendy Thelen		X	
Sgt. Kelly Linebaugh		X	

The **MOTION** failed.

F. Policy E Updates

A policy workgroup was created to review Policies A-G. The workgroup is recommending archiving policies A, B, C, D, and F, which are no longer applicable. Minor changes were made to Policy E. Policy G, which is the policy for compliance reviews, is still being updated.

A **MOTION** was made by WILKINSON, with support by TRACY, to approve the Policy E updates with an amendment to the most up-to-date name of the EMS division. With no discussion, the **MOTION** carried.

G. Subcommittee Updates

There are multiple counties in various stages of compliance review. No additional counties were drawn at the last subcommittee meeting.

VIII. 911 Training Subcommittee Report

A. Approval of Minutes

A **MOTION** was made by GREENLEAF, with support by MCKEE, to approve the 911 Training Subcommittee meeting minutes from March 6, 2023. With no discussion, the **MOTION** carried.

B. Subcommittee Updates

Training providers will only be allowed to renew an approved course one time and after that must submit new documentation to make sure the course material is up to date.

There were issues with a training provider switching instructors at the last minute with an instructor who was not previously SNC approved. It was recommended the training provider submit all instructors for approval to ensure any last minute instructor changes would be covered.

During the pandemic, training providers were allowed to teach a virtual course under their classroom approval number. The subcommittee is reviewing this process.

Allowing training providers to choose more than one option regarding the training setting (classroom, virtual, etc.) is a functionality which does not currently exist. This was added to the enhancement project list.

A training rules workgroup was created to review and update the current training standards.

The review team has approved 143 requests for training course approval/renewal and denied three. There have been 278 instructors approved and four have been denied.

The next meeting will be held on August 16 at the Macomb County Sheriff's Office.

IX. **Emerging Technology Subcommittee Report**

A. Approval of Minutes

A **MOTION** was made by LEHMAN, with support by HALL, to approve the Emerging Technology Subcommittee meeting minutes from January 9 and March 13, 2023. With no discussion, the **MOTION** carried.

B. State 911 Plan

A workgroup was created to review and update the State 911 Plan. The majority of changes included legislative changes, new financial information, and updating some goals and objectives to be more in line with next generation.

On page seven, PA 51 of 2018 allows the Michigan Public Service Commission (MPSC) to enforce collection of 911 surcharges. A modification was suggested, using language such as 'allow MPSC to refer complaints to the Attorney General for civil action'. This would be more in line with the 911 Act.

In the allowable/disallowable list in the appendix, the 'non-emergency 911 systems' under disallowable, should be 'N-1-1 systems' as the allowable/disallowable list stipulates.

A **MOTION** was made by SELLEK, with support by GREENLEAF, to approve the draft changes to the State 911 Plan, with two amendments as indicated under PA 51 of 2018, the last bullet point, and the modification which accurately reflects the currently approved disallowable list, last bullet point, non-emergency N-1-1 systems. With no further discussion, the **MOTION** carried.

C. Subcommittee Updates

One member resigned and the vacancy was filled by Mr. Mike Gank from Antrim County.

The Tech Forum will be held September 18-20 in Muskegon. Registration will go out shortly, and SNC members can attend at no cost.

X. Legislative Action Subcommittee Report

A. Subcommittee Updates

The current resolution urges a reclassification of 911 dispatchers as first responders. This did pass the Senate and moved to the House as of April 27. This may take some time as the focus right now is the budget. A workgroup was created to do research into the reclassification. A meeting was held with Senator Singh on May 9. With research done on their end, there is nothing at the state level to reclassify dispatchers and no definition of first responder. If centers are unionized, they can already utilize Act 312. The goal is getting the state to pass the current resolution.

XI. State 911 Administrator's Report

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

- Surcharge revenue for Q1 is \$10.6M.
- There are 82 counties and three service districts that have deployed text to 911.
- Enhancements in MiSNAP will begin this month, scheduled to be completed by mid-December.
- Submit any feedback on the annual report process/questions to Ms. Keith by mid-July.
- The next training for GIS repository data exporters will be held June 22.
- Results should be back this week on the SLCGP survey. The projects will be determined from the survey results.
- The Annual Report to the Legislature draft has been completed and is currently being reviewed. The National 911 Database information has been submitted. The FCC report is being completed and is due June 30.
- There have been multiple questions regarding contracting services out to another PSAP part time. If a primary PSAP is no longer accepting calls 24/7, that agency no longer meets the criteria to be a primary PSAP and may lose funding.
- Working with Treasury to complete the retail audit on 18 accounts from 2018-2022: Five accounts submitted a request for reconsideration (which allows retailers to submit additional documentation for reconsideration), four were in compliance, six paid the amount due, two had findings but have not yet paid, and one was expected to file a request for reconsideration but has not yet done so. The total determined audit findings, with interest, and including the amounts of the requests for reconsideration, of funds that should have been paid into the 911 fund, is \$155M. To-date, \$91,000 has been collected.

A **MOTION** was made by TRACY, with support by LEHMAN, to approve the prepaid audit report update and recommendations, as presented.

The Summary of Audit Determination received by the members is the entire report provided by Treasury, which will be submitted in addition to the recommendations.

With no further discussion, the **MOTION** carried.

XII. Other Reports

Interoperability Board

The board meets this afternoon. Discussions will include topics brought up during the SNC meeting, system-wide radio coverage, future infrastructure needs, and use of LTE push-to-talk versus radio LMR for public safety communications.

Emergency Alerts/Warnings

Held the first alert and warnings workshop on June 5 with focus on effective and efficient messaging. Planning the next workshop to be held in Ingham County in September, with a goal of moving the workshop to different areas around the state.

The State EAS Plan was approved on May 23 by the State Emergency Communications Committee. Each broadcast area around the state is a separate EAS area with their own local plan to mimic the state plan. Will be assisting in updating the local plans.

CISA

SAFECOM, consisting of 37 different public safety agencies, advocates for the advancement of public safety communications across the country. Every few years, CISA facilitates the delivery of a survey created by SAFECOM as a method for your voice to be heard. Questions on this year's survey include having adequate coverage, supporting continuity of operations, governance, policy and procedures, technology, and training exercises. The results help shape policy, identify funding needs, and identify technology needs. The survey is open from May 22 until July 21.

XIII. Old Business

Provider Surcharge Delinquency

A supplier has not paid since 2011. In 2019, Ms. Homant and Ms. Miller-Brown worked with the supplier to get payment submitted to which they made one payment. Since then, no further payments have been received and there has been no response to further communication. The supplier was then turned over to the Attorney General's (AG) office. Responses to communication began; however, promises made have not been kept. Per the SNC policy, once the SNC makes a formal request to the AG, Mr. King acts as a conduit in presenting it to the MPSC for further consideration. After investigation, the MPSC has the option to litigate.

A **MOTION** was made by GREENLEAF, with support by MITCHELL, to authorize the AG's office to act on behalf of the SNC for Provider A. With no discussion, the **MOTION** carried. The MPSC abstained.

XIV. New Business

Distribution of State Ethics and Public Entities Acts

Members receive the state ethics and public entities acts annually to which receipt is acknowledged.

Member	Acknowledge
Mr. Jeff Troyer, Chair	X
Ms. Jordyn Sellek	X
Mr. Tim McKee	X
Sheriff Richard Behnke	X
Mr. Steven Berenbaum	X
Mr. Kevin Wilkinson	X
Ms. Lisa Hall	X
Ms. Jeanette Doll	X
Ms. Stephanie Lehman	X
Chief Dale Greenleaf	X
Mr. Bryce Tracy	X
Mr. Ken Mitchell	X
Det. Jonathan Pignataro	X
Mr. David Willis	X
Member	Acknowledge

Ms. Wendy Thelen	X
Sgt. Kelly Linebaugh	X

Special Recognition

After 31 years of service, Ms. Theresa Hart is retiring June 23. There will be an open house celebration June 29 from 2-5 p.m. As a token of appreciation, Mr. Troyer presented Ms. Hart with a plaque and thanked her for her hard work over the years.

XV. Comments

Public Comments

There was no public comment.

Member Comments

There was no member comment.

XVI. Next Meeting

September 13, 2023

10 a.m.

Michigan State Police HQ

XVII. Adjourn

The meeting adjourned at 12:31 p.m.