

PUBLIC SAFETY & INFRASTRUCTURE AND DEVELOPMENT COMMITTEE

8/28/2017

304 E. Grand River, Board Chambers, Howell, MI 48843

7:30 PM

AGENDA

- 1. CALL MEETING TO ORDER**
- 2. APPROVAL OF MINUTES**
Minutes of Meeting Dated: July 24, 2017
- 3. APPROVAL OF AGENDA**
- 4. REPORTS**
- 5. CALL TO THE PUBLIC**
- 6. RESOLUTIONS FOR CONSIDERATION:**

07 Administration
RESOLUTION AUTHORIZING THE REORGANIZATION OF THE ANIMAL CONTROL DEPARTMENT RENAMING IT THE LIVINGSTON COUNTY ANIMAL SHELTER

08 Emergency Management
RESOLUTION AUTHORIZING OUT-OF-STATE TRAVEL FOR EMERGENCY MANAGEMENT STAFF TO ATTEND INCIDENT COMMAND SYSTEM 300 AND 400 TRAIN THE TRAINER COURSE AT THE EMERGENCY MANAGEMENT INSTITUTE (EMI) LOCATED IN EMMITSBURG, MARYLAND - Emergency Management / Public Safety / Finance / Board

09 Central Dispatch
RESOLUTION REQUEST FOR SUPPORT OF MICHIGAN SENATE BILL 400 AND MICHIGAN HOUSE BILL 4651 AMENDING THE EMERGENCY TELEPHONE SERVICES ENABLING ACT- 9-1-1 CENTRAL DISPATCH / PUBLIC SAFETY / FINANCE / BOARD OF COMMISSIONERS

10 Jail
RESOLUTION AUTHORIZING A TEACHING POSITION IN THE JAIL AND A SUPPLEMENTAL APPROPRIATION TO THE COMMISSARY FUND - Sheriff-Jail / Public Safety / Finance / Board

11 Sheriff
RESOLUTION AUTHORIZING THE SHERIFF DEPARTMENT AND THE COUNTY OF LIVINGSTON TO APPLY FOR AND ENTER INTO CONTRACT WITH THE STATE OF MICHIGAN, OFFICE OF HIGHWAY

SAFETY PLANNING FOR FISCAL YEAR 2018 SECONDARY ROAD
PATROL AND TRAFFIC ACCIDENT PREVENTION PROGRAM GRANT -
Sheriff / Public Safety / Finance / Board

- 12 Sheriff**
RESOLUTION AUTHORIZING THE SHERIFF'S OFFICE TO ENTER INTO
CONTRACT WITH THE STATE OF MICHIGAN, OFFICE OF HIGHWAY
SAFETY PLANNING FOR TRAFFIC ENFORCEMENT GRANT – Sheriff /
Public Safety / Finance / Board
-

- 13. CALL TO THE PUBLIC**
14. ADJOURNMENT

MEETING MINUTES

LIVINGSTON COUNTY
JULY 24, 2017 - 7:30 PM

ADMINISTRATION BUILDING – BOARD CHAMBERS
304 E. GRAND RIVER AVENUE, HOWELL, MI 48843

PUBLIC SAFETY AND INFRASTRUCTURE & DEVELOPMENT COMMITTEE

DAVID DOMAS CAROL GRIFFITH **DON PARKER** DOUG HELZERMAN

1. **CALL TO ORDER:** Meeting called to order by: **COMM. PARKER** at 7:30 PM.
2. **APPROVAL OF MINUTES: MINUTES OF MEETING DATED JUNE 26, 2017:**

MOTION TO APPROVE THE MINUTES, AS PRESENTED.
MOVED BY: GRIFFITH / SECONDED BY: HELZERMAN
ALL IN FAVOR - MOTION PASSED

3. **APPROVAL OF AGENDA:**

MOTION TO APPROVE THE AGENDA, AS PRESENTED.
WITH THE REVISED RESOLUTION
MOVED BY: GRIFFITH / SECONDED BY: DOMAS
ALL IN FAVOR - MOTION PASSED

4. **REPORTS:**

5. **CALL TO THE PUBLIC:**

- **Commissioner Domas** – Fowlerville Fair began today, animal auctions will be held Friday, July 28th. Profits go to the education funds for the participants of 4-H.
- **Commissioner Helzerman** – regarding the Rover Pipeline, began looking into the facts and figures that have recently been reported 5M Gal leaked. True facts and figures amount to only 2M Gal. leaked from drilling. Trace amounts of diesel fuel leaked into the 2M Gal of the lubricant and that was the issue. Though, a report made it sound like 5M Gal of diesel fuel. The active ingredient in the lubricant is the same used in common household items that are non-toxic.

6. RESOLUTIONS FOR CONSIDERATION:

- 7. JAIL: RESOLUTION AUTHORIZING AN AGREEMENT WITH CONCIERGE CORRECTIONS FOR MEDICAL BILLING ASSET RECOVERY AND MANAGEMENT**

**RECOMMEND MOTION TO: FINANCE
MOVED BY: DOMAS / SECONDED BY: GRIFFITH
DISCUSSION
ALL IN FAVOR - MOTION PASSED**

- 8. BUILDING INSPECTIONS: RESOLUTION AUTHORIZING THE PURCHASE OF MOBILE TABLETS AND A SUPPLEMENTAL APPROPRIATION – BUILDING INSPECTION / INFRASTRUCTURE & DEVELOPMENT / FINANCE / BOARD**

**RECOMMEND MOTION TO: FINANCE
MOVED BY: HELZERMAN / SECONDED BY: GRIFFITH
DISCUSSION
ALL IN FAVOR - MOTION PASSED**

- 9. EMERGENCY MANAGEMENT: RESOLUTION AUTHORIZING EXPENDITURES FOR FIBER CONNECTIONS TO PUTNAM FIRE DEPT AND SUPPLEMENTAL APPROPRIATION**

**RECOMMEND MOTION TO: FINANCE
MOVED BY: GRIFFITH / SECONDED BY: HELZERMAN
DISCUSSION
ALL IN FAVOR - MOTION PASSED**

- 10. EMERGENCY MEDICAL SERVICES: RESOLUTION AUTHORIZING A CONTRACT WITH THE UNIVERSITY OF MICHIGAN DEPARTMENT OF PATHOLOGY TO PROVIDE MEDICAL EXAMINER AND FORENSIC PATHOLOGY SERVICES AND SUPPLEMENTAL APPROPRIATION**

**RECOMMEND MOTION TO: FINANCE
MOVED BY: GRIFFITH / SECONDED BY: DOMAS
DISCUSSION
ALL IN FAVOR - MOTION PASSED**

11. HUMAN RESOURCES: RESOLUTION AUTHORIZING THE SUPPLEMENTAL APPROPRIATION FOR PURCHASE OF LICENSES FOR SCHEDULING AND TIME AND ATTENDANCE SOFTWARE FOR THE SHERIFF DEPARTMENT AND 911 CENTRAL DISPATCH

**RECOMMEND MOTION TO: FINANCE
MOVED BY: DOMAS / SECONDED BY: GRIFFITH
DISCUSSION
ALL IN FAVOR - MOTION PASSED**

12. CENTRAL DISPATCH: RESOLUTION TO PROCEED WITH THE PLANNING OF A NEW 911 CENTRAL DISPATCH FACILITY, INCLUDING DETAILED COST ESTIMATES AND CONTRACTING FOR ARCHITECTURAL / ENGINEERING SERVICES

**RECOMMEND MOTION TO: FINANCE
MOVED BY: GRIFFITH / SECONDED BY: DOMAS
DISCUSSION & PRESENTATION
ALL IN FAVOR - MOTION PASSED**

13. CALL TO THE PUBLIC: None.

14. ADJOURNMENT:

**MOTION TO ADJOURN AT 8:46 PM
MOVED BY: HELZERMAN / SECONDED BY: GRIFFITH
ALL IN FAVOR - MOTION PASSED**

Respectfully Submitted

NATALIE HUNT
RECORDING SECRETARY

RESOLUTION

NO:

LIVINGSTON COUNTY

DATE:

RESOLUTION AUTHORIZING THE REORGANIZATION OF THE ANIMAL CONTROL DEPARTMENT RENAMING IT THE LIVINGSTON COUNTY ANIMAL SHELTER

WHEREAS, Livingston County Animal Control Department currently has an Animal Control Director, two (2) Animal Control Officers, and four (4) Animal Control Assistants; and

WHEREAS, with the resignation of the current Animal Control Director, this is an opportunity to review departmental configuration in an effort to better serve the needs of the County; and

WHEREAS, the Animal Control function has grown more complex over time with an increasing emphasis on law enforcement expertise in handling complex criminal cases; and

WHEREAS, the Sheriff Department has agreed to assume oversight of the two (2) current Animal Control Officers; and

WHEREAS, the four (4) Animal Control Assistant positions will remain with the department and be retitled Animal Shelter Assistants, and the Animal Control Director will be retitled and reclassified as Animal Shelter Director; and

WHEREAS, the Livingston County Animal Control Department will be renamed the Livingston County Animal Shelter.

THEREFORE BE IT RESOLVED that the Livingston County Board of Commissioners hereby approves the Sheriff Department's assumption of oversight of the two (2) current Animal Control Officers.

BE IT FURTHER RESOLVED that the four (4) Animal Control Assistant positions will be retitled Animal Shelter Assistants, and the Animal Control Director will be retitled and reclassified as Animal Shelter Director.

BE IT FURTHER RESOLVED that the Animal Control Director will be retitled and reclassified as Animal Shelter Director at Grade 9 of the non-union salary scale.

BE IT FINALLY RESOLVED that the Livingston County Animal Control Department will be renamed the Livingston County Animal Shelter.

Animal Control staff to be moved to 10130100-704000:

Current:

▲ Position #	Description	Stat	# Emps	CY FTE	Org	Obj
43000104	ANIMAL CONTROL OFFIC	A	1	1.000	10143000	704000
43000105	ANIMAL CONTROL OFFIC	A	1	1.000	10143000	704000

Proposed:

▲ Position #	Description	Stat	# Emps	CY FTE	Org	Obj
30100122	ANIMAL CONTROL OFFIC	P	0	1.000	10130100	704000
30100123	ANIMAL CONTROL OFFIC	P	0	1.000	10130100	704000

Proposed Position Title Changes:

Position #	Current Position Description	Stat	# Emps	New Position Description
43000108	ANIMAL CONTROL ASSISTANT	A	1	ANIMAL SHELTER ASSISTANT
43000109	ANIMAL CONTROL ASSISTANT	A	1	ANIMAL SHELTER ASSISTANT
43000106	ANIMAL CONTROL ASSISTANT	A	1	ANIMAL SHELTER ASSISTANT
43000113	ANIMAL CONTROL ASSISTANT	A	1	ANIMAL SHELTER ASSISTANT
43000101	ANIMAL CONTROL DIRECTOR	A	1	ANIMAL SHELTER DIRECTOR
43000104	ANIMAL CONTROL OFFICER	A	1	ANIMAL CONTROL OFFICER
43000105	ANIMAL CONTROL OFFICER	A	1	ANIMAL CONTROL OFFICER
43000107	ANIMAL SHELTER COORD	A	1	ANIMAL SHELTER COORD
43000115	KENNEL ASSISTANT	A	1	KENNEL ASSISTANT
43000110	KENNEL ASSISTANT	A	1	KENNEL ASSISTANT
43000111	KENNEL ASSISTANT	A	1	KENNEL ASSISTANT
43000112	KENNEL ASSISTANT	A	1	KENNEL ASSISTANT
43000102	VETERINARIAN	A	1	VETERINARIAN
43000103	VETERINARIAN TECHNIC	A	1	VETERINARIAN TECHNIC

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MOVED:
SECONDED:
CARRIED:

RESOLUTION

NO:

LIVINGSTON COUNTY

DATE:

RESOLUTION AUTHORIZING OUT-OF-STATE TRAVEL FOR EMERGENCY MANAGEMENT STAFF TO ATTEND THE INCIDENT COMMAND SYSTEM 300 AND 400 TRAIN THE TRAINER COURSE AT THE EMERGENCY MANAGEMENT INSTITUTE (EMI) LOCATED IN EMMITSBURG, MARYLAND – Emergency Management / Public Safety/ Finance / Board

- WHEREAS,** The National Incident Management System (NIMS) and the Emergency Management Performance Grant Agreement require local emergency responders and other emergency management partners be trained in the Incident Command System (ICS); and
- WHEREAS,** that those in a leadership or supervisory position should receive ICS 300 and ICS 400 training and one of the responsibilities of the local Emergency Manager is to facilitate ICS training; and
- WHEREAS,** there is currently a shortage of available ICS 300 and ICS 400 trainers in the Region One and the state with a specific and unfulfilled need in Livingston County; and
- WHEREAS,** there is an application process to be accepted into the EMI instructor course that includes the vetting of specific, specialized credentials for potential candidates and the training course is provided by FEMA at no cost to the candidate; and
- WHEREAS,** the cost of mileage utilizing the departmental assigned vehicle, lodging, and meals shall not exceed \$1,500.00; and
- WHEREAS,** Therese Cremonte, Livingston County, Emergency Manager is pending approval of acceptance into the next ICS 300 & 400 Train the Trainer Instructor’s Course scheduled for October, 2017.

THEREFORE BE IT RESOLVED that the Livingston County Board of Commissioners hereby authorizes out-of-state travel for Livingston County Emergency Manager, Therese Cremonte, to attend the ICS 300 and ICS 400 Train the Trainer instructor’s course, at the Emergency Management Institute, located in Emmitsburg, Maryland from October 22, 2017 to October 28, 2016, at a cost not to exceed \$1,500.00.

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MOVED:
 SECONDED:
 CARRIED:



Memorandum

To: Livingston County Board of Commissioners
From: Therese Cremonte, Emergency Manager
Date: 08/18/2017
Re: Out-of-State Travel for Training

Livingston County is in need of continuous Incident Command System (ICS) training for both emergency responders and other emergency management partners such as health department representatives, non-profit representatives, and government officials. Two training classes that are needed for supervisors and those in leadership positions is ICS 300 and ICS 400. These trainings are important for those in lead positions during a disaster or an emergency. These ICS training courses teach those in leadership roles the expectations of the National Incident Management System when operating in emergency conditions requiring the implementation of the Incident Command System (ICS) on the local level.

There is a shortage of instructors for ICS 300 and ICS 400 courses, although the need for the instruction has increased. The credentials need for acceptance into the program to become an instructor for these classes are vetted by FEMA. Further, the only way to obtain the ICS instructor credential is through a certified FEMA instruction class. I have applied to the Emergency Management Institute (EMI) located in Emmitsburg, Maryland and have met the required credentials and prerequisites. Acceptance to the next instructor class is pending. The next instructor's class is scheduled for October 23rd to 27th, 2017. There will be two additional days of travel required on each end of the training. Travel days will be October 22nd and October 28th, 2017.

If allowed to obtain the training credential, I will be able to train local responders and partners without incurring training costs associated with bringing instructors from other areas of the state. Further, there would be the convenience of scheduling the training for local responders in need of this training. Emergency Management is a facilitating agency for local Incident Command System training.

The cost investment for this training is minimal as the FEMA class is provided at no charge and I will utilize my departmental vehicle for travel, saving the cost of mileage and air fare. The only associated cost will be food and lodging. Costs for this out-of-state travel would not exceed \$1,500.00, and there is a balance to cover the cost of this training in the Emergency Management budget object line for out-of-state travel.

The opportunity to have a certified ICS 300 and ICS 400 instructor would be of great benefit to Livingston County and our regional partners.

If you have any questions regarding this matter please contact me.

RESOLUTION

NO:

LIVINGSTON COUNTY

DATE:

RESOLUTION REQUEST FOR SUPPORT OF MICHIGAN SENATE BILL 400 AND MICHIGAN HOUSE BILL 4651 AMENDING THE EMERGENCY TELEPHONE SERVICES ENABLING ACT – 9-1-1 Central Dispatch / Public Safety / Finance / Board Of Commissioners

WHEREAS, Michigan House Bill 4651 and Senate Bill 400 have been introduced in the Michigan Legislature, which would amend Public Act 32 of 1986 entitled the “Emergency Telephone Service Enabling Act”; and,

WHEREAS, these bills would amend the funding systems for 9-1-1 so that all communication devices that have access to 9-1-1, including prepaid wireless devices, contribute equally to the funding of 9-1-1 operations; and,

WHEREAS, these bills provide a stable funding source for the counties to support their migration to Next Generation 9-1-1 and ongoing operational levels of service for 9-1-1 to its residents; and,

WHEREAS, these bills afford the State and Counties collecting 9-1-1 fees a mechanism for court action should any service providers fail to collect and remit the fees; and,

WHEREAS, these bills have a mechanism that provides the necessary checks and balances to ensure revenues generated are used for authorized expenditures for 9-1-1 services; and,

WHEREAS, these authorized expenditures are limited to those directly related to receiving and processing 9-1-1 calls and the subsequent dispatching of responders via public safety radios; and

WHEREAS, such limitation of expenditures has historically met the criteria established through the courts to define 9-1-1 surcharge as a fee for service directly related to telephone service; and

WHEREAS, any attempt to amend House Bill 4651 and Senate Bill 400 for other State of Michigan general fund purpose not directly related to 9-1-1 may not meet the criteria of a fee for service and could be viewed as a tax increase for the residents of Livingston County.

THEREFORE BE IT RESOLVED, that the Livingston County Board of Commissioners does hereby offer support of House Bill 4651 and Senate Bill 400 as introduced; and

BE IT FURTHER RESOLVED, that copies of this resolution be transmitted to Governor Snyder, and all Senators and Representatives serving Livingston County.

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MOVED:

SECONDED:

CARRIED:

HOUSE BILL No. 4651

May 24, 2017, Introduced by Reps. Sheppard and Inman and referred to the Committee on Communications and Technology.

A bill to amend 1986 PA 32, entitled "Emergency 9-1-1 service enabling act," by amending sections 102, 201, 312, 401a, 401b, 401c, 403, 406, 407, and 408 (MCL 484.1102, 484.1201, 484.1312, 484.1401a, 484.1401b, 484.1401c, 484.1403, 484.1406, 484.1407, and 484.1408), sections 102, 401a, and 401b as amended by 2012 PA 260, sections 201 and 312 as amended by 2007 PA 164, section 401c as amended by 2012 PA 433, sections 403, 406, and 407 as amended by 2007 PA 165, and section 408 as amended by 2013 PA 113.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 102. As used in this act:

2 (a) "Automatic location identification" or "ALI" means a 9-1-1
3 service feature provided by the service supplier that automatically
4 provides the name and service address or, for a CMRS service
5 supplier, the location associated with the calling party's

1 telephone number as identified by automatic number identification
2 to a 9-1-1 public safety answering point.

3 (b) "Automatic number identification" or "ANI" means a 9-1-1
4 service feature provided by the service supplier that automatically
5 provides the calling party's telephone number to a 9-1-1 public
6 safety answering point.

7 (c) "Commercial mobile radio service" or "CMRS" means
8 commercial mobile radio service regulated under section 3 of title
9 I and section 332 of title III of the communications act of 1934,
10 chapter 652, 48 Stat.—**STAT** 1064, 47 USC 153 and 332, and the rules
11 of the ~~federal communications commission~~ **FEDERAL COMMUNICATIONS**
12 **COMMISSION** or provided under the wireless emergency service order.
13 Commercial mobile radio service or CMRS includes all of the
14 following:

15 (i) A wireless 2-way communication device, including a radio
16 telephone used in cellular telephone service or personal
17 communication service.

18 (ii) A functional equivalent of a radio telephone
19 communications line used in cellular telephone service or personal
20 communication service.

21 (iii) A network radio access line.

22 (d) "Commission" means the Michigan public service commission.

23 (e) "Committee" means the emergency 9-1-1 service committee
24 created under section 712.

25 (f) "Common network costs" means the costs associated with the
26 common network required to deliver a 9-1-1 call with ALI and ANI
27 from a selective router to the proper PSAP and the costs associated

1 with the 9-1-1 database and data distribution system of the primary
2 9-1-1 service supplier identified in a county 9-1-1 plan. As used
3 in this subdivision, "common network" means the elements of a
4 service supplier's network that are not exclusive to the supplier
5 or technology capable of accessing the 9-1-1 system.

6 (g) "Communication service" means a service capable of
7 accessing, connecting with, or interfacing with a 9-1-1 system,
8 exclusively through the numerals 9-1-1, by dialing, initializing,
9 or otherwise activating the 9-1-1 system through the numerals 9-1-1
10 by means of a local telephone device, cellular telephone device,
11 wireless communication device, interconnected voice over the
12 internet device, or any other means.

13 (h) "CMRS connection" means each number assigned to a CMRS
14 customer.

15 (i) "Consolidated dispatch" means a countywide or regional
16 emergency dispatch service that provides dispatch service for 75%
17 or more of the law enforcement, fire fighting, emergency medical
18 service, and other emergency service agencies within the
19 geographical area of a 9-1-1 service district or serves 75% or more
20 of the population within a 9-1-1 service district.

21 (j) "County 9-1-1 charge" means the charge allowed under
22 sections 401b and 401e.

23 (k) "Database service provider" means a service supplier who
24 maintains and supplies or contracts to maintain and supply an ALI
25 database or an MSAG.

26 (l) "Direct dispatch method" means that the agency receiving
27 the 9-1-1 call at the public safety answering point decides on the

1 proper action to be taken and dispatches the appropriate available
2 public safety service unit located closest to the request for
3 public safety service.

4 (m) "Emergency response service" or "ERS" means a public or
5 private agency that responds to events or situations that are
6 dangerous or that are considered by a member of the public to
7 threaten the public safety. An emergency response service includes
8 a police or fire department, an ambulance service, or any other
9 public or private entity trained and able to alleviate a dangerous
10 or threatening situation.

11 (n) "Emergency service zone" or "ESZ" means the designation
12 assigned by a county to each street name and address range that
13 identifies which emergency response service is responsible for
14 responding to an exchange access facility's premises.

15 (o) "Emergency telephone charge" means the emergency telephone
16 operational charge and emergency telephone technical charge allowed
17 under section 401.

18 (p) "Emergency 9-1-1 district" or "9-1-1 service district"
19 means the area in which 9-1-1 service is provided or is planned to
20 be provided to service users under a 9-1-1 system implemented under
21 this act.

22 (q) "Emergency 9-1-1 district board" means the governing body
23 created by the board of commissioners of the county or counties
24 with authority over an emergency 9-1-1 district.

25 (r) "Emergency telephone operational charge" means a charge
26 allowed under section 401 for nonnetwork technical equipment and
27 other costs directly related to the dispatch facility and the

1 operation of 1 or more PSAPs including, but not limited to, the
2 costs of dispatch personnel and radio equipment necessary to
3 provide 2-way communication between PSAPs and a public safety
4 agency. Emergency telephone operational charge does not include
5 non-PSAP related costs such as response vehicles and other
6 personnel.

7 (s) "Emergency telephone technical charge" means a charge as
8 allowed under section 401 or 401d for costs directly related to 9-
9 1-1 service including plant-related costs associated with the use
10 of the public switched telephone network from the end user to the
11 selective router, the network start-up costs, customer notification
12 costs, common network costs, administrative costs, database
13 management costs, and network nonrecurring and recurring
14 installation, maintenance, service, and equipment charges of a
15 service supplier providing 9-1-1 service under this act. Emergency
16 telephone technical charge does not include costs recovered under
17 sections 401b(10) and 408(2).

18 (t) "Exchange access facility" means the access from a
19 particular service user's premises to the communication service.
20 Exchange access facilities include service supplier provided access
21 lines, PBX trunks, and centrex line trunk equivalents, all as
22 defined by tariffs of the service suppliers as approved by the
23 public service commission. Exchange access facilities do not
24 include telephone pay station lines or WATS, FX, or incoming only
25 lines.

26 (u) "Final 9-1-1 service plan" means a tentative 9-1-1 service
27 plan that has been modified only to reflect necessary changes

1 resulting from any failure of public safety agencies to be
2 designated as PSAPs or secondary PSAPs under section 307.

3 **(V) "IP-BASED 9-1-1 SERVICE PROVIDER" MEANS THE PROVIDER OF A**
4 **STANDARDS-BASED DIGITAL (INTERNET PROTOCOL) SECURE REDUNDANT**
5 **MANAGED 9-1-1 TRANSPORT NETWORK USED FOR THE ROUTING AND DELIVERY**
6 **OF 9-1-1 CONNECTIVITY WITH LOCATION INFORMATION FROM A PARTY**
7 **REQUESTING EMERGENCY SERVICES TO A PSAP. AN IP-BASED 9-1-1 NETWORK**
8 **CAN INTERFACE WITH OTHER NETWORKS AND TRANSPORT OTHER EMERGENCY**
9 **SERVICES APPLICATIONS. AN IP-BASED 9-1-1 NETWORK MAY BE CONSTRUCTED**
10 **FROM A MIX OF DEDICATED AND SHARED FACILITIES OR NETWORKS, AND MAY**
11 **BE INTERCONNECTED AT LOCAL, REGIONAL, STATE, FEDERAL, NATIONAL, AND**
12 **INTERNATIONAL LEVELS TO FORM AN IP-BASED INTER-NETWORK OR INTRA-**
13 **NETWORK OF 9-1-1 CONNECTIVITY.**

14 **(W) ~~(v)~~**"Master street address guide" or "MSAG" means a
15 perpetual database that contains information continuously provided
16 by a service district that defines the geographic area of the
17 service district and includes an alphabetical list of street names,
18 the range of address numbers on each street, the names of each
19 community in the service district, the emergency service zone of
20 each service user, and the primary service answering point
21 identification codes.

22 **(X) ~~(w)~~**"Obligations" means bonds, notes, installment purchase
23 contracts, or lease purchase agreements to be issued by a public
24 agency under a law of this state.

25 **(Y) ~~(x)~~**"Person" means an individual, corporation,
26 partnership, association, governmental entity, or any other legal
27 entity.

1 **(Z)** ~~(y)~~—"Prepaid wireless telecommunications service" means a
2 commercial mobile radio service that allows a caller to dial 9-1-1
3 to access the 9-1-1 system and is paid for in advance and sold in
4 predetermined units or dollars of which the number declines with
5 use in a known amount.

6 **(AA)** ~~(z)~~—"Primary public safety answering point", "PSAP", or
7 "primary PSAP" means a communications facility operated or answered
8 on a 24-hour basis assigned responsibility by a public agency or
9 county to receive 9-1-1 calls and to dispatch public safety
10 response services, as appropriate, by the direct dispatch method,
11 relay method, or transfer method. It is the first point of
12 reception by a public safety agency of a 9-1-1 call and serves the
13 jurisdictions in which it is located and other participating
14 jurisdictions, if any.

15 **(BB)** ~~(aa)~~—"Prime rate" means the average predominant prime
16 rate quoted by not less than 3 commercial financial institutions as
17 determined by the department of treasury.

18 **(CC)** ~~(bb)~~—"Private safety entity" means a nongovernmental
19 organization that provides emergency fire, ambulance, or medical
20 services.

21 **(DD)** ~~(ee)~~—"Public agency" means a village, township, charter
22 township, or city within the state and any special purpose district
23 located in whole or in part within the state.

24 **(EE)** ~~(dd)~~—"Public safety agency" means a functional division
25 of a public agency, county, or the state that provides fire
26 fighting, law enforcement, ambulance, medical, or other emergency
27 services.

1 **(FF)** ~~(ee)~~ "Qualified obligations" means obligations that meet
2 1 or more of the following:

3 (i) The proceeds of the obligations benefit the 9-1-1
4 district, and for which all of the following conditions are met:

5 (A) The proceeds of the obligations are used for capital
6 expenditures, costs of a reserve fund securing the obligations, and
7 costs of issuing the obligations. The proceeds of obligations ~~shall~~
8 **MUST** not be used for operational expenses.

9 (B) The weighted average maturity of the obligations does not
10 exceed the useful life of the capital assets.

11 (C) The obligations ~~shall~~ **DO** not in whole or in part
12 appreciate in principal amount or ~~be~~ **ARE NOT** sold at a discount of
13 more than 10%.

14 (ii) The obligations are issued to refund obligations that
15 meet the conditions described in subparagraph (i) and the net
16 present value of the principal and interest to be paid on the
17 refunding obligations, excluding the cost of issuance, will be less
18 than the net present value of the principal and interest to be paid
19 on the obligations being refunded, as calculated using a method
20 approved by the department of treasury.

21 **(GG)** ~~(ff)~~ "Relay method" means that a PSAP notes pertinent
22 information and relays it by a communication service to the
23 appropriate public safety agency or other provider of emergency
24 services that has an available emergency service unit located
25 closest to the request for emergency service for dispatch of an
26 emergency service unit.

27 **(HH)** ~~(gg)~~ "Secondary public safety answering point" or

1 "secondary PSAP" means a communications facility of a public safety
2 agency or private safety entity that receives 9-1-1 calls by the
3 transfer method only and generally serves as a centralized location
4 for a particular type of emergency call.

5 **(II)** ~~(hh)~~—"Service supplier" means a person providing a
6 communication service to a service user in this state.

7 **(JJ)** ~~(ii)~~—"Service user" means a person receiving a
8 communication service.

9 **(KK)** ~~(jj)~~—"State 9-1-1 charge" means the charge provided for
10 under section 401a.

11 **(ll)** ~~(kk)~~—"Tariff" means the rate approved by the public
12 service commission for 9-1-1 service provided by a particular
13 service supplier. Tariff does not include a rate of a commercial
14 mobile radio service by a particular supplier.

15 **(MM)** ~~(ll)~~—"Tentative 9-1-1 service plan" means a plan prepared
16 by 1 or more counties for implementing a 9-1-1 system in a
17 specified 9-1-1 service district.

18 **(NN)** ~~(mm)~~—"Transfer method" means that a PSAP transfers the 9-
19 1-1 call directly to the appropriate public safety agency or other
20 provider of emergency service that has an available emergency
21 service unit located closest to the request for emergency service
22 for dispatch of an emergency service unit.

23 **(OO)** ~~(nn)~~—"Universal emergency number service" or "9-1-1
24 service" means public communication service that provides service
25 users with the ability to reach a public safety answering point by
26 dialing the digits "9-1-1".

27 **(PP)** ~~(oo)~~—"Universal emergency number service system" or "9-1-

1 1 system" means a system for providing 9-1-1 service under this
2 act.

3 **(QQ)** ~~(pp)~~ "Wireless emergency service order" means the order
4 of the federal communications commission, FCC docket No. 94-102,
5 adopted June 12, 1996 with an effective date of October 1, 1996.

6 Sec. 201. (1) An emergency 9-1-1 service system shall not be
7 implemented in this state except as provided under this act.

8 (2) One or more counties may create an emergency 9-1-1 service
9 system under this act.

10 (3) With the approval of the county board of commissioners in
11 a county with a population of ~~1,800,000~~ **1,650,000** or more, 4 or
12 more cities may create an emergency 9-1-1 service district under
13 this act.

14 (4) Each service supplier in this state is required to provide
15 each of its service users access to the 9-1-1 system. Each service
16 supplier shall provide the committee with contact information to
17 allow for notifications as required under section 714.

18 Sec. 312. (1) Except as otherwise provided under subsection
19 (2), after a final 9-1-1 service plan has been adopted under
20 section 310, a county may amend the final 9-1-1 service plan only
21 by complying with the procedures described in sections 301 to 310.
22 Upon adoption of an amended final 9-1-1 service plan by the county
23 board of commissioners, the county shall forward the amended final
24 9-1-1 service plan to the service supplier or suppliers designated
25 to provide 9-1-1 service within the 9-1-1 service district as
26 amended. Upon receipt of the amended final 9-1-1 service plan, each
27 designated service supplier shall implement as soon as feasible the

1 amendments to the final 9-1-1 service plan in the 9-1-1 service
2 district as amended.

3 (2) The county board of commissioners may by resolution make
4 minor amendments to the final 9-1-1 service plan for any of the
5 following:

6 (a) Changes in PSAP premises equipment, including, but not
7 limited to, computer-aided dispatch systems, call processing
8 equipment, and computer mapping.

9 (b) Changes involving the participating public safety agencies
10 within a 9-1-1 service district.

11 (c) Changes in the 9-1-1 charges collected by the county
12 subject to the limits under this act.

13 **(D) CHANGES IN 9-1-1 SERVICE PROVIDERS TO INCLUDE IP-BASED 9-**
14 **1-1 SERVICE PROVIDERS APPROVED BY THE COMMITTEE.**

15 Sec. 401a. (1) Each service supplier within a 9-1-1 service
16 district shall bill and collect a state 9-1-1 charge from all
17 service users, except for users of a prepaid wireless
18 telecommunications service, of the service supplier within the
19 geographical boundaries of the 9-1-1 service district or as
20 otherwise provided by this section. ~~The billing and collection of~~
21 ~~the state 9-1-1 charge shall begin July 1, 2008.~~ The state 9-1-1
22 charge shall **MUST** be uniform per each service user within the 9-1-1
23 service district.

24 ~~— (2) The amount of the state 9-1-1 charge payable monthly by a~~
25 ~~service user shall be established as provided under subsection (4).~~
26 ~~The amount of the state 9-1-1 charge shall not be more than 25~~
27 ~~cents or less than 15 cents. The charge may be adjusted annually as~~

1 ~~provided under subsection (4).~~

2 (2) ~~(3)~~—The state 9-1-1 charge ~~shall~~ **MUST** be collected in
3 accordance with the regular billings of the service supplier.
4 Except as otherwise provided under this act, the amount collected
5 for the state 9-1-1 charge ~~shall~~ **MUST** be remitted quarterly by the
6 service supplier to the state treasurer and deposited in the
7 emergency 9-1-1 fund created under section 407. The charge allowed
8 under this section ~~shall~~ **MUST** be listed separately on the
9 customer's bill or payment receipt or otherwise disclosed to the
10 consumer.

11 (3) ~~(4)~~—The ~~initial~~ state 9-1-1 charge ~~shall be 19~~ **IS 25** cents
12 ~~and shall be effective July 1, 2008.~~ **2017**. The state 9-1-1 charge
13 ~~shall~~ **MUST** reflect the actual costs of operating, maintaining,
14 upgrading, and other reasonable and necessary expenditures for the
15 9-1-1 system in this state. ~~The state 9-1-1 charge may be reviewed~~
16 ~~and adjusted as provided under subsection (5).~~

17 ~~—— (5) The commission in consultation with the committee shall~~
18 ~~review and may adjust the state 9-1-1 charge under this section and~~
19 ~~the distribution percentages under section 408 to be effective on~~
20 ~~July 1, 2009 and July 1, 2010. Any adjustment to the charge by the~~
21 ~~commission shall be made no later than May 1 of the preceding year~~
22 ~~and shall be based on the committee's recommendations under section~~
23 ~~412. Any adjustments to the state 9-1-1 charge or distribution~~
24 ~~percentages after December 31, 2010 shall be made by the~~
25 ~~legislature.~~

26 (4) ~~(6)~~—If a service user has multiple access points or access
27 lines, the state 9-1-1 charge will be imposed separately on each of

1 the first 10 access points or access lines and then 1 charge for
2 each 10 access points or access lines per billed account.

3 ~~(7) This section takes effect July 1, 2008.~~

4 Sec. 401b. (1) In addition to the charge allowed under section
5 401a, after June 30, 2008 a county board of commissioners may
6 assess a county 9-1-1 charge to service users, except for users of
7 a prepaid wireless telecommunications service, located within that
8 county by 1 of the following methods:

9 (a) Up to ~~\$0.42~~ **\$0.55** per month by resolution.

10 (b) Up to \$3.00 per month with the approval of the voters in
11 the county.

12 (c) Any combination of subdivisions (a) and (b) with a maximum
13 county 9-1-1 charge of \$3.00 per month.

14 (2) A county assessing a county 9-1-1 charge amount approved
15 in the commission's order in case number U-15489 that exceeds the
16 amounts established in subsection (1) may continue to assess the
17 amount approved by the commission. Any proposed increase to the
18 amount approved in the commission order is subject to subsection
19 (1).

20 (3) The charge assessed under this section and section 401e
21 shall not exceed the amount necessary and reasonable to implement,
22 maintain, and operate the 9-1-1 system in the county.

23 (4) If the voters approve the charge to be assessed on the
24 service user's monthly bill on a ballot question under this
25 section, the service provider's bill ~~shall~~ **MUST** state the
26 following:

27 "This amount is for your 9-1-1 service which has been approved

1 by the voters on (DATE OF VOTER APPROVAL). This is not a charge
2 assessed by your service supplier. If you have questions concerning
3 your 9-1-1 service, you may call (INCLUDE APPROPRIATE TELEPHONE
4 NUMBER)."

5 (5) Within 90 days after the first day of each fiscal or
6 calendar year of a county, an annual accounting ~~shall~~**MUST** be made
7 of the charge approved under this section.

8 (6) Except as otherwise provided in subsection (10), the
9 county 9-1-1 charge collected under this section ~~shall~~**MUST** be paid
10 quarterly directly to the county and distributed by the county to
11 the primary PSAPs by 1 of the following methods:

12 (a) As provided in the final 9-1-1 service plan.

13 (b) If distribution is not provided for in the plan, then
14 according to any agreement for distribution between the county and
15 public agencies.

16 (c) If distribution is not provided in the plan or by
17 agreement, then according to population within the emergency 9-1-1
18 district.

19 (7) Subject to subsection (1), the county may adjust the
20 county 9-1-1 charge annually to be effective July 1. The county
21 shall notify the committee no later than May 15 of each year of any
22 change in the county 9-1-1 charge under this section.

23 (8) If a county has multiple emergency response districts, the
24 county 9-1-1 charge collected under this section ~~shall~~**MUST** be
25 distributed under subsection (6) in proportion to the population
26 within the emergency 9-1-1 district.

27 (9) This section ~~shall~~**DOES** not preclude the distribution of

1 funding to secondary PSAPs if the distribution is determined by the
2 primary PSAPs within the emergency 9-1-1 district to be the most
3 effective method for dispatching of fire or emergency medical
4 services and the distribution is approved within the final 9-1-1
5 service plan.

6 (10) The service supplier may retain 2% of the approved county
7 9-1-1 charge to cover the supplier's costs for billings and
8 collections under this section.

9 (11) The charge allowed under this section ~~shall~~**MUST** be
10 listed separately on the customer's bill or otherwise disclosed to
11 the consumer and ~~shall~~ state by which means the charge was approved
12 under subsection (1).

13 (12) Information submitted by a service supplier to a county
14 under this section is exempt from the freedom of information act,
15 1976 PA 442, MCL 15.231 to 15.246, and ~~shall not be released by the~~
16 county **SHALL NOT RELEASE THAT INFORMATION** without the consent of
17 the service supplier. Unless required or permitted by statute,
18 court rule, subpoena, or court order, or except as necessary for a
19 county, the commission, committee, or public agency to pursue or
20 defend the public's interest in any public contract or litigation,
21 a county treasurer, the commission, committee, agency, or any
22 employee or representative of a PSAP, database administrator, or
23 public agency shall not divulge any information acquired with
24 respect to customers, revenues or expenses, trade secrets, access
25 line counts, commercial information, or any other proprietary
26 information with respect to a service supplier while acting or
27 claiming to act as an employee, agent, or representative. An

1 aggregation of information that does not identify or effectively
2 identify the number of customers, revenues or expenses, trade
3 secrets, access lines, commercial information, and other
4 proprietary information attributable to a specific service supplier
5 may be made public.

6 (13) If a service user has multiple access points or access
7 lines, the county 9-1-1 charge will be imposed separately on each
8 of the first 10 access points or access lines and then 1 charge for
9 each 10 access points or access lines per billed account.

10 (14) A county 9-1-1 charge assessed under subsection (1) ~~shall~~
11 **MUST** be used only to fund costs approved as allowable in a
12 published report by the committee before December 1, 2008. The
13 committee shall notify the standing committees of the senate and
14 house of representatives having jurisdiction over issues pertaining
15 to communication technology at least 90 days before modifying what
16 constitutes an allowable cost under this subsection.

17 Sec. 401c. (1) A seller shall collect a prepaid wireless 9-1-1
18 surcharge from a consumer for each retail transaction occurring in
19 this state.

20 (2) The amount of the prepaid wireless 9-1-1 surcharge ~~shall~~
21 ~~be 1.92%~~ **IS 4.19%** per retail transaction. The charge allowed under
22 this section ~~shall~~ **MUST** be either separately stated on an invoice,
23 receipt, or other similar document that is provided to a consumer
24 by the seller or otherwise disclosed to the consumer.

25 (3) Each of the following transactions is considered to have
26 occurred in this state:

27 (a) A retail transaction that is effected in person by a

1 consumer at a business location of a seller located in this state.

2 (b) A retail transaction that is treated as occurring in this
3 state as provided in section 3c of the use tax act, 1937 PA 94, MCL
4 205.93c, as that section applies to a prepaid wireless calling
5 service.

6 (4) A prepaid wireless 9-1-1 surcharge is the liability of the
7 consumer and not of the seller or of any provider.

8 (5) Except as otherwise provided in subsection (6), if a
9 prepaid wireless telecommunications service is sold with 1 or more
10 products or services for a single, nonitemized price, the seller
11 shall collect ~~1.92%~~ **4.19%** on the entire nonitemized price unless
12 the seller elects to do the following:

13 (a) If the amount of the prepaid wireless telecommunications
14 service is disclosed to the consumer as a dollar amount, apply the
15 percentage to that dollar amount.

16 (b) If the seller can identify the portion of the price that
17 is attributable to the prepaid wireless telecommunications service
18 by reasonable and verifiable standards from its books and records
19 that are kept in the regular course of business for other purposes
20 including, but not limited to, nontax purposes, apply the
21 percentage to that portion.

22 (6) If a minimal amount of prepaid wireless telecommunications
23 service is sold with a prepaid wireless device for a single,
24 nonitemized price, a seller may elect not to apply the percentage
25 specified in subsection (5) (a) to that transaction. As used in this
26 subsection, "minimal amount" means an amount of service denominated
27 as 10 minutes or less or \$5.00 or less.

1 (7) The **SELLER SHALL REMIT THE** prepaid wireless 9-1-1
2 surcharge ~~shall be remitted monthly by the seller to the state~~
3 ~~treasurer and deposited~~ **WHO SHALL DEPOSIT IT** in the emergency 9-1-1
4 fund created in section 407.

5 (8) A seller may retain 2% of prepaid wireless 9-1-1
6 surcharges that are collected by the seller to reimburse the seller
7 for its direct costs in collecting and remitting the prepaid
8 wireless 9-1-1 surcharges.

9 (9) A provider or seller of prepaid wireless
10 telecommunications service is not liable for damages to any person
11 resulting from or incurred in connection with the provision of, or
12 failure to provide, 9-1-1 service or for identifying or failing to
13 identify the telephone number, address, location, or name
14 associated with any person or device that is accessing or
15 attempting to access 9-1-1 service.

16 (10) A provider or seller of prepaid wireless
17 telecommunications service is not liable for damages to any person
18 resulting from or incurred in connection with the provision of any
19 lawful assistance to any investigative or law enforcement officer
20 of the United States, this state, or any other state in connection
21 with any lawful investigation or other law enforcement activity by
22 that law enforcement officer.

23 (11) As used in this section:

24 (a) "Consumer" means a person who purchases prepaid wireless
25 telecommunications services in a retail transaction.

26 (b) "Department" means the Michigan department of treasury.

27 (c) "Prepaid wireless 9-1-1 surcharge" means the fee that is

1 required to be collected by a seller from a consumer in the amount
2 established under subsection (2).

3 (d) "Provider" means a person that provides prepaid wireless
4 telecommunications services under a license issued by the ~~federal~~
5 ~~communications commission.~~ **FEDERAL COMMUNICATIONS COMMISSION.**

6 (e) "Retail transaction" means the purchase of prepaid
7 wireless telecommunications service from a seller for any purpose
8 other than resale.

9 (f) "Seller" means a person who sells prepaid wireless
10 telecommunications service to another person.

11 Sec. 403. **(1)** Each service supplier ~~shall be~~ **IS** solely
12 responsible for the billing of the state and county 9-1-1 charge
13 and ~~the transmittal of~~ **TRANSMITTING THE** money collected to the
14 emergency 9-1-1 fund and to the counties as required under this
15 act.

16 **(2) THE ATTORNEY GENERAL MAY COMMENCE A CIVIL ACTION ON BEHALF**
17 **OF THE COMMITTEE AGAINST A SERVICE SUPPLIER, CMRS SUPPLIER,**
18 **RESELLER, OR RETAILER FOR APPROPRIATE RELIEF FOR FAILURE TO REPORT,**
19 **CHARGE, COLLECT, AND TRANSMIT THE STATE 9-1-1 CHARGES IN SECTIONS**
20 **401A AND 401C. AN ACTION UNDER THIS SUBSECTION MAY BE BROUGHT IN**
21 **THE INGHAM COUNTY CIRCUIT COURT OR THE CIRCUIT COURT IN A COUNTY IN**
22 **WHICH THE DEFENDANT RESIDES OR IS DOING BUSINESS. THE COURT HAS**
23 **JURISDICTION TO RESTRAIN THE VIOLATION AND TO REQUIRE COMPLIANCE**
24 **WITH THIS SECTION.**

25 **(3) A COUNTY OR 9-1-1 SERVICE DISTRICT MAY COMMENCE A CIVIL**
26 **ACTION AGAINST A SERVICE SUPPLIER, CMRS SUPPLIER, OR RESELLER FOR**
27 **APPROPRIATE RELIEF FOR FAILURE TO REPORT, CHARGE, COLLECT, AND**

1 TRANSMIT THE 9-1-1 CHARGE IN SECTION 401B. AN ACTION UNDER THIS
2 SUBSECTION MAY BE BROUGHT IN THE CIRCUIT COURT OF THE COUNTY
3 RECEIVING THE 9-1-1 CHARGE OR IN THE CIRCUIT COURT IN A COUNTY IN
4 WHICH THE DEFENDANT RESIDES OR IS DOING BUSINESS. THE COURT HAS
5 JURISDICTION TO RESTRAIN THE VIOLATION AND TO REQUIRE COMPLIANCE
6 WITH THIS SECTION.

7 Sec. 406. (1) The funds collected and expended under this act
8 ~~shall~~**MUST** be expended exclusively for 9-1-1 services and in
9 compliance with the rules promulgated under section 413.

10 (2) Each **COUNTY**, PSAP, or secondary PSAP **THAT RECEIVES MONEY**
11 **UNDER THIS ACT** shall assure that fund accounting, auditing,
12 monitoring, and evaluation procedures are provided as required by
13 this act and the rules promulgated under this act.

14 (3) An annual audit ~~shall~~**MUST** be conducted by an independent
15 auditor using generally accepted accounting principles and copies
16 of the annual audit ~~shall~~**MUST** be made available for public
17 inspection.

18 (4) An increase in the charges allowed under this act ~~shall~~
19 **MUST** not be authorized or expended for the next fiscal year unless
20 according to the most recently completed annual audit the
21 expenditures are in compliance with this act.

22 (5) The receipt of 9-1-1 funds under this act is dependent on
23 compliance with the standards established by the commission under
24 section 413.

25 Sec. 407. (1) The emergency 9-1-1 fund is created within the
26 state treasury.

27 (2) The state treasurer may receive money or other assets as

1 provided under this act and from any source for deposit into the
2 fund. Money may be deposited into the fund by electronic funds
3 transfer. Money in the CMRS emergency telephone fund on ~~the~~
4 ~~effective date of the amendatory act that added section 401a shall~~
5 **JULY 1, 2008 MUST** be deposited into the fund and expended as
6 provided by this act. The state treasurer shall direct the
7 investment of the fund. The state treasurer shall credit to the
8 fund interest and earnings from fund investments.

9 (3) Money in the fund at the close of the fiscal year ~~shall~~
10 ~~remain~~**REMAINS** in the fund and ~~shall~~**DOES** not lapse to the general
11 fund.

12 (4) The department of treasury shall expend money from the
13 fund only as provided in this act. The disbursement of money may be
14 by electronic funds transfer.

15 (5) The auditor general shall audit the fund at least
16 ~~annually~~**BIENNIALY**.

17 Sec. 408. (1) Except as otherwise provided under this act, a
18 service supplier shall bill and collect a state 9-1-1 service
19 charge per month as determined under section 401a. The service
20 supplier shall list the state 9-1-1 service charge authorized under
21 this act as a separate line item on each bill ~~. The service charge~~
22 ~~shall be listed on the bill as the "state 9-1-1 charge"~~.

23 (2) Each service supplier may retain 2% of the state 9-1-1
24 charge collected under this act to cover the supplier's costs for
25 billing and collection.

26 (3) Except as otherwise provided under subsection (2), the
27 money collected as the state 9-1-1 charge under subsection (1)

1 ~~shall~~**MUST** be deposited in the emergency 9-1-1 fund created in
2 section 407 no later than 30 days after the end of the quarter in
3 which the state 9-1-1 charge was collected.

4 (4) ~~Except as otherwise provided under section 401a(5), all~~
5 **ALL** money collected and deposited in the emergency 9-1-1 fund
6 created in section 407 ~~shall~~**MUST** be distributed as **PROVIDED IN**
7 **THIS SECTION. ANNUAL MONEY IN THE FUND NOT EXCEEDING \$37,000,000.00**
8 **MUST BE DISTRIBUTED AS** follows:

9 (a) ~~82.5% shall~~**65% MUST** be disbursed to each county that has
10 a final 9-1-1 plan in place. Forty percent of the ~~82.5% shall~~**65%**
11 **MUST** be distributed quarterly on an equal basis to each county, and
12 60% of the ~~82.5% shall~~**65% MUST** be distributed quarterly based on a
13 population per capita basis. ~~Money~~**A COUNTY SHALL ONLY USE MONEY**
14 received by a ~~THE~~ county under this subdivision ~~shall only be used~~
15 for 9-1-1 services as allowed under this act. ~~Money~~**A COUNTY SHALL**
16 **REPAY TO THE FUND ANY MONEY** expended under this subdivision for a
17 purpose considered unnecessary or unreasonable by the committee or
18 the auditor general. ~~shall be repaid to the fund.~~

19 (b) ~~7.75% shall~~**3.5% MUST** be available to reimburse local
20 exchange providers for the costs related to wireless emergency
21 service. Any cost reimbursement allowed under this subdivision
22 ~~shall~~**MUST** not include a cost that is not related to wireless
23 emergency service. A local exchange provider may submit an invoice
24 to the commission for reimbursement from the emergency 9-1-1 fund
25 for allowed costs. Within 45 days after the date an invoice is
26 submitted to the commission, the commission shall approve, either
27 in whole or in part, or deny the invoice.

1 (c) ~~6.0% shall~~ **5.5% MUST** be available to PSAPs for training
 2 personnel assigned to 9-1-1 centers. A **PUBLIC SAFETY AGENCY OR**
 3 **COUNTY SHALL MAKE A** written request for money from the fund ~~shall~~
 4 ~~be made by a public safety agency or county to the committee.~~ The
 5 committee shall semiannually authorize distribution of money from
 6 the fund to eligible public safety agencies or counties. A public
 7 safety agency or county that receives money under this subdivision
 8 shall create, maintain, and make available to the committee upon
 9 request a detailed record of expenditures relating to the
 10 preparation, administration, and carrying out of activities of its
 11 9-1-1 training program. ~~Money~~ **AN ELIGIBLE PUBLIC SAFETY AGENCY OR**
 12 **COUNTY SHALL REPAY TO THE FUND ANY MONEY** expended by ~~an eligible~~
 13 **THAT** public safety agency or county for a purpose considered
 14 unnecessary or unreasonable by the committee or the auditor
 15 general. ~~shall be repaid to the fund.~~ The commission shall consult
 16 with and consider the recommendations of the committee in the
 17 promulgation of rules under section 413 establishing training
 18 standards for 9-1-1 system personnel. Money ~~shall~~ **MUST** be disbursed
 19 on a biannual basis to an eligible public safety agency or county
 20 for training of PSAP personnel through courses certified by the
 21 committee only for either of the following purposes:

22 (i) To provide basic 9-1-1 operations training.

23 (ii) To provide in-service training to employees engaged in 9-
 24 1-1 service.

25 (d) ~~1.88% shall~~ **1.5% MUST** be credited to the department of
 26 state police to operate a regional dispatch center that receives
 27 and dispatches 9-1-1 calls, and ~~1.87% shall~~ **3% MUST** be credited to

1 the department of state police for costs to administer this act and
2 to maintain the office of the state 9-1-1 coordinator.

3 **(E) 21.5% SHALL BE AVAILABLE FOR REIMBURSEMENT BY THE**
4 **COMMITTEE ONLY FOR THE FOLLOWING PURPOSES:**

5 **(i) GRANT MATCH FOR STATEWIDE OR REGIONAL IP-BASED 9-1-1**
6 **PROJECTS.**

7 **(ii) INVOICES SUBMITTED BY COMMITTEE-APPROVED IP-BASED 9-1-1**
8 **SERVICE PROVIDERS FOR THE COSTS RELATED TO IP-BASED 9-1-1 EMERGENCY**
9 **SERVICE.**

10 ~~—— (5) For fiscal year 2010-2011 only, an amount not to exceed~~
11 ~~\$1,700,000.00 is distributed to the department of state police for~~
12 ~~an integrated IP-based 9-1-1 mapping system in this state. The~~
13 ~~money distributed under this subsection is for the restricted~~
14 ~~purpose of matching funds for the state's award of a grant under~~
15 ~~the grant program established under the federal ensuring needed~~
16 ~~help arrives near callers employing 911 act of 2004 to be used~~
17 ~~solely for the acquisition and deployment of a state integrated IP-~~
18 ~~based 9-1-1 mapping system. All costs associated with the state~~
19 ~~integrated IP-based 9-1-1 mapping system including, but not limited~~
20 ~~to, its construction, administration, and maintenance shall only be~~
21 ~~paid from money distributed under this subsection and any federal~~
22 ~~grant money.~~

23 ~~—— (6) From money not distributed to local exchange providers~~
24 ~~under subsection (4) (b), an amount not to exceed \$150,000.00 shall~~
25 ~~be annually distributed to the department of treasury to fund a~~
26 ~~portion of the department's costs in administering this act. This~~
27 ~~subsection does not apply after September 30, 2015.~~

1 (5) AN IP-BASED 9-1-1 SERVICE PROVIDER THAT HAS BEEN APPROVED
2 BY THE COMMITTEE AS MEETING STANDARDS-BASED CRITERIA SET BY THE
3 COMMITTEE MAY SUBMIT AN INVOICE TO THE COMMITTEE FOR REIMBURSEMENT
4 FROM THE EMERGENCY 9-1-1 FUND FOR ALLOWED COSTS. WITHIN 90 DAYS
5 AFTER THE DATE AN INVOICE IS SUBMITTED TO THE COMMITTEE, THE
6 COMMITTEE SHALL APPROVE, EITHER IN WHOLE OR IN PART, OR DENY THE
7 INVOICE. ANY COST REIMBURSEMENT ALLOWED UNDER THIS SUBDIVISION MUST
8 NOT INCLUDE A COST THAT IS NOT RELATED TO IP-BASED 9-1-1 EMERGENCY
9 SERVICE.

10 (6) THE COMMITTEE SHALL ESTABLISH A SUBCOMMITTEE TO REVIEW
11 INVOICES SUBMITTED BY IP-BASED 9-1-1 SERVICE PROVIDERS AND MAKE
12 RECOMMENDATIONS TO THE COMMITTEE FOR APPROVAL OR DENIAL OF PAYMENT.
13 THE SUBCOMMITTEE WILL REMOVE IP-BASED 9-1-1 SERVICE PROVIDER
14 INFORMATION THAT IS CONSIDERED CONFIDENTIAL OR PROPRIETARY.

15 (7) FUNDS GENERATED BY THE FEE IN SECTION 401A IN EXCESS OF
16 \$37,000,000.00 ANNUALLY MUST BE RESERVED FOR DISTRIBUTION COMMITTEE
17 APPROVED COSTS UNDER SUBSECTION (4) (E) .

18 (8) ~~(7)~~—Money received by a county under subsection (4) (a)
19 ~~shall~~**MUST** be distributed by the county to the primary PSAPs
20 geographically located within the 9-1-1 service district by 1 of
21 the following methods:

22 (a) As provided in the final 9-1-1 service plan.

23 (b) If distribution is not provided for in the 9-1-1 service
24 plan under subdivision (a), then according to any agreement for
25 distribution between a county and a public agency.

26 (c) If distribution is not provided for in the 9-1-1 service
27 plan under subdivision (a) or by agreement between the county and

1 public agency under subdivision (b), then according to the
2 population within the geographic area for which the PSAP serves as
3 primary PSAP.

4 (d) If a county has multiple emergency 9-1-1 districts, money
5 for that county ~~shall~~**MUST** be distributed as provided in the
6 emergency 9-1-1 districts' final 9-1-1 service plans.

7 **(9)** ~~(8)~~The commission shall consult with and consider
8 recommendations of the committee in the promulgation of rules under
9 section 413 establishing the standards for the receipt and
10 expenditure of 9-1-1 funds under this act. Receipt of 9-1-1 funds
11 under this act is dependent on compliance with the standards
12 established under this subsection.

13 Enacting section 1. This amendatory act takes effect July 1,
14 2017.

SENATE BILL No. 400

May 23, 2017, Introduced by Senator JONES and referred to the Committee on Energy and Technology.

A bill to amend 1986 PA 32, entitled "Emergency 9-1-1 service enabling act," by amending sections 102, 201, 312, 401a, 401b, 401c, 403, 406, 407, and 408 (MCL 484.1102, 484.1201, 484.1312, 484.1401a, 484.1401b, 484.1401c, 484.1403, 484.1406, 484.1407, and 484.1408), sections 102, 401a, and 401b as amended by 2012 PA 260, sections 201 and 312 as amended by 2007 PA 164, section 401c as amended by 2012 PA 433, sections 403, 406, and 407 as amended by 2007 PA 165, and section 408 as amended by 2013 PA 113.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 102. As used in this act:

2 (a) "Automatic location identification" or "ALI" means a 9-1-1
3 service feature provided by the service supplier that automatically
4 provides the name and service address or, for a CMRS service
5 supplier, the location associated with the calling party's

1 telephone number as identified by automatic number identification
2 to a 9-1-1 public safety answering point.

3 (b) "Automatic number identification" or "ANI" means a 9-1-1
4 service feature provided by the service supplier that automatically
5 provides the calling party's telephone number to a 9-1-1 public
6 safety answering point.

7 (c) "Commercial mobile radio service" or "CMRS" means
8 commercial mobile radio service regulated under section 3 of title
9 I and section 332 of title III of the communications act of 1934,
10 chapter 652, 48 Stat.—~~STAT~~ 1064, 47 USC 153 and 332, and the rules
11 of the ~~federal communications commission~~ **FEDERAL COMMUNICATIONS**
12 **COMMISSION** or provided under the wireless emergency service order.
13 Commercial mobile radio service or CMRS includes all of the
14 following:

15 (i) A wireless 2-way communication device, including a radio
16 telephone used in cellular telephone service or personal
17 communication service.

18 (ii) A functional equivalent of a radio telephone
19 communications line used in cellular telephone service or personal
20 communication service.

21 (iii) A network radio access line.

22 (d) "Commission" means the Michigan public service commission.

23 (e) "Committee" means the emergency 9-1-1 service committee
24 created under section 712.

25 (f) "Common network costs" means the costs associated with the
26 common network required to deliver a 9-1-1 call with ALI and ANI
27 from a selective router to the proper PSAP and the costs associated

1 with the 9-1-1 database and data distribution system of the primary
2 9-1-1 service supplier identified in a county 9-1-1 plan. As used
3 in this subdivision, "common network" means the elements of a
4 service supplier's network that are not exclusive to the supplier
5 or technology capable of accessing the 9-1-1 system.

6 (g) "Communication service" means a service capable of
7 accessing, connecting with, or interfacing with a 9-1-1 system,
8 exclusively through the numerals 9-1-1, by dialing, initializing,
9 or otherwise activating the 9-1-1 system through the numerals 9-1-1
10 by means of a local telephone device, cellular telephone device,
11 wireless communication device, interconnected voice over the
12 internet device, or any other means.

13 (h) "CMRS connection" means each number assigned to a CMRS
14 customer.

15 (i) "Consolidated dispatch" means a countywide or regional
16 emergency dispatch service that provides dispatch service for 75%
17 or more of the law enforcement, fire fighting, emergency medical
18 service, and other emergency service agencies within the
19 geographical area of a 9-1-1 service district or serves 75% or more
20 of the population within a 9-1-1 service district.

21 (j) "County 9-1-1 charge" means the charge allowed under
22 sections 401b and 401e.

23 (k) "Database service provider" means a service supplier who
24 maintains and supplies or contracts to maintain and supply an ALI
25 database or an MSAG.

26 (l) "Direct dispatch method" means that the agency receiving
27 the 9-1-1 call at the public safety answering point decides on the

1 proper action to be taken and dispatches the appropriate available
2 public safety service unit located closest to the request for
3 public safety service.

4 (m) "Emergency response service" or "ERS" means a public or
5 private agency that responds to events or situations that are
6 dangerous or that are considered by a member of the public to
7 threaten the public safety. An emergency response service includes
8 a police or fire department, an ambulance service, or any other
9 public or private entity trained and able to alleviate a dangerous
10 or threatening situation.

11 (n) "Emergency service zone" or "ESZ" means the designation
12 assigned by a county to each street name and address range that
13 identifies which emergency response service is responsible for
14 responding to an exchange access facility's premises.

15 (o) "Emergency telephone charge" means the emergency telephone
16 operational charge and emergency telephone technical charge allowed
17 under section 401.

18 (p) "Emergency 9-1-1 district" or "9-1-1 service district"
19 means the area in which 9-1-1 service is provided or is planned to
20 be provided to service users under a 9-1-1 system implemented under
21 this act.

22 (q) "Emergency 9-1-1 district board" means the governing body
23 created by the board of commissioners of the county or counties
24 with authority over an emergency 9-1-1 district.

25 (r) "Emergency telephone operational charge" means a charge
26 allowed under section 401 for nonnetwork technical equipment and
27 other costs directly related to the dispatch facility and the

1 operation of 1 or more PSAPs including, but not limited to, the
2 costs of dispatch personnel and radio equipment necessary to
3 provide 2-way communication between PSAPs and a public safety
4 agency. Emergency telephone operational charge does not include
5 non-PSAP related costs such as response vehicles and other
6 personnel.

7 (s) "Emergency telephone technical charge" means a charge as
8 allowed under section 401 or 401d for costs directly related to 9-
9 1-1 service including plant-related costs associated with the use
10 of the public switched telephone network from the end user to the
11 selective router, the network start-up costs, customer notification
12 costs, common network costs, administrative costs, database
13 management costs, and network nonrecurring and recurring
14 installation, maintenance, service, and equipment charges of a
15 service supplier providing 9-1-1 service under this act. Emergency
16 telephone technical charge does not include costs recovered under
17 sections 401b(10) and 408(2).

18 (t) "Exchange access facility" means the access from a
19 particular service user's premises to the communication service.
20 Exchange access facilities include service supplier provided access
21 lines, PBX trunks, and centrex line trunk equivalents, all as
22 defined by tariffs of the service suppliers as approved by the
23 public service commission. Exchange access facilities do not
24 include telephone pay station lines or WATS, FX, or incoming only
25 lines.

26 (u) "Final 9-1-1 service plan" means a tentative 9-1-1 service
27 plan that has been modified only to reflect necessary changes

1 resulting from any failure of public safety agencies to be
2 designated as PSAPs or secondary PSAPs under section 307.

3 (V) "IP-BASED 9-1-1 SERVICE PROVIDER" MEANS THE PROVIDER OF A
4 STANDARDS-BASED DIGITAL (INTERNET PROTOCOL) SECURE REDUNDANT
5 MANAGED 9-1-1 TRANSPORT NETWORK USED FOR THE ROUTING AND DELIVERY
6 OF 9-1-1 CONNECTIVITY WITH LOCATION INFORMATION FROM A PARTY
7 REQUESTING EMERGENCY SERVICES TO A PSAP. AN IP-BASED 9-1-1 NETWORK
8 CAN INTERFACE WITH OTHER NETWORKS AND TRANSPORT OTHER EMERGENCY
9 SERVICES APPLICATIONS. AN IP-BASED 9-1-1 NETWORK MAY BE CONSTRUCTED
10 FROM A MIX OF DEDICATED AND SHARED FACILITIES OR NETWORKS, AND MAY
11 BE INTERCONNECTED AT LOCAL, REGIONAL, STATE, FEDERAL, NATIONAL, AND
12 INTERNATIONAL LEVELS TO FORM AN IP-BASED INTER-NETWORK OR INTRA-
13 NETWORK OF 9-1-1 CONNECTIVITY.

14 (W) ~~(v)~~ "Master street address guide" or "MSAG" means a
15 perpetual database that contains information continuously provided
16 by a service district that defines the geographic area of the
17 service district and includes an alphabetical list of street names,
18 the range of address numbers on each street, the names of each
19 community in the service district, the emergency service zone of
20 each service user, and the primary service answering point
21 identification codes.

22 (X) ~~(w)~~ "Obligations" means bonds, notes, installment purchase
23 contracts, or lease purchase agreements to be issued by a public
24 agency under a law of this state.

25 (Y) ~~(x)~~ "Person" means an individual, corporation,
26 partnership, association, governmental entity, or any other legal
27 entity.

1 **(Z)** ~~(y)~~—"Prepaid wireless telecommunications service" means a
2 commercial mobile radio service that allows a caller to dial 9-1-1
3 to access the 9-1-1 system and is paid for in advance and sold in
4 predetermined units or dollars of which the number declines with
5 use in a known amount.

6 **(AA)** ~~(z)~~—"Primary public safety answering point", "PSAP", or
7 "primary PSAP" means a communications facility operated or answered
8 on a 24-hour basis assigned responsibility by a public agency or
9 county to receive 9-1-1 calls and to dispatch public safety
10 response services, as appropriate, by the direct dispatch method,
11 relay method, or transfer method. It is the first point of
12 reception by a public safety agency of a 9-1-1 call and serves the
13 jurisdictions in which it is located and other participating
14 jurisdictions, if any.

15 **(BB)** ~~(aa)~~—"Prime rate" means the average predominant prime
16 rate quoted by not less than 3 commercial financial institutions as
17 determined by the department of treasury.

18 **(CC)** ~~(bb)~~—"Private safety entity" means a nongovernmental
19 organization that provides emergency fire, ambulance, or medical
20 services.

21 **(DD)** ~~(ee)~~—"Public agency" means a village, township, charter
22 township, or city within the state and any special purpose district
23 located in whole or in part within the state.

24 **(EE)** ~~(dd)~~—"Public safety agency" means a functional division
25 of a public agency, county, or the state that provides fire
26 fighting, law enforcement, ambulance, medical, or other emergency
27 services.

1 **(FF)** ~~(ee)~~—"Qualified obligations" means obligations that meet
2 1 or more of the following:

3 (i) The proceeds of the obligations benefit the 9-1-1
4 district, and for which all of the following conditions are met:

5 (A) The proceeds of the obligations are used for capital
6 expenditures, costs of a reserve fund securing the obligations, and
7 costs of issuing the obligations. The proceeds of obligations ~~shall~~
8 **MUST** not be used for operational expenses.

9 (B) The weighted average maturity of the obligations does not
10 exceed the useful life of the capital assets.

11 (C) The obligations ~~shall~~**DO** not in whole or in part
12 appreciate in principal amount or ~~be~~**ARE NOT** sold at a discount of
13 more than 10%.

14 (ii) The obligations are issued to refund obligations that
15 meet the conditions described in subparagraph (i) and the net
16 present value of the principal and interest to be paid on the
17 refunding obligations, excluding the cost of issuance, will be less
18 than the net present value of the principal and interest to be paid
19 on the obligations being refunded, as calculated using a method
20 approved by the department of treasury.

21 **(GG)** ~~(ff)~~—"Relay method" means that a PSAP notes pertinent
22 information and relays it by a communication service to the
23 appropriate public safety agency or other provider of emergency
24 services that has an available emergency service unit located
25 closest to the request for emergency service for dispatch of an
26 emergency service unit.

27 **(HH)** ~~(gg)~~—"Secondary public safety answering point" or

1 "secondary PSAP" means a communications facility of a public safety
2 agency or private safety entity that receives 9-1-1 calls by the
3 transfer method only and generally serves as a centralized location
4 for a particular type of emergency call.

5 (II) ~~(hh)~~—"Service supplier" means a person providing a
6 communication service to a service user in this state.

7 (JJ) ~~(ii)~~—"Service user" means a person receiving a
8 communication service.

9 (KK) ~~(jj)~~—"State 9-1-1 charge" means the charge provided for
10 under section 401a.

11 (II) ~~(kk)~~—"Tariff" means the rate approved by the public
12 service commission for 9-1-1 service provided by a particular
13 service supplier. Tariff does not include a rate of a commercial
14 mobile radio service by a particular supplier.

15 (MM) ~~(ll)~~—"Tentative 9-1-1 service plan" means a plan prepared
16 by 1 or more counties for implementing a 9-1-1 system in a
17 specified 9-1-1 service district.

18 (NN) ~~(mm)~~—"Transfer method" means that a PSAP transfers the 9-
19 1-1 call directly to the appropriate public safety agency or other
20 provider of emergency service that has an available emergency
21 service unit located closest to the request for emergency service
22 for dispatch of an emergency service unit.

23 (OO) ~~(nn)~~—"Universal emergency number service" or "9-1-1
24 service" means public communication service that provides service
25 users with the ability to reach a public safety answering point by
26 dialing the digits "9-1-1".

27 (PP) ~~(oo)~~—"Universal emergency number service system" or "9-1-

1 1 system" means a system for providing 9-1-1 service under this
2 act.

3 (QQ) ~~(pp)~~ "Wireless emergency service order" means the order
4 of the federal communications commission, FCC docket No. 94-102,
5 adopted June 12, 1996 with an effective date of October 1, 1996.

6 Sec. 201. (1) An emergency 9-1-1 service system shall not be
7 implemented in this state except as provided under this act.

8 (2) One or more counties may create an emergency 9-1-1 service
9 system under this act.

10 (3) With the approval of the county board of commissioners in
11 a county with a population of ~~1,800,000~~ **1,650,000** or more, 4 or
12 more cities may create an emergency 9-1-1 service district under
13 this act.

14 (4) Each service supplier in this state is required to provide
15 each of its service users access to the 9-1-1 system. Each service
16 supplier shall provide the committee with contact information to
17 allow for notifications as required under section 714.

18 Sec. 312. (1) Except as otherwise provided under subsection
19 (2), after a final 9-1-1 service plan has been adopted under
20 section 310, a county may amend the final 9-1-1 service plan only
21 by complying with the procedures described in sections 301 to 310.
22 Upon adoption of an amended final 9-1-1 service plan by the county
23 board of commissioners, the county shall forward the amended final
24 9-1-1 service plan to the service supplier or suppliers designated
25 to provide 9-1-1 service within the 9-1-1 service district as
26 amended. Upon receipt of the amended final 9-1-1 service plan, each
27 designated service supplier shall implement as soon as feasible the

1 amendments to the final 9-1-1 service plan in the 9-1-1 service
2 district as amended.

3 (2) The county board of commissioners may by resolution make
4 minor amendments to the final 9-1-1 service plan for any of the
5 following:

6 (a) Changes in PSAP premises equipment, including, but not
7 limited to, computer-aided dispatch systems, call processing
8 equipment, and computer mapping.

9 (b) Changes involving the participating public safety agencies
10 within a 9-1-1 service district.

11 (c) Changes in the 9-1-1 charges collected by the county
12 subject to the limits under this act.

13 **(D) CHANGES IN 9-1-1 SERVICE PROVIDERS TO INCLUDE IP-BASED 9-**
14 **1-1 SERVICE PROVIDERS APPROVED BY THE COMMITTEE.**

15 Sec. 401a. (1) Each service supplier within a 9-1-1 service
16 district shall bill and collect a state 9-1-1 charge from all
17 service users, except for users of a prepaid wireless
18 telecommunications service, of the service supplier within the
19 geographical boundaries of the 9-1-1 service district or as
20 otherwise provided by this section. ~~The billing and collection of~~
21 ~~the state 9-1-1 charge shall begin July 1, 2008.~~ The state 9-1-1
22 charge shall **MUST** be uniform per each service user within the 9-1-1
23 service district.

24 ~~— (2) The amount of the state 9-1-1 charge payable monthly by a~~
25 ~~service user shall be established as provided under subsection (4).~~
26 ~~The amount of the state 9-1-1 charge shall not be more than 25~~
27 ~~cents or less than 15 cents. The charge may be adjusted annually as~~

1 ~~provided under subsection (4).~~

2 (2) ~~(3)~~—The state 9-1-1 charge ~~shall~~ **MUST** be collected in
3 accordance with the regular billings of the service supplier.
4 Except as otherwise provided under this act, the amount collected
5 for the state 9-1-1 charge ~~shall~~ **MUST** be remitted quarterly by the
6 service supplier to the state treasurer and deposited in the
7 emergency 9-1-1 fund created under section 407. The charge allowed
8 under this section ~~shall~~ **MUST** be listed separately on the
9 customer's bill or payment receipt or otherwise disclosed to the
10 consumer.

11 (3) ~~(4)~~—The ~~initial~~ state 9-1-1 charge ~~shall be 19~~ **IS 25** cents
12 ~~and shall be effective July 1, 2008.~~ **2017**. The state 9-1-1 charge
13 ~~shall~~ **MUST** reflect the actual costs of operating, maintaining,
14 upgrading, and other reasonable and necessary expenditures for the
15 9-1-1 system in this state. ~~The state 9-1-1 charge may be reviewed~~
16 ~~and adjusted as provided under subsection (5).~~

17 ~~—— (5) The commission in consultation with the committee shall~~
18 ~~review and may adjust the state 9-1-1 charge under this section and~~
19 ~~the distribution percentages under section 408 to be effective on~~
20 ~~July 1, 2009 and July 1, 2010. Any adjustment to the charge by the~~
21 ~~commission shall be made no later than May 1 of the preceding year~~
22 ~~and shall be based on the committee's recommendations under section~~
23 ~~412. Any adjustments to the state 9-1-1 charge or distribution~~
24 ~~percentages after December 31, 2010 shall be made by the~~
25 ~~legislature.~~

26 (4) ~~(6)~~—If a service user has multiple access points or access
27 lines, the state 9-1-1 charge will be imposed separately on each of

1 the first 10 access points or access lines and then 1 charge for
2 each 10 access points or access lines per billed account.

3 ~~———— (7) This section takes effect July 1, 2008.~~

4 Sec. 401b. (1) In addition to the charge allowed under section
5 401a, after June 30, 2008 a county board of commissioners may
6 assess a county 9-1-1 charge to service users, except for users of
7 a prepaid wireless telecommunications service, located within that
8 county by 1 of the following methods:

9 (a) Up to ~~\$0.42~~ **\$0.55** per month by resolution.

10 (b) Up to \$3.00 per month with the approval of the voters in
11 the county.

12 (c) Any combination of subdivisions (a) and (b) with a maximum
13 county 9-1-1 charge of \$3.00 per month.

14 (2) A county assessing a county 9-1-1 charge amount approved
15 in the commission's order in case number U-15489 that exceeds the
16 amounts established in subsection (1) may continue to assess the
17 amount approved by the commission. Any proposed increase to the
18 amount approved in the commission order is subject to subsection
19 (1).

20 (3) The charge assessed under this section and section 401e
21 shall not exceed the amount necessary and reasonable to implement,
22 maintain, and operate the 9-1-1 system in the county.

23 (4) If the voters approve the charge to be assessed on the
24 service user's monthly bill on a ballot question under this
25 section, the service provider's bill ~~shall~~ **MUST** state the
26 following:

27 "This amount is for your 9-1-1 service which has been approved

1 by the voters on (DATE OF VOTER APPROVAL). This is not a charge
2 assessed by your service supplier. If you have questions concerning
3 your 9-1-1 service, you may call (INCLUDE APPROPRIATE TELEPHONE
4 NUMBER)."

5 (5) Within 90 days after the first day of each fiscal or
6 calendar year of a county, an annual accounting ~~shall~~**MUST** be made
7 of the charge approved under this section.

8 (6) Except as otherwise provided in subsection (10), the
9 county 9-1-1 charge collected under this section ~~shall~~**MUST** be paid
10 quarterly directly to the county and distributed by the county to
11 the primary PSAPs by 1 of the following methods:

12 (a) As provided in the final 9-1-1 service plan.

13 (b) If distribution is not provided for in the plan, then
14 according to any agreement for distribution between the county and
15 public agencies.

16 (c) If distribution is not provided in the plan or by
17 agreement, then according to population within the emergency 9-1-1
18 district.

19 (7) Subject to subsection (1), the county may adjust the
20 county 9-1-1 charge annually to be effective July 1. The county
21 shall notify the committee no later than May 15 of each year of any
22 change in the county 9-1-1 charge under this section.

23 (8) If a county has multiple emergency response districts, the
24 county 9-1-1 charge collected under this section ~~shall~~**MUST** be
25 distributed under subsection (6) in proportion to the population
26 within the emergency 9-1-1 district.

27 (9) This section ~~shall~~**DOES** not preclude the distribution of

1 funding to secondary PSAPs if the distribution is determined by the
2 primary PSAPs within the emergency 9-1-1 district to be the most
3 effective method for dispatching of fire or emergency medical
4 services and the distribution is approved within the final 9-1-1
5 service plan.

6 (10) The service supplier may retain 2% of the approved county
7 9-1-1 charge to cover the supplier's costs for billings and
8 collections under this section.

9 (11) The charge allowed under this section ~~shall~~**MUST** be
10 listed separately on the customer's bill or otherwise disclosed to
11 the consumer and ~~shall~~ state by which means the charge was approved
12 under subsection (1).

13 (12) Information submitted by a service supplier to a county
14 under this section is exempt from the freedom of information act,
15 1976 PA 442, MCL 15.231 to 15.246, and ~~shall not be released by the~~
16 county **SHALL NOT RELEASE THAT INFORMATION** without the consent of
17 the service supplier. Unless required or permitted by statute,
18 court rule, subpoena, or court order, or except as necessary for a
19 county, the commission, committee, or public agency to pursue or
20 defend the public's interest in any public contract or litigation,
21 a county treasurer, the commission, committee, agency, or any
22 employee or representative of a PSAP, database administrator, or
23 public agency shall not divulge any information acquired with
24 respect to customers, revenues or expenses, trade secrets, access
25 line counts, commercial information, or any other proprietary
26 information with respect to a service supplier while acting or
27 claiming to act as an employee, agent, or representative. An

1 aggregation of information that does not identify or effectively
2 identify the number of customers, revenues or expenses, trade
3 secrets, access lines, commercial information, and other
4 proprietary information attributable to a specific service supplier
5 may be made public.

6 (13) If a service user has multiple access points or access
7 lines, the county 9-1-1 charge will be imposed separately on each
8 of the first 10 access points or access lines and then 1 charge for
9 each 10 access points or access lines per billed account.

10 (14) A county 9-1-1 charge assessed under subsection (1) ~~shall~~
11 **MUST** be used only to fund costs approved as allowable in a
12 published report by the committee before December 1, 2008. The
13 committee shall notify the standing committees of the senate and
14 house of representatives having jurisdiction over issues pertaining
15 to communication technology at least 90 days before modifying what
16 constitutes an allowable cost under this subsection.

17 Sec. 401c. (1) A seller shall collect a prepaid wireless 9-1-1
18 surcharge from a consumer for each retail transaction occurring in
19 this state.

20 (2) The amount of the prepaid wireless 9-1-1 surcharge ~~shall~~
21 ~~be 1.92%~~ **IS 4.19%** per retail transaction. The charge allowed under
22 this section ~~shall~~ **MUST** be either separately stated on an invoice,
23 receipt, or other similar document that is provided to a consumer
24 by the seller or otherwise disclosed to the consumer.

25 (3) Each of the following transactions is considered to have
26 occurred in this state:

27 (a) A retail transaction that is effected in person by a

1 consumer at a business location of a seller located in this state.

2 (b) A retail transaction that is treated as occurring in this
3 state as provided in section 3c of the use tax act, 1937 PA 94, MCL
4 205.93c, as that section applies to a prepaid wireless calling
5 service.

6 (4) A prepaid wireless 9-1-1 surcharge is the liability of the
7 consumer and not of the seller or of any provider.

8 (5) Except as otherwise provided in subsection (6), if a
9 prepaid wireless telecommunications service is sold with 1 or more
10 products or services for a single, nonitemized price, the seller
11 shall collect ~~1.92%~~ 4.19% on the entire nonitemized price unless
12 the seller elects to do the following:

13 (a) If the amount of the prepaid wireless telecommunications
14 service is disclosed to the consumer as a dollar amount, apply the
15 percentage to that dollar amount.

16 (b) If the seller can identify the portion of the price that
17 is attributable to the prepaid wireless telecommunications service
18 by reasonable and verifiable standards from its books and records
19 that are kept in the regular course of business for other purposes
20 including, but not limited to, nontax purposes, apply the
21 percentage to that portion.

22 (6) If a minimal amount of prepaid wireless telecommunications
23 service is sold with a prepaid wireless device for a single,
24 nonitemized price, a seller may elect not to apply the percentage
25 specified in subsection (5)(a) to that transaction. As used in this
26 subsection, "minimal amount" means an amount of service denominated
27 as 10 minutes or less or \$5.00 or less.

1 (7) The **SELLER SHALL REMIT THE** prepaid wireless 9-1-1
2 surcharge ~~shall be remitted monthly by the seller to the state~~
3 ~~treasurer and deposited~~ **WHO SHALL DEPOSIT IT** in the emergency 9-1-1
4 fund created in section 407.

5 (8) A seller may retain 2% of prepaid wireless 9-1-1
6 surcharges that are collected by the seller to reimburse the seller
7 for its direct costs in collecting and remitting the prepaid
8 wireless 9-1-1 surcharges.

9 (9) A provider or seller of prepaid wireless
10 telecommunications service is not liable for damages to any person
11 resulting from or incurred in connection with the provision of, or
12 failure to provide, 9-1-1 service or for identifying or failing to
13 identify the telephone number, address, location, or name
14 associated with any person or device that is accessing or
15 attempting to access 9-1-1 service.

16 (10) A provider or seller of prepaid wireless
17 telecommunications service is not liable for damages to any person
18 resulting from or incurred in connection with the provision of any
19 lawful assistance to any investigative or law enforcement officer
20 of the United States, this state, or any other state in connection
21 with any lawful investigation or other law enforcement activity by
22 that law enforcement officer.

23 (11) As used in this section:

24 (a) "Consumer" means a person who purchases prepaid wireless
25 telecommunications services in a retail transaction.

26 (b) "Department" means the Michigan department of treasury.

27 (c) "Prepaid wireless 9-1-1 surcharge" means the fee that is

1 required to be collected by a seller from a consumer in the amount
2 established under subsection (2).

3 (d) "Provider" means a person that provides prepaid wireless
4 telecommunications services under a license issued by the ~~federal~~
5 ~~communications commission.~~ **FEDERAL COMMUNICATIONS COMMISSION.**

6 (e) "Retail transaction" means the purchase of prepaid
7 wireless telecommunications service from a seller for any purpose
8 other than resale.

9 (f) "Seller" means a person who sells prepaid wireless
10 telecommunications service to another person.

11 Sec. 403. (1) Each service supplier ~~shall be~~ **IS** solely
12 responsible for the billing of the state and county 9-1-1 charge
13 and ~~the transmittal of~~ **TRANSMITTING THE** money collected to the
14 emergency 9-1-1 fund and to the counties as required under this
15 act.

16 (2) **THE ATTORNEY GENERAL MAY COMMENCE A CIVIL ACTION ON BEHALF**
17 **OF THE COMMITTEE AGAINST A SERVICE SUPPLIER, CMRS SUPPLIER,**
18 **RESELLER, OR RETAILER FOR APPROPRIATE RELIEF FOR FAILURE TO REPORT,**
19 **CHARGE, COLLECT, AND TRANSMIT THE STATE 9-1-1 CHARGES IN SECTIONS**
20 **401A AND 401C. AN ACTION UNDER THIS SUBSECTION MAY BE BROUGHT IN**
21 **THE INGHAM COUNTY CIRCUIT COURT OR THE CIRCUIT COURT IN A COUNTY IN**
22 **WHICH THE DEFENDANT RESIDES OR IS DOING BUSINESS. THE COURT HAS**
23 **JURISDICTION TO RESTRAIN THE VIOLATION AND TO REQUIRE COMPLIANCE**
24 **WITH THIS SECTION.**

25 (3) **A COUNTY OR 9-1-1 SERVICE DISTRICT MAY COMMENCE A CIVIL**
26 **ACTION AGAINST A SERVICE SUPPLIER, CMRS SUPPLIER, OR RESELLER FOR**
27 **APPROPRIATE RELIEF FOR FAILURE TO REPORT, CHARGE, COLLECT, AND**

1 TRANSMIT THE 9-1-1 CHARGE IN SECTION 401B. AN ACTION UNDER THIS
2 SUBSECTION MAY BE BROUGHT IN THE CIRCUIT COURT OF THE COUNTY
3 RECEIVING THE 9-1-1 CHARGE OR IN THE CIRCUIT COURT IN A COUNTY IN
4 WHICH THE DEFENDANT RESIDES OR IS DOING BUSINESS. THE COURT HAS
5 JURISDICTION TO RESTRAIN THE VIOLATION AND TO REQUIRE COMPLIANCE
6 WITH THIS SECTION.

7 Sec. 406. (1) The funds collected and expended under this act
8 ~~shall~~**MUST** be expended exclusively for 9-1-1 services and in
9 compliance with the rules promulgated under section 413.

10 (2) Each **COUNTY**, PSAP, or secondary PSAP **THAT RECEIVES MONEY**
11 **UNDER THIS ACT** shall assure that fund accounting, auditing,
12 monitoring, and evaluation procedures are provided as required by
13 this act and the rules promulgated under this act.

14 (3) An annual audit ~~shall~~**MUST** be conducted by an independent
15 auditor using generally accepted accounting principles and copies
16 of the annual audit ~~shall~~**MUST** be made available for public
17 inspection.

18 (4) An increase in the charges allowed under this act ~~shall~~
19 **MUST** not be authorized or expended for the next fiscal year unless
20 according to the most recently completed annual audit the
21 expenditures are in compliance with this act.

22 (5) The receipt of 9-1-1 funds under this act is dependent on
23 compliance with the standards established by the commission under
24 section 413.

25 Sec. 407. (1) The emergency 9-1-1 fund is created within the
26 state treasury.

27 (2) The state treasurer may receive money or other assets as

1 provided under this act and from any source for deposit into the
2 fund. Money may be deposited into the fund by electronic funds
3 transfer. Money in the CMRS emergency telephone fund on ~~the~~
4 ~~effective date of the amendatory act that added section 401a shall~~
5 **JULY 1, 2008 MUST** be deposited into the fund and expended as
6 provided by this act. The state treasurer shall direct the
7 investment of the fund. The state treasurer shall credit to the
8 fund interest and earnings from fund investments.

9 (3) Money in the fund at the close of the fiscal year ~~shall~~
10 ~~remain~~ **REMAINS** in the fund and ~~shall~~ **DOES** not lapse to the general
11 fund.

12 (4) The department of treasury shall expend money from the
13 fund only as provided in this act. The disbursement of money may be
14 by electronic funds transfer.

15 (5) The auditor general shall audit the fund at least
16 ~~annually~~ **BIENNIALY**.

17 Sec. 408. (1) Except as otherwise provided under this act, a
18 service supplier shall bill and collect a state 9-1-1 service
19 charge per month as determined under section 401a. The service
20 supplier shall list the state 9-1-1 service charge authorized under
21 this act as a separate line item on each bill ~~. The service charge~~
22 ~~shall be listed on the bill as the "state 9-1-1 charge"~~.

23 (2) Each service supplier may retain 2% of the state 9-1-1
24 charge collected under this act to cover the supplier's costs for
25 billing and collection.

26 (3) Except as otherwise provided under subsection (2), the
27 money collected as the state 9-1-1 charge under subsection (1)

1 ~~shall~~ **MUST** be deposited in the emergency 9-1-1 fund created in
2 section 407 no later than 30 days after the end of the quarter in
3 which the state 9-1-1 charge was collected.

4 (4) ~~Except as otherwise provided under section 401a(5), all~~
5 **ALL** money collected and deposited in the emergency 9-1-1 fund
6 created in section 407 ~~shall~~ **MUST** be distributed as **PROVIDED IN**
7 **THIS SECTION. ANNUAL MONEY IN THE FUND NOT EXCEEDING \$37,000,000.00**
8 **MUST BE DISTRIBUTED AS** follows:

9 (a) ~~82.5% shall~~ **65% MUST** be disbursed to each county that has
10 a final 9-1-1 plan in place. Forty percent of the ~~82.5% shall~~ **65%**
11 **MUST** be distributed quarterly on an equal basis to each county, and
12 60% of the ~~82.5% shall~~ **65% MUST** be distributed quarterly based on a
13 population per capita basis. ~~Money~~ **A COUNTY SHALL ONLY USE MONEY**
14 received by a ~~THE~~ county under this subdivision ~~shall only be used~~
15 for 9-1-1 services as allowed under this act. ~~Money~~ **A COUNTY SHALL**
16 **REPAY TO THE FUND ANY MONEY** expended under this subdivision for a
17 purpose considered unnecessary or unreasonable by the committee or
18 the auditor general. ~~shall be repaid to the fund.~~

19 (b) ~~7.75% shall~~ **3.5% MUST** be available to reimburse local
20 exchange providers for the costs related to wireless emergency
21 service. Any cost reimbursement allowed under this subdivision
22 ~~shall~~ **MUST** not include a cost that is not related to wireless
23 emergency service. A local exchange provider may submit an invoice
24 to the commission for reimbursement from the emergency 9-1-1 fund
25 for allowed costs. Within 45 days after the date an invoice is
26 submitted to the commission, the commission shall approve, either
27 in whole or in part, or deny the invoice.

1 (c) ~~6.0% shall~~ **5.5% MUST** be available to PSAPs for training
2 personnel assigned to 9-1-1 centers. A **PUBLIC SAFETY AGENCY OR**
3 **COUNTY SHALL MAKE A** written request for money from the fund ~~shall~~
4 ~~be made by a public safety agency or county~~ to the committee. The
5 committee shall semiannually authorize distribution of money from
6 the fund to eligible public safety agencies or counties. A public
7 safety agency or county that receives money under this subdivision
8 shall create, maintain, and make available to the committee upon
9 request a detailed record of expenditures relating to the
10 preparation, administration, and carrying out of activities of its
11 9-1-1 training program. ~~Money~~ **AN ELIGIBLE PUBLIC SAFETY AGENCY OR**
12 **COUNTY SHALL REPAY TO THE FUND ANY MONEY** expended by ~~an eligible~~
13 **THAT** public safety agency or county for a purpose considered
14 unnecessary or unreasonable by the committee or the auditor
15 general. ~~shall be repaid to the fund.~~ The commission shall consult
16 with and consider the recommendations of the committee in the
17 promulgation of rules under section 413 establishing training
18 standards for 9-1-1 system personnel. Money ~~shall~~ **MUST** be disbursed
19 on a biannual basis to an eligible public safety agency or county
20 for training of PSAP personnel through courses certified by the
21 committee only for either of the following purposes:

22 (i) To provide basic 9-1-1 operations training.

23 (ii) To provide in-service training to employees engaged in 9-
24 1-1 service.

25 (d) ~~1.88% shall~~ **1.5% MUST** be credited to the department of
26 state police to operate a regional dispatch center that receives
27 and dispatches 9-1-1 calls, and ~~1.87% shall~~ **3% MUST** be credited to

1 the department of state police for costs to administer this act and
2 to maintain the office of the state 9-1-1 coordinator.

3 (E) 21.5% SHALL BE AVAILABLE FOR REIMBURSEMENT BY THE
4 COMMITTEE ONLY FOR THE FOLLOWING PURPOSES:

5 (i) GRANT MATCH FOR STATEWIDE OR REGIONAL IP-BASED 9-1-1
6 PROJECTS.

7 (ii) INVOICES SUBMITTED BY COMMITTEE-APPROVED IP-BASED 9-1-1
8 SERVICE PROVIDERS FOR THE COSTS RELATED TO IP-BASED 9-1-1 EMERGENCY
9 SERVICE.

10 ~~—— (5) For fiscal year 2010-2011 only, an amount not to exceed~~
11 ~~\$1,700,000.00 is distributed to the department of state police for~~
12 ~~an integrated IP-based 9-1-1 mapping system in this state. The~~
13 ~~money distributed under this subsection is for the restricted~~
14 ~~purpose of matching funds for the state's award of a grant under~~
15 ~~the grant program established under the federal ensuring needed~~
16 ~~help arrives near callers employing 911 act of 2004 to be used~~
17 ~~solely for the acquisition and deployment of a state integrated IP-~~
18 ~~based 9-1-1 mapping system. All costs associated with the state~~
19 ~~integrated IP-based 9-1-1 mapping system including, but not limited~~
20 ~~to, its construction, administration, and maintenance shall only be~~
21 ~~paid from money distributed under this subsection and any federal~~
22 ~~grant money.~~

23 ~~—— (6) From money not distributed to local exchange providers~~
24 ~~under subsection (4)(b), an amount not to exceed \$150,000.00 shall~~
25 ~~be annually distributed to the department of treasury to fund a~~
26 ~~portion of the department's costs in administering this act. This~~
27 ~~subsection does not apply after September 30, 2015.~~

1 (5) AN IP-BASED 9-1-1 SERVICE PROVIDER THAT HAS BEEN APPROVED
2 BY THE COMMITTEE AS MEETING STANDARDS-BASED CRITERIA SET BY THE
3 COMMITTEE MAY SUBMIT AN INVOICE TO THE COMMITTEE FOR REIMBURSEMENT
4 FROM THE EMERGENCY 9-1-1 FUND FOR ALLOWED COSTS. WITHIN 90 DAYS
5 AFTER THE DATE AN INVOICE IS SUBMITTED TO THE COMMITTEE, THE
6 COMMITTEE SHALL APPROVE, EITHER IN WHOLE OR IN PART, OR DENY THE
7 INVOICE. ANY COST REIMBURSEMENT ALLOWED UNDER THIS SUBDIVISION MUST
8 NOT INCLUDE A COST THAT IS NOT RELATED TO IP-BASED 9-1-1 EMERGENCY
9 SERVICE.

10 (6) THE COMMITTEE SHALL ESTABLISH A SUBCOMMITTEE TO REVIEW
11 INVOICES SUBMITTED BY IP-BASED 9-1-1 SERVICE PROVIDERS AND MAKE
12 RECOMMENDATIONS TO THE COMMITTEE FOR APPROVAL OR DENIAL OF PAYMENT.
13 THE SUBCOMMITTEE WILL REMOVE IP-BASED 9-1-1 SERVICE PROVIDER
14 INFORMATION THAT IS CONSIDERED CONFIDENTIAL OR PROPRIETARY.

15 (7) FUNDS GENERATED BY THE FEE IN SECTION 401A IN EXCESS OF
16 \$37,000,000.00 ANNUALLY MUST BE RESERVED FOR DISTRIBUTION COMMITTEE
17 APPROVED COSTS UNDER SUBSECTION (4) (E) .

18 (8) ~~(7)~~—Money received by a county under subsection (4) (a)
19 ~~shall~~**MUST** be distributed by the county to the primary PSAPs
20 geographically located within the 9-1-1 service district by 1 of
21 the following methods:

22 (a) As provided in the final 9-1-1 service plan.

23 (b) If distribution is not provided for in the 9-1-1 service
24 plan under subdivision (a), then according to any agreement for
25 distribution between a county and a public agency.

26 (c) If distribution is not provided for in the 9-1-1 service
27 plan under subdivision (a) or by agreement between the county and

1 public agency under subdivision (b), then according to the
2 population within the geographic area for which the PSAP serves as
3 primary PSAP.

4 (d) If a county has multiple emergency 9-1-1 districts, money
5 for that county ~~shall~~**MUST** be distributed as provided in the
6 emergency 9-1-1 districts' final 9-1-1 service plans.

7 (9) ~~(8)~~The commission shall consult with and consider
8 recommendations of the committee in the promulgation of rules under
9 section 413 establishing the standards for the receipt and
10 expenditure of 9-1-1 funds under this act. Receipt of 9-1-1 funds
11 under this act is dependent on compliance with the standards
12 established under this subsection.

13 Enacting section 1. This amendatory act takes effect July 1,
14 2017.



LIVINGSTON COUNTY, MICHIGAN
911 CENTRAL DISPATCH

300 S. Highlander Way, Howell, Michigan 48843
Phone 517.546.4620 Fax 517.546.5008
Web Site: co.livingston.mi.us

Memorandum

To: Livingston County Board of Commissioners
From: Chad L. Chewning , Director
Date: August 10, 2017
Re: Letter of Support for HB4651 and SB400

Michigan House Bill 4651 and Senate Bill 400 have been introduced in the Michigan Legislature, which would amend Public Act 32 of 1986 “Emergency Telephone Service Enabling Act”. HB4651 and SB400 will provide funding systems for 911 so all communication devices with access to 911, including prepaid wireless devices, will contribute equally to funding 911 services. They will provide stable funding toward Next Generation 911 services, and for the operational needs of 911 that service the residents of Livingston County. These bills will also provide a mechanism of checks and balances to ensure the revenues generated are used for authorized expenditures for 911 services and the limitations set therein.

An additional talking point to note for HB4561 and SB400, is Public Act 32 of 1986 currently allows for a State 911 Technical charge of up to 0.25 cents; these bills would allow an adjustment of the current collected rate of 0.19 cents to the allowable 0.25 cents. The revenues from this State 911 Technical charge are currently deposited into the U14000 fund for the state. The monies are then formulated and dispersed to the counties throughout the state based on population. The U14000 fund is expected to run out to zero balance in March of 2018. This will create a loss of 911 funds for counties throughout the state. Livingston County in particular may lose from \$250,000-\$430,000 per year if the U14000 fund goes to zero balance. Adjusting the allowable rate from the current 0.19 cents to 0.25 cents will compensate the U14000 fund through March of 2020, which will provide the state time to develop a long-term strategy for collection of these funds.

We are requesting the Board support for the attached resolution regarding House Bill 4651 and Senate Bill 400 in an effort to maintain state funds for Livingston County 911 and potentially avoid a future tax increase for the residents of Livingston County to compensate for funds lost due to the depletion of the U14000 fund.

RESOLUTION

NO:

LIVINGSTON COUNTY

DATE:

RESOLUTION AUTHORIZING A TEACHING POSITION IN THE JAIL AND A SUPPLEMENTAL APPROPRIATION TO THE COMMISSARY FUND – Sheriff-Jail / Public Safety / Finance / Board

WHEREAS, the Livingston County Jail provides a variety of education services such as high school completion, GED, life-skills and other specialized programs deem appropriate; and

WHEREAS, the previous teacher resigned leaving a vacancy; and

WHEREAS, the teaching position was approved by the Personnel Subcommittee at a grade 6; and

WHEREAS, the funds will be paid from the Commissary Fund.

Obj	Desc	Current Bdgt	Revision	Revised Bdgt
706001	Salaries - PT (20 Hrs or Less)	\$0	\$5,300	\$5,300
715000	FICA - Employer Share	\$0	\$406	\$406
719000	Workers Compensation	\$0	\$175	\$175
819000	Other Contract Svs	\$24,271	(\$5,881)	\$18,390

THEREFORE BE IT RESOLVED that the Livingston County Board of Commissioners hereby approves a teaching position within the Livingston County Jail and a budget amendment, as set forth in the table above, to the 2017 approved budget for the Commissary Fund.

▲ Position #	Description	Stat	# Emps	Gr...	CY FTE
35100110	JAIL ED TEACHER	P	0	NU	1.000

#

MOVED:
SECONDED:
CARRIED:



LIVINGSTON COUNTY, MICHIGAN
DEPARTMENT OF LIVINGSTON COUNTY JAIL

150 S. HIGHLANDER WAY, HOWELL, MI 48843
Phone 540-7974 Fax 546-1800
Web Site: co.livingston.mi.us

Memorandum

To: Livingston County Board of Commissioners
From: Lt. Dan Adas
Date: 8/8/2017
**Re: RESOLUTION AUTHORIZING A TEACHING POSITION IN THE
JAIL AND A BUDGET AMENDMENT TO THE COMMISSARY
FUND**

The Livingston County Jail has provided educational services to the inmates at the jail. This included high school completion, GED, life skills and other specialized coursework. In May of 2017, the teacher who was employed under contract resigned leaving a vacancy.

The jail education teacher was previously a contractual position, but will now be a part-time position within Livingston County. The new teaching position was approved by the Personnel Subcommittee at a (grade 6) and will be funded by the Jail Commissary Fund.

The Livingston County Jail is requesting the Board of Commissioners to authorize a 2017 budget amendment to the Commissary Fund that reflects the following:

Obj	Desc	Current Bdgt	Revision	Revised Bdgt
706001	Salaries - PT (20 Hrs or Less)	\$0	\$5,300	\$5,300
715000	FICA - Employer Share	\$0	\$406	\$406
719000	Workers Compensation	\$0	\$175	\$175
819000	Other Contract Svs	\$24,271	(\$5,881)	\$18,390

The approval of this resolution will further provide additional educational possibilities for the inmates resulting in more opportunities upon their release from jail. This in turn could prove to be significant in reducing recidivism rates.

If you have any questions regarding this matter please contact Lieutenant Adas at (517) 540-7974.

RESOLUTION

NO:

LIVINGSTON COUNTY

DATE:

RESOLUTION AUTHORIZING THE SHERIFF DEPARTMENT AND THE COUNTY OF LIVINGSTON TO APPLY FOR AND ENTER INTO CONTRACT WITH THE STATE OF MICHIGAN, OFFICE OF HIGHWAY SAFETY PLANNING FOR FISCAL YEAR 2018 SECONDARY ROAD PATROL AND TRAFFIC ACCIDENT PREVENTION PROGRAM GRANT – Sheriff / Public Safety / Finance / Board

WHEREAS, the Livingston County Sheriffs’ Department wishes to continue the operation of the Secondary Road Patrol and Traffic Accident Prevention Program for state fiscal year 2018; and

WHEREAS, the County of Livingston will be receiving up to \$85,656.00 in reimbursement funds from the State of Michigan, Office of Highway Safety Planning for participation in the 2018 Secondary Road Patrol and Accident Prevention Program.

THEREFORE BE IT RESOLVED that the Livingston County Board of Commissioners hereby approves the submission of application to enter into a contract with the State of Michigan, Office of Highway Safety Planning wherein Livingston County will receive a maximum of \$85,656.00 in State reimbursement funds effective October 1, 2017 through September 30, 2018.

BE IT FURTHER RESOLVED that the Chair of the Livingston County Board of Commissioners is authorized to sign all forms, assurances, contracts, agreements, amendments and support documents related to the 2018 Secondary Road Patrol and Accident Prevention Program upon review by Civil Counsel.

#

**MOVED:
SECONDED:
CARRIED:**



LIVINGSTON COUNTY, MICHIGAN
DEPARTMENT OF SHERIFF'S OFFICE

150 S. Highlander Way, Howell, MI 48843
Phone 540-4384 Fax 545-9627
Web Site: co.livingston.mi.us

Memorandum

To: Livingston County Board of Commissioners
From: Sergeant Chad Sell
Date: 08/02/2017
**Re: RESOLUTION AUTHORIZING THE SHERIFF DEPARTMENT AND
THE COUNTY OF LIVINGSTON TO APPLY FOR AND ENTER INTO
CONTRACT WITH THE STATE OF MICHIGAN, OFFICE OF
HIGHWAY SAFETY PLANNING FOR FISCAL YEAR 2018
SECONDARY ROAD PATROL AND TRAFFIC ACCIDENT
PREVENTION PROGRAM GRANT – SHERIFF DEPARTMENT / PUBLIC SAFETY /
FINANCE / BOARD**

The Livingston County Sheriff's Office has been invited to participate in the State of Michigan, Office of Highway Safety Planning Secondary Road Patrol and Accident Prevention Program grant for State fiscal year 2018.

The State of Michigan, Office of Highway Safety Planning has offered Livingston County Sheriff Department up to \$85,656.00 in state reimbursement funds for participation in the program.

Continued participation in this grant opportunity will allow the Sheriff to maintain two officers dedicated specifically to traffic enforcement and accident prevention within Livingston County.

The main purpose of the program is to increase traffic enforcement on secondary roads within Livingston County thereby reducing the number of traffic related incidents. The Livingston County Sheriff's Office has participated in the Secondary Road Patrol and Accident Prevention Program for a number of years in the past. I am requesting that the Board of Commissioners support the submission of the application and enter into contract with the State of Michigan, Office of Highway Safety Planning for fiscal year 2018. Your support will allow the Sheriff's Office to continue a vital service to our County.

If you have any questions regarding this matter please contact me.

RESOLUTION

NO:

LIVINGSTON COUNTY

DATE:

RESOLUTION AUTHORIZING THE SHERIFF'S OFFICE TO ENTER INTO CONTRACT WITH THE STATE OF MICHIGAN, OFFICE OF HIGHWAY SAFETY PLANNING FOR TRAFFIC ENFORCEMENT GRANT – SHERIFF / PUBLIC SAFETY / FINANCE / BOARD

WHEREAS, the Livingston County Sheriff's Office wishes to participate the State Traffic Enforcement Grant for State's fiscal year 2018; and

WHEREAS, for participation in the State of Michigan, Office of Highway Safety Planning 2018 State Traffic Enforcement Grant, Livingston County will be eligible for reimbursement up to \$20,000.00 of the County's authorized expenditures incurred during the grant period of October 1, 2017 to September 30, 2018.

THEREFORE BE IT RESOLVED that the Livingston County Board of Commissioners hereby approves the Grant Application documents and authorizes the Livingston County Office of the Sheriff to enter into agreement for financial assistance with the State of Michigan, Office of Highway Safety Planning for the term October 1, 2017 to September 30, 2018.

BE IT FURTHER RESOLVED that the Chair of the Livingston County Board of Commissioners be authorized to sign the Grant Application, subsequent Grant Agreement and any future amendments for monetary and contractual language adjustments upon review by Civil Counsel.

BE IT FURTHER RESOLVED that the Board of Commissioners authorize any budget amendment necessary to effectuate this \$20,000 grant award.

#

MOVED:
SECONDED:
CARRIED:

GRANT MANAGEMENT REQUIREMENTS

1. All correspondence to the Office of Highway Safety Planning (OHSP) regarding this project shall include the project number, example: OP-18-01.
2. A change in Project Director, Agency Contact, Financial Officer, Authorizing Official, addresses, or telephone numbers requires written notification to OHSP. These changes must also be made to the web based grant application.
3. OHSP may conduct a monitoring review of this highway safety grant. The purpose of this review is to determine adherence to stated project objectives, to review financial procedures, and to ensure compliance with grant requirements. All grantees are expected to cooperate with all reasonable requests for information as part of the Monitoring Review process.
4. All published reports generated from this project must include the following disclosure statement:

This report was prepared in cooperation with the Michigan Office of Highway Safety Planning and U.S. Department of Transportation, National Highway Traffic Safety Administration. The opinions, findings, and conclusions expressed in this publication are those of the author(s) and not necessarily those of the Michigan Office of Highway Safety Planning or the U.S. Department of Transportation, National Highway Traffic Safety Administration.

5. The grantee agrees to ensure that no person in the United States shall, on the grounds of race, color, religion, national origin, ancestry, age, sex, height, weight, marital status, physical or mental handicap or disability, political affiliation or beliefs, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under this program. The grantee shall adhere to all applicable federal, state and local laws, ordinances, rules, and regulations including, but not limited to, the following:

- a. The grantee will comply with all state and federal statutes and implementing regulations relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (Pub. L. 88-352), which prohibits discrimination on the basis of race, color or national origin (and 49 CFR Part 21); (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. 1681-1683 and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), and the Americans with Disabilities Act of 1990 (Pub. L. 101-336), as amended (42 U.S.C. 12101, et seq.), which prohibits discrimination on the basis of disabilities (and 49 CFR Part 27); (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. 6101-6107), which prohibits discrimination on the basis of age; (e) the Civil Rights Restoration Act of 1987 (Pub. L. 100-259), which requires Federal-aid recipients and all sub-recipients to prevent discrimination and ensure nondiscrimination in all of their programs and activities; (f) the Drug Abuse Office and Treatment Act of 1972 (Pub. L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (g) the comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (Pub. L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (h) Sections 523 and 527 of the Public Health Service Act of 1912, as amended (42 U.S.C. 290dd-3 and 290ee-3), relating to confidentiality of alcohol and drug abuse patient records; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
- b. The Elliott Larsen Civil Rights Act, 1976 PA 453, as amended. This act prohibits discriminatory practices, policies, and customs in the exercise of those rights based upon religion, race, color, national origin, age, sex, height, weight, familial status, or marital status.
- c. The grantee's highway safety program provides adequate and reasonable access for the safe and convenient movement of physically handicapped persons, including those in wheelchairs, across curbs constructed or replaced on or after July 1, 1976, at all pedestrian crosswalks (23 USC 402(b) (1) (D)).

6. Debarment and Suspension:

By signing and submitting this proposal, the prospective lower tier participant (grantee) is providing the certification set out below.

- a. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered. If it is later determined that the grantee knowingly rendered an erroneous certification, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
- b. The prospective lower tier participant (grantee) shall provide immediate written notice to the person to whom this proposal is submitted if at any time the prospective lower tier participant (grantee) learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
- c. The terms *covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded*, as used in this clause, have the meanings set out in the Definition and Coverage sections of 49 CFR Part 29. You may contact the person to whom this proposal is submitted for assistance in obtaining a copy of those regulations.
- d. The prospective lower tier participant (grantee) agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
- e. The prospective lower tier participant (grantee) further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Covered Transaction," (see below) without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
- f. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Non-procurement Programs.
- g. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
- h. Except for transactions authorized under paragraph d. of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Covered Transactions:

- a. The prospective lower tier participant (grantee) certifies, by submission of this proposal, neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily

excluded from participation in this transaction by any Federal department or agency.

- b. Where the prospective lower tier participant (grantee) is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

7. Restriction on Federal Lobbying:

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief:

- a. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- b. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Restriction on State Lobbying:

None of the funds under this program will be used for any activity specifically designed to urge or influence a State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any State or local legislative body. Such activities include both direct and indirect (e.g., "grassroots") lobbying activities, with one exception. This does not preclude a State official whose salary is supported with NHTSA funds from engaging in direct communications with State or local legislative officials, in accordance with customary State practice, even if such communications urge legislative officials to favor or oppose the adoption of a specific pending legislative proposal.

8. Business Integrity Clause:

The Agency may immediately cancel the grant without further liability to the Agency or its employees if the grantee, an officer of the grantee, or an owner of a 25 percent or greater share of the grantee is convicted of a criminal offense incident to the application for or performance of a State, public, or private grant or subcontract; or convicted of a criminal offense including but not limited to any of the following: embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, attempting to influence a public employee to breach the ethical conduct standards for State of Michigan employees; convicted under State or Federal antitrust statutes; or convicted of any other criminal offense which, in the sole discretion of the Agency, reflects on the grantee's business integrity.

9. Indemnification:

- a. To the extent allowable by law, all liability to third parties, loss, or damage as a result of claims, demands, costs, or judgments arising out of activities, such as direct service delivery, to be carried out by the grantee in

the performance of this agreement shall be the responsibility of the grantee, and not the responsibility of OHSP, if the liability, loss, or damage is caused by, or arises out of, the actions or failure to act on the part of the grantee, any subcontractor, anyone directly or indirectly employed by the grantee, provided that nothing herein shall be construed as a waiver of any governmental immunity that has been provided to the grantee or its employees by statute or court decisions.

- b. To the extent allowable by law, all liability to third parties, loss, or damage as a result of claims, demands, costs, or judgments arising out of activities such as the provision of policy and procedural direction, to be carried out by OHSP in the performance of this agreement shall be the responsibility of OHSP and not the responsibility of the grantee if the liability, loss, or damage is caused by, or arises out of, the action or failure to act on the part of any OHSP employee or agent, provided that nothing herein shall be construed as a waiver of any governmental immunity by the State, its agencies (OHSP) or employees as provided by statute or court decisions.
- c. To the extent allowable by law, in the event that liability to third parties, loss, or damage arises as a result of activities conducted jointly by the grantee and OHSP in fulfillment of their responsibilities under this agreement, such liability, loss, or damage shall be borne by the grantee and OHSP in relation to each party's responsibilities under these joint activities, provided that nothing herein shall be construed as a waiver of any governmental immunity by the grantee, the State, its agencies (OHSP) or their employees, respectively, as provided by statute or court decisions.

10. The grantee agrees to abide by the Federal Drug-Free Workplace Act of 1988 (49 CFR Part 29 Sub-part F).

11. For Federally Funded Grants:

- a. **Buy America Act:** Only items produced in the United States may be purchased with federal funds unless the State can show that such domestic purchases would be inconsistent with the public interest; that such materials are not reasonably available and are of an unsatisfactory quality; or that inclusion of domestic materials will increase the cost of the overall project contract by more than 25 percent. Clear justification for the purchase of non-domestic items must be in the form of a waiver request submitted to OHSP for approval by the appropriate governing authority.
- b. **The Hatch Act:** OHSP grantees and sub-grantees will comply with the provisions of 5 USC §§ 1501-1508 and implementing regulations of 5 CFR Part 151, concerning "Political Activity of State or Local Offices, or Employees."

GENERAL PUBLIC INFORMATION AND EDUCATION REQUIREMENTS

1. All original electronic files including designs, concepts, photographs, video, and audio financed with grant funds shall be delivered to OHSP by an agreed upon due date between OHSP and the grantee/contractor. The items will remain the property of OHSP and shall not be subject to copyright protection by the vendor or their agents. Items will be submitted to OHSP immediately after production of the item. **OHSP will hold the final grant reimbursement until all of the above items have been submitted.** The grantee shall not enter into an agreement that includes any time limits on rights for music, talent, artwork, or photographs. The grantee shall inform all vendors, subcontractors, or their agents of this requirement before authorizing work to be performed.

2. All printed public information and education materials and videos are required to contain logos as designated by OHSP, which are available in electronic formats upon request. See printing requirements below for more details. Audio materials must include an OHSP tag line, (see State of Michigan Printing Requirements #3 below.) All materials, including audio and video materials and scripts must be submitted for review and approval by OHSP prior to production.

3. All videos, print photography, or graphics shall depict drivers and passengers to be properly restrained by seat belts or child passenger safety devices unless the lack of restraints is for demonstration or educational purposes.

4. Messaging costs which are of a public relations nature and designed in-whole or in-part to promote either an individual or an agency is prohibited and not eligible for reimbursement.
5. Closed Captioning: All DVDs must be closed captioned. This includes any online videos.
6. Social Media Use and Approval: The creation of social media accounts such as Facebook and Twitter for state or federally funded grants and projects require prior approval from OHSP before release to the public.
7. The purchase of program advertising space by grantees on TV, radio, magazines, newspapers, billboards, etc., may be approved on a case-by-case basis.

STATE OF MICHIGAN PRINTING REQUIREMENTS

1. The following items require the prior approval of your OHSP program coordinator:
 - flyers, posters, brochures
 - annual reports
 - newsletters
 - printing projects that include silk screened folders or binders, die-cut folder or covers, holograms, foil printing, embossing, or engraving
2. Paper stock shall be standard sizes, as unusual size or special-order paper stock is more expensive than standard sizes and results in additional waste.
3. For State/Federally Funded Grants:
The following tagline shall be placed on all printed public information and education materials:
"This material was developed through a project funded by the Michigan Office of Highway Safety Planning and the U.S. Department of Transportation."

COPIES

1. OHSP will require one electronic copy of any publication produced with traffic safety grant funds if print copies are not available or if the items are not distributed statewide, and it is not available online. The copy can be submitted via email, CD, or flash drive.
2. OHSP will require fifteen copies of any of the following produced with traffic safety grant funds if they are distributed statewide and are not available online. These copies are distributed throughout the state of Michigan's library system:
 - annual reports
 - manuals, handbooks, and training materials
 - news releases
 - statistics
3. OHSP will require three copies of any of the following produced with traffic safety grant funds if they are distributed statewide and are not available online. These copies are housed as part of the state of Michigan's library system:
 - posters
 - brochures
 - flyers
4. If the publication is available on a publicly accessible website, no printed copy is required. However; an email which includes a link to the document must be provided to OHSP. The State of Michigan's library system will then include it in its digital archive.

PROGRAM REQUIREMENTS

1. Progress reports are required to be submitted throughout the grant period. The due dates for these reports are

specified in the grant approval letter and must be submitted online. Reports shall describe activities undertaken to accomplish each project goal, reason for non-activity if necessary, activities planned for the next quarter and obstacles encountered or anticipated. Progress reports must be submitted in order for OHSP to process financial reimbursement.

2. The final progress report is due on the date stated in the grant approval letter and shall include a summary of all activities and accomplishments for the entire grant period. Include the following information in the project summary:

- a. A list of significant accomplishments or activities of this project that addressed the project objectives.
- b. A summary of how this project impacted the initial stated problem.
- c. If no activity took place, a report must be submitted stating as such.

3. Out-of-state travel requires prior written approval by the OHSP Division Director. A written request shall be submitted on the form provided. **Requests shall be submitted at least 30 days in advance of anticipated travel.** Financial commitment (i.e. travel arrangements, conference fees, hotel reservations, etc.) shall not be made prior to OHSP approval.

4. If a project modification is required, the grantee shall contact the OHSP program coordinator for prior approval.

5. For Overtime Traffic Enforcement Grants Only:

- a. The grantee shall verify all officers working OHSP federally funded overtime have completed the NHTSA-International Association of Chiefs of Police (IACP) approved Standardized Field Sobriety Testing (SFST) curriculum.
- b. Law enforcement agencies shall adopt the IACP model policy on seat belt use or have a written policy in place requiring the use of seat belts by all employees and passengers in department vehicles.
- c. All law enforcement officers participating in an OHSP grant-funded traffic enforcement detail shall wear a properly fastened seat belt in accordance with State law. Officers found in violation of this requirement while working a grant-funded detail may be ineligible for funding reimbursement from OHSP.
- d. Law enforcement agencies shall adopt the IACP guidelines on vehicle pursuits or have a written policy in place.
- e. Traffic enforcement activity data shall be submitted to OHSP within five days of the conclusion of the enforcement period. Agencies shall use the Enforcement Report connected to the web-based grant system.
- f. Only Michigan Commission On Law Enforcement Standards certified police officers or Michigan State Police Motor Carrier officers shall be used on enforcement projects.
- g. Use of part-time officers on enforcement projects is restricted and must comply with OHSP policy. **PRIOR APPROVAL IS REQUIRED.** Contact OHSP for a copy of this policy.
- h. Grant funds **CANNOT** be used for activities such as traffic control, motorcades, and dignitary protection. OHSP grant funds can only be used for activities approved in the grant.
- i. If a police emergency occurs requiring officers on a grant-funded detail to respond, officers shall have up to one hour to respond and return to the detail. If officers must remain beyond the hour or additional emergencies

arise during this detail, the time charged to the grant ceases immediately and the agency shall incur the costs.

- j. Traffic enforcement shifts shall be scheduled for a minimum of two consecutive hours.
- k. Traffic enforcement efforts shall be publicized by supporting media events as requested by OHSP.
 - The grantee shall assist OHSP with media events that will be conducted locally.
 - Banners or other signage provided by OHSP shall be displayed when patrols are conducted.
- l. Grantees and contractors acting as a project director of a multi-agency grant must provide the participating agencies/sub-contractors with a copy of these Grant Management Requirements.
- m. A daily activity log with a listing of activities performed must be completed for all time requested for reimbursement. It must include the following information in the body of the document to be acceptable documentation:
 - The start time of the grant-funded enforcement detail.
 - A brief description of every stop.
 - The end time of the grant-funded detail.
 - All grant time must be accounted for. **Time must be documented at a minimum of every hour, regardless of whether a traffic stop is made.** This includes time spent on traffic stops, arrest, transporting and lodging of arrested subjects, report writing, serving as "zone spotters".

6. For Underage Drinking Enforcement Grants Only:

- a. Law enforcement agencies shall adopt the IACP model policy on seat belt use or have a written policy in place requiring the use of seat belts by all employees and passengers in department vehicles.
- b. Law enforcement agencies shall adopt the IACP guidelines on vehicle pursuits or have a written policy in place.
- c. Underage drinking enforcement activity data shall be submitted to OHSP on a quarterly basis either in MAGIC+ or to the OHSP program coordinator via e-mail, mail or fax. Agencies shall use the UAD Enforcement Report form provided by the OHSP program coordinator.
- d. Only Michigan Commission On Law Enforcement Standards (MCOLES) certified police officers shall be used on enforcement projects.
- e. Use of part-time officers on enforcement projects is restricted and must comply with OHSP policy. **PRIOR APPROVAL IS REQUIRED.** Contact OHSP for a copy of this policy.
- f. Grant funds **CANNOT** be used for activities such as traffic control, motorcades, and dignitary protection. OHSP grant funds can only be used for activities approved in the grant.
- g. If a police emergency occurs requiring officers on a grant-funded detail to respond, officers shall have up to one hour to respond and return to the detail. If officers must remain beyond the hour or additional emergencies arise during this detail, the time charged to the grant ceases immediately and the agency shall incur the costs.
- h. All law enforcement officers participating in an OHSP grant-funded enforcement detail shall wear a properly fastened seat belt in accordance with State law. Officers found in violation of this requirement while working a grant-funded detail may be ineligible for funding reimbursement from OHSP.
- i. The grantee must keep track of funds spent. In some cases, multiple funding sources are assigned to law enforcement grants. In these situations, the grantee must assign, document, and monitor expenditures to each designated funding source separately for underage drinking enforcement, seat belt enforcement, and impaired

driving enforcement. These federal funding sources may not be used interchangeably. In the event the grantee overspends, the difference will need to be covered by the grantee. Additional funding will not be provided to support overspending of any federal or State program.

GENERAL FINANCIAL REQUIREMENTS

1. Only program activities and expenses detailed in the approved grant budget and incurred during the grant period are eligible for reimbursement. Expenses incurred that are not detailed in the approved grant budget or outside of the grant period will not be reimbursed. **Costs cannot EXCEED the approved grant award.**
2. Goods purchased through the grant shall be received in acceptable condition. If goods are not received in acceptable condition within thirty (30) days prior to the grant ending date, the grantee shall contact the OHSP program coordinator.
3. The grantee shall use generally accepted accounting principles.
4. Costs charged to this grant cannot be charged to any other program. Law enforcement agencies cannot offer comp time in lieu of overtime pay.
5. All costs shall be actual and supported by source documentation. Financial reimbursement will be delayed until all backup documentation is received by OHSP. A document entitled "Acceptable Backup Documentation for Federal Cost Claims" is available from OHSP to assist with identifying adequate backup documentation. OHSP utilizes this guidance for all grant recipients regardless if the source is federal or state grant funds.
6. A separate account or fund must be established for this project. A separate account is required to be maintained by all agencies receiving grant funds from the OHSP regardless of the dollar amount. In addition, grantees receiving funds from OHSP for multiple grant projects must have a separate account for each grant project. It is the responsibility of the lead agency to insure that all sub-agencies meet this requirement. The general ledgers of the sub-agencies are not required to be submitted with requests for payment unless specifically requested by OHSP.
7. Costs must be net of all applicable credits such as purchase discounts, rebates or adjustments of overpayments, or erroneous charges.
8. The following deviations from the approved budget require **PRIOR approval from OHSP**:
 - a. A specific item of cost not included in the approved budget.
 - b. An increase in the number of a specific item over and above the total authorized.
 - c. A transfer between major budget categories in excess of 10 percent of the category being increased.
9. Procurement Methods:
 - a. Competition: Grantees shall conduct all procurement and contractual transactions, without regard to dollar value, to provide maximum, open, and free competition. Maximum, open, and free competition shall be assured through the distribution of an adequate number of proposal solicitations.
 - b. Small Purchase Procedures: Small purchase procedures are those relatively simple and informal procurement methods for securing services, supplies, or other property that do not cost more than \$25,000 in total. If small purchase procedures are used, price or rate quotations must be obtained from at least three (3) Buy America Act qualified sources.

c. **Competitive Bids:** For purchases over \$25,000, the grantee shall follow their competitive bid process providing it is at least as restrictive as the process required by the State of Michigan and complies with the Buy America Act. The grantee or their contractor agrees to ensure that minority business enterprises, as defined in 49 CFR Part 23, have the maximum opportunity to participate in the performance of contracts and subcontracts financed, in whole or in part, with funds provided under this agreement. In those instances where three (3) bids have not been received, a full explanation, along with the names and addresses of those firms and individuals requested to bid, and including reasons why agencies failed to bid, must be forwarded to OHSP for approval **prior** to awarding a contract.

10. Documentation for costs shall be maintained for three years following final reimbursement.

11. Any program income received shall be used exclusively to further traffic safety project activities. Program income is defined as gross income earned by the grantee from grant supported activities. Some examples are proceeds from the sale of items purchased or developed with grant funds, or revenue received from attendees at trainings or conferences paid for with grant funds. Program income must be netted against costs incurred within the grant or returned to OHSP, unless prior permission is obtained from OHSP to use the funds for other traffic safety projects. Contact OHSP for further information.

12. **General Cost of Business (formerly referred to as Supplanting):** The replacement of routine and/or existing expenditures with the use of state or federal grant funds for costs of activities that constitute general expenses required to carry out the overall responsibilities of a state or local agency or other grantee is considered to be general cost of business and is not allowable.

The sub-grantee shall not use grant funds to supplant state or local funds, or, other resources that would otherwise have been made available for this program. Further, if a position created by a grant is filled from within, the vacancy created by this action must be filled within 30 days. If the vacancy is not filled within 30 days, the sub-grantee must stop charging the grant for the new position. Upon filling the vacancy, the sub-grantee may resume charging the grant position.

The Financial Officer or Authorizing Official's straight time costs may not be funded under this grant.

COST REIMBURSEMENT

1. All OHSP projects are based on the cost reimbursement concept; i.e., state, local, or private funds shall be expended before reimbursement is provided.

2. Reimbursement is based on submission of progress and financial reports. All requested information should be submitted electronically through the web-based application whenever possible. Otherwise backup information may be submitted via US mail, by fax, or by email. A financial report submitted to OHSP by a grantee shall contain the following to be considered complete:

- a. Electronic signatures for the agency's Financial Officer or Project Director.
- b. A copy of a report for the current period generated by the grantee's official accounting system which shows a description of the item and the actual amount spent. Some examples of acceptable reports include a detailed general ledger, a transaction ledger, a payroll journal, or a detailed budget/expenditure report. The report must match the amount being requested for reimbursement.
- c. For enforcement grants: Officer names, dates, and amounts paid for each agency participating in grant funded patrols.
- d. For non-enforcement grants with personnel costs: Activity logs as described in "Personnel Costs" under "Budget Cost Category Requirements."
- e. Copies of invoices must be included.

f. Additional documentation as requested by OHSP.

3. Financial reports are due, at a minimum, on a quarterly basis. Financial report due dates are specified in the grant approval letter. Financial reports must be submitted even when the project experiences no costs. In this case, a "zero" Financial report shall be submitted. The submission of financial reports is mandatory and non-compliance can result in termination of the grant.

4. The Project Director shall ensure that financial reports are submitted in compliance with reporting deadlines. If the financial report is submitted electronically without backup documentation, the financial report is not considered submitted and the grantee will receive a delinquent letter stating the same.

5. A delay in submitting support documentation may result in the suspension of all grant activity.

6. Failure to submit cost statements with adequate supporting documentation prior to the fiscal year close out deadline will result in non-reimbursement of those costs. Costs from one fiscal year cannot be paid in a subsequent fiscal year.

BUDGET COST CATEGORY REQUIREMENTS

(PLEASE REFER TO THE FOLLOWING FOR SPECIFIC REQUIREMENTS OF BUDGET COST CATEGORIES. ONLY REQUIREMENTS FOR COST CATEGORIES CONTAINED WITHIN YOUR APPROVED GRANT BUDGET APPLY.)

PERSONNEL COSTS

1. Payments for salaries and wages shall be supported by a time and attendance report, based on an after-the-fact distribution of time, which shows details of the activities performed.

For enforcement grantees (including sub-grantees) - A daily activity log with a listing of activities performed must be completed for all time request for reimbursement. It must include the following information in the body of the document to be acceptable documentation:

- The start time of the grant funded enforcement detail.
- A brief description of every stop.
- The end time of the grant-funded detail.
- All grant time must be accounted for. This includes time spent on traffic stops, arrests, transporting and lodging of arrested subjects, report writing, and serving as "zone spotters".

The time on the daily must match the hours requested for reimbursement and supervisor approval must be documented electronically or in writing. If supervisors' approval is given by means other than a signature on the daily, explanation of the approval process must be provided at the time of grant monitoring.

For non-enforcement grantees - Grantees must maintain activity logs which document the actual amount of time spent on the grant project and describe the nature of the activities performed. If the grant is funded from multiple sources, the logs must show the activity by fund source. This documentation must be submitted with the financial reimbursement request.

2. Reimbursement for wages and fringe benefits shall be based on actual costs NOT budgeted rates. Only those fringe benefit costs that actually increase as a result of hours worked on this project can be claimed for reimbursement. For overtime wages, those costs typically include FICA, workers comp, and retirement, but if any of these costs are structured so that they don't increase with overtime, they cannot be reimbursed. For straight-time grant-funded positions, all fringe benefits associated with the position may be claimed to the extent that the position has been approved for reimbursement (e.g., if 50% of the position is grant funded, 50% of the fringes benefits can be claimed.) Fringe benefit rates must be reasonable and in accordance with federal cost principles.

3. The rate of pay for grant-funded enforcement shall be determined according to the grantee's policy, contract, or employment agreement. Overtime rates must be applied consistently to all activities of an agency - higher rates may not be established just for federal grants.

4. Agencies shall comply with all state labor laws.

CONTRACTUAL SERVICES

Contractual services are services of individual consultants or consulting firms engaged in performing special services pertinent to highway safety. All grantees or sub-grantees awarding contracts or sub-contracts shall comply with the terms and conditions of Title 49 Code of Federal Regulations, Part 18-Uniform Administrative Requirements For Grant And Cooperative Agreements To State And Local Governments, §18.36 Procurement. A copy of the contract shall be submitted to OHSP when available.

NOTICE: All contracts for the purpose of developing public information materials (print, audio, or video) must be submitted to the appropriate OHSP program coordinator for review PRIOR to entering into the contractual agreement with the vendor.

OPERATING COSTS

1. Only eligible operating costs specifically listed in the approved grant budget will be reimbursed.

2. Automotive expenses submitted shall be based on actual costs incurred. In most cases, this will be calculated by multiplying actual miles driven times a mileage rate. The rate will be determined when the grant is approved, but will generally be the IRS business mileage rate. With prior approval, reimbursement may be allowed based on the actual costs incurred for gasoline, maintenance, insurance, and other vehicle expenses.

3. Out-of-state travel funded by federal; grant funds requires prior written approval by the OHSP Division Director. A written request shall be submitted on the form provided. **Requests shall be submitted at least 30 days in advance of anticipated travel.** Financial commitment (i.e. travel arrangements, conference fees, hotel reservations, etc.) shall not be made prior to OHSP approval.

4. Postage, telephone, and grant-related travel costs shall be documented by log or meter and submitted with the reimbursement request.

EQUIPMENT

1. Only eligible equipment specifically listed in the equipment section of the approved grant budget will be reimbursed. Equipment costs shall be reimbursed according to the match requirements as specified in the approved grant budget.

2. Equipment purchases shall be initiated within the time period specified in the approved grant. "Initiated" means bids were solicited, accepted, and items have been ordered. If there is a reason a grantee is unable to meet this requirement, the OHSP program coordinator shall be contacted immediately.

3. Equipment purchased through this grant shall be used only for highway safety activities throughout its useful life.

4. If the equipment is disposed of, or ceases to be used for highway safety activities, and the equipment is determined to have a Current Fair Market Value of \$5,000 or more, OHSP reserves the right to retain or transfer title to all items. OHSP may allow the holder of the equipment to retain title of the equipment and reimburse the federal or State share of the fair market value of such equipment. The Current Fair Market Value shall be determined as follows:

- a. Appraisal by an independent source with expertise in valuation of similar items is the preferred method of valuation for equipment.

- b. For vehicles, Kelly Blue Book values may be used when taking into consideration the physical condition of the vehicle.
- c. If a fair market value based on appraisal or Kelly Blue Book values cannot be determined, the value may be based on IRS depreciation schedules. Only straight line depreciation may be used.

INDIRECT COSTS

Indirect costs cannot be specified in all situations because of the diverse characteristics and accounting practices of governmental units. Typical examples of indirect costs may include certain state/local central service costs, general administration of the grantee department or agency, accounting and personnel services performed within the grantee department or agency, depreciation or use allowances on buildings and equipment, the costs of operating and maintaining facilities, etc. Indirect costs shall be provided at a negotiated rate mutually acceptable to the grantee and OHSP.

The indirect cost rate shall be developed in accordance with the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (also known as the Super Circular) and shall be supported by the grantee's central service cost allocation plan or its equivalent. The indirect cost rate must be approved by the grantee's federal cognizant agency, with written documentation maintained by the grantee. If the grantee does not have a federal cognizant agency, OHSP will serve in this capacity.

TERMINATION

OHSP retains the right to terminate a grant for failure to meet the grant management requirements. When a grant is terminated by OHSP, the grantee shall not be eligible to seek grant funding for a period of two years. In order to obtain a grant after the two-year period, the grantee will be required to submit written assurance that the identified deficiencies have been corrected. Additionally, the agency may be required to submit monthly financial reports to allow for increased financial monitoring.

Project Director Agreement *(required to submit Draft Application):*

Click here to affirm that you have read and agree to comply with the Grant Management Requirements. *

Authorized Official Agreement *(required to submit Final Application):*

Click here to affirm that you have read and agree to comply with the Grant Management Requirements. *



LIVINGSTON COUNTY, MICHIGAN
DEPARTMENT OF SHERIFF'S OFFICE

150 S. Highlander Way, Howell, MI 48843
Phone 540-4384 Fax 545-9627
Web Site: co.livingston.mi.us

Memorandum

To: Livingston County Board of Commissioners
From: Sergeant Chad Sell
Date: 07/21/2017
**Re: RESOLUTION AUTHORIZING THE SHERIFF'S OFFICE TO ENTER
INTO CONTRACT WITH THE STATE OF MICHIGAN, OFFICE OF
HIGHWAY SAFETY PLANNING FOR TRAFFIC ENFORCEMENT
GRANT – SHERIFF DEPARTMENT / PUBLIC SAFETY / FINANCE / BOARD**

The Livingston County Sheriff's Office has been invited to participate in the State of Michigan, Office of Highway Safety Planning Traffic Enforcement Grant for the State's fiscal year 2018.

The State of Michigan, Office of Highway Safety Planning has offered the Livingston County Sheriff's Office up to \$20,000 in state reimbursement funds for participation in the program.

Participation in this grant opportunity will allow the Sheriff's Office to focus specifically on impaired driving, distracted driving and seat belt enforcement.

The main purpose of the program is to increase traffic enforcement within Livingston County thereby reducing the number of traffic related incidents. The Sheriff's Office is requesting that the Board of Commissioners support the submission of the application and enter into contract with the State of Michigan, Office of Highway Safety Planning for the term of October 1, 2017 to September 30, 2018. Your support will allow the Sheriff's Office to continue a vital service to our County.

If you have any questions regarding this matter please contact me.