

Trumbull County “Independent PSAPs” Question #1

Is it possible for a 911 plan in the state of Ohio to expire? If you refer to document B you will see that Shawn Smith has answered this question and stated the ORC allows for amendment of a plan but does not discuss expiration of a 911 plan. You can also note that in question by our county was the date page from the yellow covered document and Shawn advised the dates on the front page relate to nothing inside the document-basically they are irrelevant. The question remains can a 911 plan expire?

Ohio 9-1-1 Council Response

The Ohio 9-1-1 Council (Council) notes that on February 21, 2008, the Trumbull County Prosecutor’s Office requested a written opinion from the Ohio Attorney General’s Office. Three of the inquiries contained within this correspondence dealt with the expiration of a countywide 9-1-1 plan. Considering this, the Council believes that this particular question would be best served by allowing the Ohio Attorney General’s Office to respond to the Trumbull County Prosecutor’s request.

Trumbull County “Independent PSAPs” Question #2

Senate Bill 9 allows for amendment of a plan for cellular purposes by just going directly to the planning board and then the PUCO. Our commissioners and 911 Director are contending this bill eliminates the review board permanently. I refer you to Document E, which contains language concerning Senate Bill 9. Does the ORC or Senate Bill 9 remove the review board from existing plans, or just from the cellular implementation process?

Ohio 9-1-1 Council Response

The “review board” referenced within this question and within the Trumbull County 9-1-1 plan is not the same body, and does not hold the same responsibilities as the 9-1-1 technical advisory committee described in Ohio Revised Code (ORC) Section 4931.42. However, some members of the “review board” may also sit on the 9-1-1 technical advisory committee.

Section 4931.45 of the ORC establishes purposes for which the countywide 9-1-1 plan must be amended. The language within this statute states, “Except as otherwise provided in division (C) of this section, a final plan shall be amended in the manner provided for adopting a final plan under sections 4931.42 to 4931.44 of the Revised Code...” While division (C)(2) does permit the planning committee to approve the plan, it does not remove the technical advisory committee from the planning process. In addition, the Council believes that the responsible course of action would be for the 9-1-1 planning committee to gather input from those parties which will be impacted by any

amendments made to the plan. The Council encourages the planning committee to solicit input from the 9-1-1 technical advisory committee or any other group willing to offer comments, such as the “review board.”

Senate Bill 9, as passed by the 126th General Assembly, amended Section 4931.45 of the ORC. This statute deals with amending a countywide 9-1-1 plan. The bill does not, in and of itself, remove the duties assigned to the “review board” in the existing Trumbull County 9-1-1 Plan. However, the responsibilities assigned to the board could be altered through an amendment to the 9-1-1 plan itself.

Trumbull County “Independent PSAPs” Question #3

There has been some question over while the plan was open for cellular changes if other changes could just be made at the same time. Examples being removal of payments for equipment/maintenance purchases, rerouting of calls to other locations, and taking all(not just cell) 911 calls at one location. Refer to document C which refers to ORC 4931.45 and ORC 4931.43 which call for the plan to be submitted for approval in the same manner as originally approved other than cellular changes. Can any other changes be made while implementing cellular changes or only cellular changes?

Ohio 9-1-1 Council Response

Section 4931.45 of the ORC states that an amendment of a 9-1-1 final plan may be made an addendum approved by a majority of the 9-1-1 planning committee for the following purposes:

- 1) Expanding the territory included in the countywide 9-1-1 system*
- 2) Adjusting the territory served by a public safety answering point*
- 3) Providing for wireless enhanced 9-1-1*
- 4) Making any other necessary adjustments to the plan*

The Board of County Commissioners’ January 9, 2008 resolution reconvening the 9-1-1 planning committee stated:

...the Trumbull Countywide 9-1-1 Planning Committee is hereby reconvened to consider amending the Countywide 9-1-1 Plan to provide for wireless enhanced 9-1-1 service and to consider making necessary adjustments to the Plan by way of addendum to said Plan, if necessary.

The resolution verbiage, "...and to consider making necessary adjustments to the Plan," would fall under 4931.45 (A)(8) and would provide the planning committee authority to make any changes or adjustments to the exclusions of those changes in ORC Section 4931.45 (A)(2), (4), and (7), which require the final plan to be amended in the manner provided for adopting a final plan under sections 4931.42 to 4931.44.

Trumbull County "Independent PSAPs" Question #4

Look to Document D-Review Board Minutes from September 2007. On page 3, third paragraph from the bottom you see a member of the review board made a motion that passed to reconvene the planning board to consider the plan the Chiefs had submitted to the review board and the County Commissioners. After nearly a year of work the County 911 Director had failed to finalize a plan for submission to the board at that point. To this date (3/10/08) our county commissioners have never called the planning board back to a meeting. They did set a meeting for January, then canceled it. The question remains can the planning board call for a meeting on their own since the commissioners are failing to cooperate at this point?

Ohio 9-1-1 Council Response

The "review board" has no authority under state statute to convene the 9-1-1 planning committee. Therefore, the "review board's" action in this regard carries no relevance. Per ORC 4931.45 (C)(2), it is up to the Trumbull County Board of Commissioners to fulfill this duty.

According to the January 9, 2008 meeting minutes of the Trumbull County Board of Commissioners, a resolution was passed unanimously which reconvened the Trumbull County 9-1-1 Planning Committee. The resolution directed the planning committee "to consider amending the Countywide 9-1-1 Plan to provide for wireless enhanced 9-1-1 service and to consider making necessary adjustments to the Plan by way of addendum to said Plan, if necessary." A January 23, 2008 meeting date was referenced in the resolution.

By reconvening and setting an initial meeting date for the planning committee, the Board of County Commissioners has fulfilled its obligation with regard to amending the 9-1-1 plan for the provision of wireless enhanced 9-1-1. No outside party has the authority to delay or impede the planning committee by cancelling meetings. Once convened, the planning committee is its own body. The act of an outside party cancelling the initial meeting referenced in the January 9 Board of County Commissioners' resolution does not prohibit the planning committee from moving forward on its own. It is the Council's opinion that the Trumbull County 9-1-1 Planning Committee may establish its

own meeting schedule and move forward in establishing a wireless enhanced 9-1-1 amendment now that it has been properly convened.

The wireless enhanced 9-1-1 amendment is approved through a majority of the planning committee.

Trumbull County “Independent PSAPs” Question #5

Another matter that relates to our planning board is at the time they were to be convened we had a full board in place. The commissioners failure to act allowed a seat to become vacant due to election changes. Since that time resolutions have been passed by a majority of legislative authorities of Municipal Corporations. Refer to document F. The passed resolutions are marked in green on that document. Do the commissioners have to appoint this person to the board, or are they seated by the majority of the resolutions having been passed?

Ohio 9-1-1 Council Response

Section 4931.42 of the ORC defines five members of the 9-1-1 planning committee for those counties with a population exceeding 175,000. Trumbull County falls into this category. As such the members of the planning committee are:

- 1) The president or other presiding officer of the board of county commissioners, who shall serve as chairman of the committee*
- 2) The chief executive officer of the most populous municipal corporation in the county*
- 3) From the more populous of the following, either the chief executive officer of the second most populous municipal corporation in the county or a member of the board of township trustees of the most populous township in the county as selected by majority vote of the board of trustees*
- 4) A member of a board of township trustees selected by the majority of boards of township trustees in the county pursuant to resolutions they adopt*
- 5) The chief executive officer of a municipal corporation in the county selected by the majority of the legislative authorities of municipal corporations in the county pursuant to resolutions they adopt*

The only individual serving for the county commissioners is the Chair of the Board of County Commissioners. As stated in the statute, the additional

representatives identified in (4) and (5) above are selected by a majority of the township trustees or municipal corporations, respectively, and, therefore, do not need to be appointed by the county commissioners.

Trumbull County “Independent PSAPs” Question #6

Is it possible to have the council seek legal opinions for us from the Attorney General? We have no legal representation from our county prosecutor who represents the Commissioners, County 911 Director and County 911 Psap. The county prosecutor has also been allowing his assistant Mr. Adler to work representing Hubbard city, one of our Psaps, as their legal representative and then attend and represent the County during 911 meetings. a clear conflict of interest. We could seek outside legal counsel but that could cost our taxpayers money and waste precious time we do not have.

Ohio 9-1-1 Council Response

The Ohio Attorney General’s Office has advised that it is permissible for the Ohio 9-1-1 Council to seek a written opinion. However, we believe that the opinions offered within this document have sufficiently addressed the issues at hand and will allow the various parties to move forward. Should additional matters arise, parties involved in the Trumbull County 9-1-1 system may certainly address the Council again.