

MARIN EMERGENCY RADIO AUTHORITY

c/o Novato Fire Protection District
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E.B. 5/7/14 Agenda Item A-1

Executive Board

Minutes of March 12, 2014 Meeting

Draft: 4/17/14

A. Call to Order:

The meeting was called to order by Vice Chair Cusimano on March 12, 2014 at 3:34 p.m. in the Heritage Conference Room, Novato Fire Protection District Administration Office, 95 Rowland Way, Novato, CA 94945.

Board Members Present:

County of Marin	Matthew Hymel
Marin County Sheriff	Robert Doyle
City of San Rafael	Chris Gray
City of Novato	Jim Berg
Fire Services	Richard Pearce
Police Departments	Todd Cusimano
Ross Valley Cities/Towns	Debra Stutsman
Southern Marin Cities/Towns	Jim McCann
Special Districts	Bill Hogan

Staff Present:

MERA Executive Officer	Maureen Cassingham
MERA Operations Officer	Craig Tackabery
MERA Special Project Manager	Dave Jeffries
Recording Secretary	Gretchen Felciano

Guests Present:

Golden Gate Bridge Highway and Transportation District	Norma Jellison
Indie Politics	Dan Mullen
Price Campaign Solutions	Terry Price
Novato Fire District	Kevin Johnston

B. Consent Calendar

All matters on the Consent Calendar are to be approved with one motion unless a Member of the Executive Board or the public requests that a separate action be taken on a specific item.

- 1) Resolution of Commendation – Retired Fire Chief Roger Meagor
MERA Governing Board Member Representing Ross Valley Fire District
- 2) Resolution of Commendation – Former MERA Governing Board Member
Representing Marinwood Community Services District – Tom Horne, District Manager
- 3) Minutes from January 8, 2014 Executive Board Regular Meeting
- 4) Report #18 on Strategic Plan Implementation
- 5) Update on Novato Fire District Request for Executive Board Seat
- 6) Proposed Dollar Hill Tower Site Sublicense between MERA and
Golden Gate Bridge, Highway and Transportations District (GGBHTD) and
Proposed Finding that Said Sublicense is Categorically Exempt Under CEQA
- 7) Bi-monthly Report on MERA Reserve Funds Balances

M/S/P Gray/Doyle to approve Consent Calendar Items 1-7 as presented.

AYES: All
NAYS: None
ABSTENTIONS: None
Motion carried.

C. Executive Officer's Report (Cassingham)

1. Report from Project Oversight Committee on Second Poll and
Revised Outreach Plan and Budget

Cassingham presented her staff report on the POC's recommendations and requested Price to present the Second Poll results which triggered them. He identified the key findings, noting the overall electoral mood has changed little in the past year. Support for a \$29-per-year parcel tax is marginally higher than the \$45 measure tested in 2012. Support still falls short of the 2/3 threshold both initially at 62% and after positive arguments at 64%. Strongest arguments in favor cite the need for a reliable communications system during a disaster and improved response times. Strongest criticisms included the last Bond not being paid off and numerous other taxes approved by voters.

Price summarized the changes in the latest ballot measure language including the reduction of the proposed tax to \$29, reduced 911 response times, addition of a citizens' oversight committee and a low-income senior homeowner exemption. The pollster, when asked if we could improve support with other measure language changes, he had said we have done the best we can. Price said there was a drop in concern regarding emergency

communications from the First Poll. He reviewed poll demographics noting more support in San Rafael and less in Novato. There is strength in Districts 1 and 2 but we lag in Districts 5 and 3. He briefly reviewed the demographic profile of yes, swing and no voters. Given these findings, it is hard to target the small number of the persuadables since they are spread across the County. The arguments that register best with persuadables are response times and emergency communications during natural disasters. Going forward, this will be a major part of our messaging.

Price summarized that a very active and extensive public education effort is necessary to generate more public support for the Next Gen System, ergo the recommended changes to the Outreach Plan. Timing of this effort should start in April/May. A more extensive outreach effort will require an additional \$197,450 for a newly created website for the Next Gen System, cable TV ads with testimonials, and direct mail with more detailed information. A third poll was eliminated by the POC since at that point, we will be so invested, it will not be needed. All of this will be publicly funded non-advocacy effort that provides factual information with no reference to the ballot measure. Most of the messaging will focus on the 911 communications system, not the “branding” of MERA. We will need the support of the Board of Supervisors, our members in Round Two and their outreach to the public in support of this project and that of the Chiefs and rank and file.

Hymel invited discussion especially from those who have not been part of previous presentations. Cusimano said there needs to be assurance and belief in the need for a new system. If the System is not replaced in the next 3-5 years, what will the state of the system be? We have the answers and the evidence is there for the need and timing of replacement. Members have the fiduciary responsibility to maintain our system and replace it when needed. Members must either bear the expense through their general funds or support a measure like we are considering.

A lot of work must be done between now and November, as we have an obligation to go forward and we all have to believe that. There has been so much turnover in elected and appointed officials and it has been challenging to get and keep everyone up to speed. Not all the Chiefs have been as involved as others, which affects the awareness of the Managers of the need for this project. Discussion at the POC was focused on whether we have fully vetted the need for and timing of the Next Gen System and we have put our trust in DPW to confirm all this and now we need to take this next step.

Berg added that in addition to our fiduciary responsibility for the System, we have a responsibility for officer, firefighter and community safety. The longer we wait, the more we put everyone at risk. Years have been spent working on this to determine the project is needed now and we must go forward with our support. Pearce noted the monumental technological improvements that have taken place even in a short time period, which are only compounded going forward. He cited the effects of inflation on future costs, our financial and time investments to date in the project and our momentum to date. We need to take this to the finish line. He reminded that he had pushed to consider other options and review the timing, and he is convinced of the technology and that this must

be pursued now. He concluded that members either need to pay for the project the customary way, which should have been emphasized from the beginning, versus emphasizing the tax measure option first.

Hymel said after four years of involvement with this, he has concluded we must replace the System beginning in 2015. While it is disappointing that polling did not identify more support, it is nonetheless the Member Agencies' responsibility to move forward. Other Members will have to come to their own conclusions at the Governing Board meeting.

Berg said the pollsters were asked if they had experience with the success of other measures this far back from a super majority and this close to an election. Bellow from FM3 had shared success had been achieved with measures in San Francisco with concentrated public education efforts. Cusimano said poll results seem to mirror our member internal issues and concerns. He nonetheless has faith in Price and Mullen and the belief of the 25 Member Agencies in this project. We need to focus on the swing voters and put our full efforts into this.

Price said we will focus on County-wide education, emphasizing the persuadables in South County. Mullen said we also need to buttress the support we have. Our revised Outreach Plan relies on digital ads to educate and target while taking nothing for granted. Price summarized the decision points including member agreement on the need to replace the system and paying for it via the traditional method or a parcel tax, and what it will take to pass the measure with heightened awareness and urgency. He acknowledged the likelihood of other local measures on the November ballot which adds to the challenge. We will need an active citizens' advocacy group to organize and get moving. Kinsey has provided some suggestions on mobilizing the community. Hymel said getting rank-and-file support for replacing a system that seems to work well will require educating them on continued reliability and coverage issues and the benefits of the new system.

Hymel asked McCann and Stutsman for feedback from the February MMA meeting. Jeffries provided the Managers with an update on the project and there were many questions which revealed that more history and education about the project was needed such as what is Plan B. It was noted that MERA Governing Board representation does not go deep into city organizations. The Managers favored shifting funding away from their General Funds but were quizzical about why the system couldn't be fixed, why we needed to replace it before it is paid off, how we avoid this problem in the future and questions about financing. The Managers are seeking involvement by their finance directors in the financing issues for the current and replacement systems. Their input is needed on the options, structures, timing and more. McCann asked if current system life could be extended to permit us to wait another year or two and go out again.

Jeffries said he hoped we could provide the finance directors a workshop on this so we could receive and answer their questions in one venue versus serial discussions. McCann said this is a good idea. It is also important to get the Managers conversant with the

project so that they can discuss it with their elected officials, write their reports on it and advocate for it. This will better assure support for the resolutions presented in Round Two. Councils believed in the need for the project presented by their Chiefs in Round One. Round Two must focus on financing and the questions that will be asked. Also, Councils have changed since Round One, which needs to be taken into account.

Hymel said Round Two has been affected by the Second Poll results. The emphasis will be on why we need to replace the system, the impact of financing by the traditional method and what those costs are, what smoothing would do with interest-only payments in the beginning leading to member cost doubling and the alternative method of a parcel tax. McCann asked if there was a Plan C or D. Hymel said that is a question for the Executive and Governing Boards. If this is postponed, it would fall to the November 2016 County-wide election and can we afford to defer it another two years after deferring a year at this point. McCann asked about an alternate or reduced-scope project should the measure not pass and if members are unable to fund it as proposed. Tackabery said one approach would be for the members to pay for the radios and finance the rest of the system.

Tackabery said System replacement is needed since a number of system parts are no longer supported by the vendor, greater coverage is needed in certain areas in the County, 911 response time can be reduced and capacity can be expanded to further reduce busies. The current System is aging and approaching obsolescence, there is a need to add more mutual-aid partners and to avoid de-commissioning certain elements of the System to keep the greater System whole. The replacement system will improve communications with other agencies and counties, provide new radio features like GPS and remote updating and address the required Frequencies give-back in 2021.

Cusimano said we support the need for the improvements that come with the new system, however we need to be clear on the exigencies of replacing it now. We need to identify what parts we have in inventory, what we can expect in terms of component failures based on history, etc. Hymel said we are already exposed even with a successful parcel tax since replacement parts are becoming scarcer to keep the current System operating. Jeffries said trying to predict infrastructure failures and planning for them is difficult. Cusimano said it would be helpful to paint the picture of what we have in replacement parts and what we are up against in terms of varying levels of system failure as we approach 2018. We need to understand our member obligations upcoming.

Tackabery reviewed the vendor support chart for the current system, noting the components that are no longer being manufactured. Sources of replacement parts at this point would be third parties and availability will be diminishing. Berg noted the Frequency give-back in 2021 remains an issue. Cusimano said the County has done a great job in keeping this System going, but it is aging and we can't take the risk that we can extend it beyond 2018. Jeffries said you are still looking at 3-5 years to replace the System at whatever date we start.

Jeffries said it would be difficult to arrange for a MERA finance representative to attend every Round Two presentation. He asked what other financing information the Managers might need that could be included in his presentations. Hymel confirmed with Cassingham that Tom Gaffney had developed spreadsheets showing member contributions for traditional system financing using smoothing or interest-only payments to bridge current and Next Gen System debt service. He asked that they be distributed to the Executive Board and shared with the Governing Board. McCann asked for another session with the Managers to address remaining questions prior to Round Two. He noted there was less need to focus on the emergency aspect of the project versus the need to replace the System now, the reasons behind it and whether an alternate project was possible. Also, how the project will affect member budgets is important to address. Hymel said it was important to present the traditional method of financing along with a mitigated scenario using smoothing. His County Board inquired about deferring the project, to which he responded that the MERA Governing Board, as fiduciaries, has a responsibility to be prepared and the project has already been put off by a year. A delay of two more years would expose us to a five-year risk of no system support, which is not a valid option. McCann said if there is no alternate project and the measure does not pass, we need to be prepared to fund it. Price said planning for System replacement has been going on for five years, including a workshop for the Governing Board in 2013 regarding the state of the current system and proposed Next Gen System options. Therefore, this is not a project being presented at this late date.

Stutsman said this layer of doubt over project need will affect our ability to convince our managers, elected officials and our communities. We need to get past it to succeed. This is very complicated especially for the non-technical. This project needs a simple message that people can easily understand. For example, our radio system is nearing the end of its life and needs to be replaced. Or when you call 911, you need a response. She said even a failed parcel tax will get the message out. However, for MERA, this is not a good option given the two-year lag to the 2016 election or the expense of a special election in between. She and Pearce agreed that we need to go forward with confidence.

Hogan said if the poll demographics show the current system is good enough, then an improved system will not resonate much. Possible dismantling the system in 2018 to keep it running does resonate. Mullen said given all these perspectives, there is an opportunity to educate the public over the next two months. We have high poll numbers and are within striking distance of success. There is much public support but we are not at the 2/3 threshold yet. McCann asked what is fueling the no poll votes. Mullen said there is 15-20% built-in opposition to any parcel tax. McCann said the message we need to get out is that at some point, the System won't work either due to aging or Frequency give-back. Voters may be saying this should not be funded by additional taxes but from general funds. Mullen said the education effort will need to address the opposition from wherever it comes.

Jeffries mentioned the recent failure of the Oakland PD System. Hogan said we see the need as insiders but until problems go public, urgency is difficult to communicate. Stutsman added that technology is moving ahead at warp speed and people do understand this message. She asked for clarification on the cost and number of proposed TV ads. They have had bad luck with TV ads for the Hazardous and Solid Waste Program via satellite or cable feeds. Mullen said they will bring in national advertisers for Presidential campaigns on down. They recently have done State-wide ads in Minnesota and Mississippi with 30+ points disadvantage on the Personhood Amendment and Gay Marriage and won.

M/S Cusimano/Stutsman to recommend the Revised Outreach Plan and Budget including an additional \$197,450 for approval by the Governing Board and direct that a Special Meeting be scheduled of the Governing Board to consider same.

Pearce confirmed another presentation to MMA to address financing and technical questions. Hymel asked Tackabery to assist with the technical. In response to McCann's question about messaging decisions, Price said what has been shared today will be factored in to the materials presented to the POC. What they are looking for is information that conveys urgency, testimonials, response times, coverage, etc. Boiling this down to 30-second spots will require the expertise they have identified. Mailers can be much more descriptive. McCann said we need to address through messaging the fact that some voters expect their governments to do this with existing resources. We also need to state that if existing resources are used, then something else will have to be reduced or eliminated. Hymel said we need to raise voter concern over their 911 system. Price agreed, noting there is no sense of urgency with a system that works. Gray said the other area of voter resonance is with natural disaster response. The issue is agency interdependence and a reliable radio network that ties us all together in best serving the community. Doyle added that when you are close to something and know its importance, it doesn't mean everyone else does. We need to help them know what's at stake.

AYES: All

NAYS: None

ABSTENTIONS: None

Motion carried.

2. Selection of Engineering Firm and Approval of Negotiated Procurement –
MERA Forbes Reservoir Utilities Undergrounding Project

Cassingham summarized her staff report noting the Executive Board on January 8 appointed her to serve as Project Manager with procurement authorization of up to \$50,000 to undertake the Forbes Undergrounding on MERA's behalf as required by the Site Lease with MMWD. MERA Subleasees Las Gallinas and Ross Valley Sanitary Districts are required to cost share the Project with MERA. Given MERA's structure and size and the June 1 deadline for completing the work, she suggested a reimbursement agreement with the District to perform the work as part of their mission critical Reservoir Improvement Project. MMWD declined this as well as several other options to do the

work, including folding it in to Beyaz & Patel’s design contract for the larger project. MERA has since, with Legal Counsel input, submitted the action plan outlined in her report to do the work with certain caveats.

An RFP for engineering services was issued on February 18, resulting in three proposals. San District Engineers participated in proposal review based on stated criteria. The Review Panel unanimously recommended Harris & Associates, Concord, California, subject to negotiation of certain line items. Based on this submittal alone, this project will exceed \$50,000 given additional construction costs. She is also requesting Executive Board approval of negotiated procurement of Contractual Services based on public exigency. This will permit the use of informal bid procedures to expedite the project. She had expected MMWD Senior Engineer Carl Gowan would be in attendance today to answer any questions; however, his schedule changed. She cautioned that this project will be very time consumptive and challenging at a time when MERA is involved with other critical activities. She was hoping that Gowan might reconsider the District’s position given all this background.

Pearce asked if MMWD would be willing to receive other input on this. Cassingham said Hogan had successfully advocated on MERA’s behalf when MMWD was considering charging market rent for our Site Lease. Regarding the undergrounding, District Engineers have determined MERA must do this work and complete it by June 1. Cassingham asked if Pearce would be willing to participate with her in a meeting with the District. Hymel asked for clarification of costs. Cassingham said she hoped the engineering costs could be reduced to \$32,000 and with a rule of thumb for construction costs, the total project would be \$115,000 to \$120,000 reduced by the 50% San Districts’ cost share. The project would be paid for with Reserves. She clarified that MERA would be undergrounding its PG&E service and the San Districts would be undergrounding their AT&T line. The project is further complicated by site slope and soil conditions. McCann asked if DPW had seen the proposed project and whether there are alternatives. Cassingham said the District is requiring most direct path undergrounding to permit crane access and accommodate for future projects on the site. Hogan assured the Executive Board that Cassingham has exhausted all avenues within her purview to do this work. Berg asked if Pearce could help with a meeting with MMWD General Manager Kumar, which might be the next logical step.

M/S/P Pearce/McCann to approve the selection of Harris & Associates per their March 4, 2014, proposal to provide engineering services for the Forbes Utilities Undergrounding Project subject to negotiation of certain line items and subject to a meeting with Pearce and Kumar and to approve Negotiated Procurement of Contractual Services based on public exigency.

AYES: All
NAYS: None
ABSTENTIONS: None
Motion carried.

Hymel requested information from Cassingham on the project for his discussion with Kumar.

3. Proposed Preliminary FY14-15 MERA Operating, New Project Financing and Refunding Revenue Bonds Budgets

- 5-Year Training Expense Summary (DPW)

Cassingham summarized the three Preliminary Budgets for FY14-15, two of which have little or no discretion in their totals. The Operating Budget is \$1,707,654 which is 3.4% above prior year. Tackabery has provided a history of the training line item in response to Berg's question at the Finance Committee meeting.

M/S/P Doyle/Cusimano to approve the Preliminary FY14-15 MERA Operating, Project Note and Revenue Bonds Budgets for immediate distribution to member agencies.

AYES: All
NAYS: None
ABSTENTIONS: None
Motion carried.

4. Other Information Items

None

D. Operations Reports (Tackabery)

1. Request for Waiver of Radio Moratorium

- City of Larkspur
- Falcon Critical Care Transport
- Falck Northern California/Verihealth

Tackabery said Larkspur is requesting one additional radio and the ambulance companies are requesting fifteen. With AMR no longer providing service, ten radios will be removed from the system for a net gain of three private ambulance radios. He noted AMR is negotiating with Falcon to sell them their radios. Pearce said if any are available, MERA should pursue them for parts.

M/S/P Pearce/Doyle to approve the requests for Waiver of Radio Moratorium by City of Larkspur (1), Falcon Critical Care Transport (5), and Falck Northern California/Verihealth (10).

AYES: All
NAYS: None
ABSTENTIONS: None
Motion carried.

2. Update on Gateway Repeaters

Tackabery said this report is in response to a request at the December 11, 2013 MERA Governing Board meeting to evaluate the need for additional gateway repeaters during the planning for the Next Gen System. The Ops Group agreed they are important tactical tools; however, there is no need at this time for additional units, and provision of gateways does not need to be a MERA regional program. With Executive Board concurrence, this will be presented at the next Governing Board meeting.

M/S/P Doyle/Cusimano to concur with the Update and Findings on Gateway Repeaters and presentation of same to the Governing Board.

AYES: All

NAYS: None

ABSTENTIONS: None

Motion carried.

3. FY13-14 System Analysis Capital Projects Update

Tackabery presented minor adjustments to Capital Project costs resulting in no change to budget totals. Additional work on the Next Gen Feasibility Study increased the budget by \$3,000 due to more grants research. The requested \$10,000 allocation is for any Feasibility Study revisions and to address technical questions arising during MERA's outreach efforts.

M/S/P Cusimano/Doyle to approve the proposed revisions to FY13-14 System Analysis Capital Projects Budgets within the total amount originally budgeted.

AYES: All

NAYS: None

ABSTENTIONS: None

Motion carried.

4. Status/Work Statistics Reports (Chuck)

Tackabery presented MERA System Usage and Busy Seconds from 2006-2013 along with February 6-9, 2014, Call Hours for the major event at that time. He noted declining call hours from 2006-2013 due to training and the 2011 Frequencies expansion.

5. Other Information Items

Tackabery provided an update on the proposed Martha Site in Tiburon. The BOS reviewed the EIR yesterday and declined to act. There is also a merits review process which can be separate or parallel. The Planning Commission has been asked to present both processes together. It will be some time before this comes back to the BOS. DPW will continue to monitor. Hymel said the BOS wanted a better sense of the whole project before acting on the environmental.

E. Open Time for Items Not On Agenda

None.

F. Adjournment

The meeting was adjourned at 5:19 p.m.

Respectfully submitted,

Maureen Cassingham
MERA Executive Officer

Next Meeting of MERA Executive Board

Wednesday, May 7, 2014 – 3:30pm