

**JOINT MEETING – CCE 911
CHARLEVOIX-CHEBOYGAN-EMMET COUNTY BOARDS OF COMMISSIONERS
May 15, 2013**

Meeting called to order at 2:00 P.M. at the Headlands in Mackinaw City and roll called for each Board of Commissioners was taken.

Present Chairperson Linda Socha, Commissioners Bruce Gauthier, Pete Redmond, Cal Gouine, Tony Matelski, John Wallace and Sue Allor.

CCE Director Bob Bradley presented a resolution supporting a change in the local 9-1-1 surcharge on phones, both cellular and landlines, for each board to consider adopting. Mr. Bradley reviewed the history of the surcharge, and read the proposed resolution for the record. Each board was allowed time for discussion prior to adopting the resolution.

Motion by Commissioner Wallace, seconded by Commissioner Allor, to adopt the following resolution:

RESOLUTION 13-10

Whereas, the Cheboygan County (“County”) Board of Commissioners (“Board”) held the authority under 2007 PA 164, which amended Michigan’s Emergency 9-1-1 Service Enabling Act, being MCL 484.1101 *et seq*, as amended (“9-1-1 Act”) to set a default county 9-1-1 surcharge cap (“default surcharge cap”) on all communications devices of residents within the County under Section 401e(1) and (2) of the 9-1-1 Act, being MCL §484.1401e(1) and (2) provided the Board acted before February 15, 2008 and the Michigan Public Service Commission (“MPSC”) approved the rate set:

Whereas the Board and MPSC approved default surcharge cap set for July 1, 2008 may thereafter only be exceeded upon an authorization of the voters in the Count pursuant to Section 401b(1), being MCL §484.1401b(1);

Whereas the Board approved a default surcharge cap for the County prior to February 15, 2008 but the MPSC did not approve the rate and instead reduced that rate effective July 1, 2008;

Whereas, the Board timely appealed the MPSC’s rejection and reduction of the County’s default surcharge cap in the Michigan court system, resulting in a remand of the issue to the MPSC in February of 2013 by the Michigan Court of Appeals;

Whereas, the staff of the MPSC has indicated that the MPSC on remand will approve the default surcharge rate set by the Board if the County waives any entitlement to retroactive surcharge payments that could have been assessed by the County between July 1, 2008 and July 1, 2013 (collectively referred to as the “Retroactive Surcharge”;

Whereas, the residents of the County would have to pay the Retroactive Surcharge not the MPSC or State of Michigan and the County can avoid legal expenses and further delay in the implementation of its default surcharge rate if it accepts the MPSC staff’s offer:

Whereas, the Board believes it is in the best interests of the County to expedite a resolution of the rate dispute with the MPSC thereby avoiding further delay and expense in the implementation of the Board set default surcharge rate and to avoid the burden on its citizens by the Retroactive Surcharge provided the dispute can be efficiently and expeditiously resolved, effective July 1, 2013;

Now, Therefore, Be It Resolved, that the Board accepts the MPSC staff’s proposal and will waive and release its Retroactive Surcharge rights for denied surcharge between July 1, 2008 and July 1, 2013 provided that the MPSC approves the default surcharge rate set by the Board for July 1, 2008 by May 15, 2013, so that this rate becomes the County’s default surcharge rate under the 9-1-1 Act , effective July 1, 2013;

Be It Further Resolved, that the County Clerk, Board Chairperson, 9-1-1 Director, legal counsel and/or any other county officials or representative are authorize to execute any settlement agreement or other

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documentation to memorialize the terms and conditions of the settlement between the County and the MPSC and to implement the default 9-1-1 surcharge rate effective July 1, 2013.

A roll call vote was taken.

Mr. Bradley reviewed and highlighted the 2012 Annual CCE 9-1-1 Report. There was lengthy discussion held on the narrow banding that was forced by the feds and its negative effect on radio reception in some areas of CCE.

Motion by Commissioner Matelski, seconded by Commissioner Gouine, to adjourn to the call of the Chair. The meeting was adjourned at 3:05 p.m.

Mary Ellen Tryban
Clerk/Register

Linda Socha
Chairperson