

MARIN EMERGENCY RADIO AUTHORITY

c/o Novato Fire Protection District
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Executive Board

Minutes of January 14, 2015 Meeting

Call to Order:

The meeting was called to order by Chair Hymel on January 14, 2015, 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
Marin County Sheriff
City of Novato
Fire Services
Police Departments
Ross Valley Cities/Towns
Southern Marin Cities/Towns
Special Districts

Matthew Hymel
Robert Doyle
Jim Berg
Richard Pearce
Todd Cusimano
Debra Stutsman
Jim McCann
Bill Hogan

Board Members Absent:

City of San Rafael

Chris Gray

Staff Present:

MERA Executive Officer
MERA Deputy E. O. - Next Gen System
MERA Operations Officer
DPW Communications Services Manager
County Communications Engineer
Recording Secretary

Maureen Cassingham
Dave Jeffries
Craig Tackabery
Shelly Nelson
Richard Chuck
Jennifer Schwarz

Guests Present:

Marin County Director of Public Works

Raul Rojas

A. 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 separate action be taken on a specific item.

- 1) Resolution of Commendation – Tom Home, Retired General Manager
Marinwood Community Services District
NERA Governing Board Member
- 2) Minutes of November 12, 2014 Executive Board Regular Meeting
- 3) Bimonthly Report on NERA Reserve Funds Balances
- 4) Report #24 on Strategic Plan Implementation
- 5) Report on Bodega/Bay Hill Tower and Site Leases
- 6) Report on NERA Measure A Election Costs

Cassingham distributed Item 3 and summarized it. She also requested Items 5 and 6 be pulled to provide updated information.

Item 3 recaps estimated Reserves Fund Balances, noting considerable approved or budgeted expenditures from the Replacement Fund. Estimated Replacement Fund Balance as of 6/30/15 is \$26,725. She recommended referring the Fund balance for further review by the Finance Committee, suggesting an interfund transfer from the Emergency Fund might be considered for cash flow purposes until receipt of parcel tax reimbursement is received. She confirmed for Hymel parcel tax revenues would begin to flow in November/December.

Cassingham, in response to Berg, said \$800,000 plus for Next Gen Project reimbursables is estimated at this time. Hymel agreed with referring this matter to the Finance Committee, acknowledging that we might be in a negative cash flow for the first five months of FY15-16. Cassingham will provide background on the \$25,000 estimated costs for the Next Gen System Polling Public Records Act request under “Other Information Items”.

Regarding Item 6 on the Bay Hill Tower status, Cassingham said, Item C-4 Proposed Bay Hill Tower Project, was a companion item to it. She said NERA was still working on proof of tower ownership by Incline Partners, noting an upcoming meeting with them. While we can budget for new tower costs, she recommends keeping NERA legal and staff expenses to a minimum until ownership is confirmed. She said Incline’s proposed rent, which is subject to negotiation, is considerably higher than we are paying now and that a 10-year sublease financial and contractual commitments would require Governing Board action.

Cassingham said Item 6 on Election Costs will require more time to confirm NERA’s actual costs. She expects an update by January 16. There were 24 measures, including advisory ones, which make the assignment of election costs more complex.

M/S/P Pearce/Doyle to approve Consent Calendar Items 1-6 as presented.

AYES: All

NAYS: None

ABSTENTIONS: None

Motion carried.

B. Executive Officer's Report (Cassingham)

1. Confirmation of Scope of Duties and Appointment of Members –
Next Generation Project Oversight Committee (NGPOC)

Cassingham summarized the Report noting the Governing Board directed the Executive Board to confirm the NGPOC Scope of Duties and appoint Committee Members using the current POC membership as a basis, along with members with technical background. On Page 1, there is a general Committee work scope along with suggested Committee tasks from the Operations Officer which include designation of the Consultants Selection Committee, recommendation of a Consultant for Phase I, review and recommendation of a Consultant for Phase II, recommendation of a System RFP, designation of a Vendor Selection Committee and recommendation of a System Vendor. She requested input on the Scope as outlined and appointment of the Committee. In response to Hymel, Cassingham confirmed that Cusimano was the current POC Chair.

Hymel asked for further input on the Scope, adding that this Committee will be advisory to the Executive and Governing Boards on Next Gen Implementation. There being no further input, he asked for consideration of Committee appointments. Pearce suggested adding more technical expertise on the NGPOC. Jeffries said we would need to confirm member interest in continuing to serve on the new Committee. Cassingham said there would be no need to have General and Bond Counsel serve on the reconstituted Committee, given the need for their input in the past was on outreach information. They can be consulted as needed. With Board direction, Cassingham will follow up with those not in attendance. Rojas said a 5-7 member size Committee would be workable. Pearce said that Finance Committee members could be a real value added to the NGPOC as we consider various Project elements and suggested Gaffney participate. Hymel recommended the Police and Fire communities be represented by three members each. Jeffries said the Ops Group could be represented by Brown and McCarthy. Doyle said part of the Committee's focus should be on nuts-and-bolts issues. Pearce, Berg, Cusimano and Doyle agreed to serve. Cassingham offered to reach out to Brown, McCarthy and other current Members to confirm their availability to accept the remaining slots. Cusimano agreed to continue as Chair.

M/S/P Doyle/Cusimano to confirm the Scope of Duties and the Next Generation Project Oversight Committee Membership as presented in the Staff Report and as discussed.

AYES: All

NAYS: None

ABSTENTIONS: None

Motion carried.

2. Proposed Membership Application and Solicitation of Applicants for
Citizens Oversight Committee

Cassingham reviewed the suggested contents of the application and means of soliciting applicants for Committee membership. She asked for Board input on both. The Committee is required to be seated by June 30 and finalization of the application and outreach to applicants need to be accelerated. Governing Board members Gaffney and MacLeamy suggested the use of print ads and member websites respectively. She suggested reaching out to citizens who showed interest in our Project during our public education phase. Hymel offered the County's press release process and suggested contacting Patrice in the Clerk's Office. He added that a description of duties be included in any outreach to assure there is no confusion about the tasks involved. Stutsman concurred with using member websites and suggested articles in member newsletters. McCann added announcements at MCCMC monthly meetings. Cassingham confirmed for Pearce that there are two interested citizens as of this date. Cassingham will follow up per this discussion.

3. Other Information Items

Cassingham provided background on the November 2 Public Records Act request for all records on polling, advertising and advocacy relating to Measure A. Staff, with guidance from General Counsel, sought clarification from the requestor within the initial 10-day period, noting MERA had no records relating to advertising or advocacy of Measure A but had records regarding polling. Records required extensive research of staff emails, agendas, reports, meeting minutes, invoices and numerous poll drafts which staff originally thought were exempt. There is a public interest balancing test required of drafts. A great amount of staff time went into identifying related documents and legal time to determine disclosure. Two of three CDs of responsive documents were made available on December 18 and January 8, neither of which have been picked up to-date. The third production is scheduled for January 29. All disclosable records will have been made available as required by law. Her estimate of staff and legal costs is \$25,000. Jeffries added that polling was touched on in 68 meetings alone. Cassingham said staff will develop guidelines from this thorough, very exhaustive records search that will be used should there be future requests. She said she had kept the President and Vice President informed in her monthly reports to them, since in addition to the resources required to meet fulfillment deadlines, other projects were delayed. Jeffries commented on the key word search, process and challenges presented in searching scanned documents. Hymel confirmed the requestor was an individual and not media. Pearce

said we need to be prepared for future requests. Cassingham added MERA's Public Records Policy will be updated based on changes in the law and per-page costs. In response to McCann, she said cost categories primarily included legal costs and staff time. Jeffries' hours were 16-20 and her hours were about 45. Cusimano asked about our obligation as a public entity if the requestor is unresponsive to the first two pick-ups, for producing CD #3. Jeffries and Cassingham confirmed the need to fulfill our promise to make all these documents available per the schedule. She added the requestor was responsive to her first email to pick-up CD #1 but has not responded since.

Cassingham provided an update on MERA's Validation action for Measure A. The timeline was affected by the passing of Bond Counsel Stava on December 30. Steve Roberts, Nossaman litigator, has taken over on Stava's behalf. Estimated filing date is January 22 or 23 and projected cost is \$13,000-\$16,000, if not contested. The action would immunize the County in the assessment of this non-uniform parcel tax. This was discussed as necessary before proceeding with Project financing. Publication of the Summons in the Marin IJ will follow. MERA General Counsel is coordinating with Special Counsel on this.

Pearce asked about publishing in the IJ and Cassingham said the IJ is most likely the publication of general circulation but she will confirm with Counsel. Hymel said the County does some publishing in the Pacific Sun. Cassingham confirmed the action will be filed with Marin County Superior Court.

Hymel clarified that Measure A is based on a certain Government Code Section that permits a non-uniform tax to support our Project. We do not want to issue debt based on this Section that might be challenged later. The Court would confirm the validity of the Measure, thus precluding any future challenge to it.

C. Operations Reports (Tackabery)

1. Review of Proposed RFP and Authorization for Consultant Services Contract – Next Gen System

Tackabery summarized his staff report which recommends two major procurements to implement the Next Gen System. The first is a consulting services contract which provides Project and procurement management and implementation oversight. Second, is a system vendor contract which will provide for a series of the Project components. The MERA Governing Board in December approved MERA contracting with the County of Marin as lead agency for all phases of the Project including consulting services procurement, design, environmental compliance, system vendor procurement and system vendor contract administration. Pearce confirmed that this will include interaction with MERA.

Tackabery reprised the key components of the Consulting Services Contract approved by the MERA Governing Board as follows:

The Executive Board is authorized to approve the Consulting Services Request for Proposal. Prior to Executive Board approval, route the draft Consulting Services Request for Proposal to each member agency and NERA staff for review.

The Next Generation System Project Oversight Committee designate Committee and staff members who will serve on the Consulting Services contractor selection committee.

The County of Marin award the Consulting Services contract for a first phase of work, through the System Vendor procurement, based on a contractor recommendation from the Next Generation System Project Oversight Committee and the Executive Board.

He added that the draft RFP attached to his report had been forwarded to the Governing Board on January 8 for comments by January 13. Contact information and dates in the RFP were intentionally omitted since he did not want consultants starting work on this or contacting them before the final version is issued. Grammatical inconsistencies in the RFP will be cleaned up. He requested Executive Board review of the RFP and authorization of its release.

Tackabery referenced the summary of Comments received from Cassingham, MacLeamy and Naso, and related DPW Responses. Berg said MacLeamy asked if member subject matter experts would have an opportunity to comment on the RFP before the Executive Board acts. Tackabery said Comment #21 touches on this. His response was the Next Generation System Project Oversight Committee will designate Committee and staff members who will serve on the Consulting Services Consultant Selection Committee. This Committee will look at the actual proposals and make a recommendation. McCann said this is different than the RFP. Tackabery said if member staff input was wanted, that would be taken into account. Hymel said the Executive Board is delegated to approve the RFP; however, if members have technical staff they would like to review it, they are free to do so. Berg said approval today would not allow time for this. McCann confirmed the Governing Board has seen the RFP and asked if they had the opportunity to get staff technical input. Tackabery said it was up to the Board Members to solicit that input. Rojas said they welcomed input and said DPW had committed to a schedule to move the RFP forward. It is basically a matter of timing and a few more weeks is not a problem. Pearce said other sets of eyes on it would be good for the RFP. It is critical we all be on the same page. Rojas added that the RFP was missing dates because DPW did not want it presumed as final. Hymel said whatever time and technical review members wanted to feel comfortable to vote should be taken. He wants NERA and DPW staff to work together to resolve small issues before the meeting so that the Executive Board only deals with unresolved issues or questions. He wants a process of information sharing that leads to the best product. Jeffries said staff has been sharing heretofore. When he requested a copy of the draft RFP, he was told he could not have it because it was under internal review. If this is NERA's RFP, how is it that he is not part of the internal review? The draft was released to the Governing Board before staff could review and address issues

ahead of time. Doyle added that if members wanted their subject matter experts to review it, the time should be taken to permit this. Cassingham said she had expected to see a draft sooner and that 4 days for Staff and Governing Board input was insufficient. Berg said the timing was too short to get this input before the vote. Hymel said he was comfortable holding off to get member expert input and for MERA and DPW staff to work out any issues. Rojas requested a list of member questions followed by a meeting or phone call to go over them. Pearce agreed a meeting to address all comments at one time would be good. Tackabery said the RFP would be released within a few days of Executive Board approval.

Hymel asked about the rest of the Comments and Responses. Rojas suggested a meeting between MERA and DPW staff to go over them since they mostly came from MERA staff. Jeffries said he needs more time to review the responses and may have more questions. After some discussion, it was agreed that no action be taken today and that a special meeting be scheduled on February 4, 2015 at 3:30 p.m. to consider any updates or member input to the draft RFP. Tackabery will send out a second request to the Governing Board for input from their agencies on the edited iteration of the RFP with a January 23 deadline.

2. Proposed Revision to Additional Radios Policy and Procedures –
Next Gen Radio Specifications

Tackabery said on November 12, the Executive Board approved amendments to the Policy and Procedures and requested additional information about requiring additional radios to work with the Next Gen System. He reviewed three options for portable and mobile radios: Basic APX dual band, both bands operational; basic APX dual band, one band operational, second upgradable; and basic APS single band. He said most users are buying APS single band which are the least expensive for use with the current system. For portable radios, for an extra \$698 plus tax, Option 2 radio can be used on the system now and upgradable for use on the Next Gen for an additional \$750 plus tax. For an extra \$1,448 plus tax, the Option 3 radio can be used on both systems. He said the policy requires the requestor to pay for additional radios. He asked, if the Executive Board approves Option 2, who will pay for the additional upgradeable cost?

Tackabery said the Ops Group saw benefit with Option 1 but felt this was a fiscal issue. Hymel asked about the cost of a Next Gen radio. Nelson confirmed the budget amount of \$5,000 per radio. Hymel suggested MERA consider the \$750 upgrade. Tackabery said then MERA could pay the \$750 versus \$5,000 in 2018. Nelson said most are opting to buy the “both operational now” or Option 1. Fire is putting VHF on the second side. Pearce clarified that the part numbers are compatible with the current System. Hymel added that the dual band requirements are compatible with other vendors. Nelson said current radio useful life is seven years. Hymel said we should have a policy for new radios today with consideration for MERA paying for the upgrade to save costs in 2018. He said we should note in the Policy that purchasing Option 1 or 2 does not lock us into any vendor but any new radios should be compatible with the Next Gen System.

Tackabery clarified this Policy covers additional radios, not replacement radios, and the title of the policy should be changed to reflect both. Jeffries said the project as presented to the members would replace all member agency radios on a one-for-one swap. Nelson suggested radios purchased now could be assigned to DPWs with Next Gen in 2018. Hogan said this is an expansion of the current additional radios policy and we would be changing the scope with replacement radios. Tackabery clarified with Jeffries that this discussion is about establishing a requirement for additional radios versus a suggestion from the Ops Group. Hymel said policy adoption today is not needed, but establishment of a requirement going forward will avoid purchases of radios that will only be good for 3 years. Hogan said we should focus on the requirement for additional radios today and focus on future requirements later. Rojas said new radios could be subbed out to DPW users with Next Gen. Jeffries added that Novato was going with Option 2 with the understanding that they would work with any vendor. Nelson confirmed this is the promise. Rojas said backups are important and will be put to good use.

Hymel favored requiring Option 1 or 2 for new radios and eliminating Option 3. For non-member users requesting additional radios, he suggested remaining silent on the upgrade. A replacement policy for member agencies should pay for the \$750 upgrade. He asked for the Ops Group to weigh in on a Replacement Policy.

M/S/P Pearce/Cusimano to amend the Additional Radios Policy and Procedures to require the selection of Option 1 or 2 by Member Users only.

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

3. Request for Additional Radios: County of Sonoma –
Fire & Emergency Services Department

Tackabery presented the County of Sonoma's request for 4 additional radios. Marin County Offices of Emergency Services is the sponsor for this request. The Ops Work Group vetted the request and recommended approval.

M/S/P Cusimano/Doyle to approve the Request by Sonoma County for four additional radios.

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

4. Proposed Bay Hill Tower Project

Tackabery said this relates to Item A-5 earlier in the Agenda. DPW has been asked to provide support and a budget for the Bay Hill Tower Replacement Project which includes technical support for sublease negotiation and permitting, temporary tower installation with NERA antennas and cable, cutover, removal of NERA equipment on the old tower, installation of antennas and equipment on the new tower, cutover and removal of the temporary tower. Work will not commence without proof of ownership and green light on the sublease. The intent is to establish a budget for the project which is estimated at \$75,000, including \$25,000 for parts and labor and \$50,000 for temporary tower rental. Tower rental assumes 1-year and if less, this cost would be reduced.

M/S/P Berg/Pearce to authorize the Bay Hill Tower Replacement Project and approve the budget request subsequent to resolution of tower ownership.

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

5. Operations Report (Chuck)

Chuck said his Report on Storm Usage Comparison found all of Public Works was the biggest user, as expected, on December 11, 2014. Public Works is lower priority than law or fire radios and the System will give higher priority to the latter users. Public Works had 14.5 hours of call time that day. The total for the day was 55.6 hours air time with 618 busy seconds. System goal after the last expansion was to have less than 3% busies, which was achieved. December 11 was compared with January 4, 2008, which had nearly 24% busies. System upgrades and training had a huge effect on usage. Hymel confirmed Public Works was more disciplined as well as law and fire.

6. Other Information Items

None.

D. Open Time for Items Not On Agenda

None.

E. Adjournment

The meeting was adjourned at 4:54 p.m. in memory of Mr. Jeff Stava, MERA Bond Counsel since 1999, Partner in the Law Firm of Nossaman LLP.

Respectfully submitted,

Maureen Cassingham
Executive Officer and Secretary

NEXT: MERA Executive Board Regular Meeting
Wednesday, March 11, 2015 – 3:30 p.m.