

MARIN EMERGENCY RADIO AUTHORITY

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Executive Board

Minutes of February 4, 2015 Special Meeting

A. Call to Order:

The meeting was called to order by Chair Hymel on February 4, 2015 at 3:35 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

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

Board Members Absent:

City of San Rafael
Special Districts

Chris Gray
Bill Hogan

Staff Present:

MERA Executive Officer
MERA General Counsel
MERA Deputy E.O. – Next Gen System
MERA Operations Officer
DPW Communications Services Manager
County Communications Engineer
MERA Next Gen System Admin Assistant
Recording Secretary

Maureen Cassingham
Trisha Ortiz
Dave Jeffries
Craig Tackabery
Shelly Nelson
Richard Chuck
Alex Anderson
Jennifer Schwarz

Guests Present:

Marin County Director of Public Works

Raul Rojas

A. Executive Officer's Report (Cassingham)

1) Other Information Items

Cassingham reported on the status of the Public Records Act request. Production #3 was completed and made available for pickup by the requestor on January 29. None of the three CDs have been picked up as of this date. MERA has fulfilled its responsibilities as a public agency. She will update the Executive Board on costs after January's legal bill is received. Berg requested a breakdown of staff time costs and legal expenses. Pearce asked about recourse. Hymel confirmed with Cassingham and Jeffries the requestor was responsive to her email about picking up Production #1 and for providing clarifying information about his original request.

Cassingham said the County has provided final costs for the November election; \$75,000 was budgeted and actual costs are \$80,814.81. Actual excludes regular staff salaries and benefits and overhead.

Regarding the Validation Action for Measure A, she reported the Summons and Complaint were filed by Nossaman Bond Counsel litigators Roberts and Ngo on January 23. The Judge's Order granting posting of the Summons was issued on January 26. The Summons was posted at NFPD on January 27 and will remain posted for the next 3 weeks. It was published in the I.J. on January 28 and published again on February 5 and 12. March 2 is the deadline for contesting the action in person or writing with the Marin County Superior Court. The action will be calendared as soon as the first Court date is available. She explained that the action is a Court judgment that declares Measure A is a valid, legal and binding ordinance that permanently enjoins and restrains any challenges which is critical to future public financing of the new system.

In response to Jeffries, Ortiz clarified that the Court issues a decision that is binding into the future. Doyle inquired about this action given the passage of Measure A. Hymel said the Validation is associated with the issuance of debt which will be paid with parcel tax proceeds. A legal parcel tax will withstand challenges and protect our financing source. He added that validations are applicable to measures to assure revenue streams as legal. Hymel added he is pleased this is going so quickly.

Berg asked if the Court does the research to validate or it approves it if it is not contested. Ortiz said MERA's litigator is preparing a brief for the Court, which identifies points and authorities, raises legal issues and provides justification for the validation. The Court issues its decision based on this.

Cassingham provided an update on the status of the Bay Hill Tower coming out of a meeting with Incline Partners, the alleged owner, with her and Ortiz on January 26. MERA is seeking assurances for proceeding with a sublease and relocation of our equipment to the replacement tower. We continue to seek proof of Incline's ownership in the form of a deed of sale or transfer from AT&T, which now appears to be the owner, given the termination of Crown Castle's relationship to the Tower. She, Ortiz and Tackabery and the DPW team will continue review of the sublease and provide feedback to Incline to keep the project moving. She wants to continue with minimal resources toward this project until ownership is determined.

Cassingham reported that implementation of the Measure A Low-Income Senior Exemption was moving forward with NBS. A draft application should be available in the next week. County

Library staff has been great in sharing their outreach efforts to Seniors. She, Jeffries and Anderson will work together to implement effective outreach on MERA's behalf.

Implementation of the Citizens' Oversight Committee is well underway and public information should be available by the end of the month. A Governing Board Resolution establishing the Committee is required by the Tax Ordinance and will be placed on Consent at their next meeting. Staff has been fielding inquiries about the exemption and Committee membership.

Cassingham distributed a list of the Next Gen Project Oversight Committee Members. Everyone she reached out to wanted to stay aboard. She confirmed Cusimano's agreement to continue as Chair.

B. Operations Officer's Report (Tackabery)

1) Review of Revised Request for Proposal for Wireless Communication Consultant Services for Next Generation System, and Authorize Release

B-1 Staff Report

Draft RFP – Version 3 dated February 4, 2015

County of Marin – Professional Services Contract – Revised for 2/4/15

Comment Review and Response dated February 4, 2015

Tackabery provided an overview, stating that on January 14, the Executive Board asked for more time for review of the draft. The RFP was recirculated to the Governing Board, Executive Board and Staff for comments on January 16, with a January 23 deadline.

The draft RFP Version 3 has been revised to reflect those comments. He has also provided a Summary of the Comments and Responses during that period. He said there was a request to have the Governing and Executive Boards provide suggested consultants. He recommended once the RFP is finalized, a link to it will be sent to those members along with a list of consultants DPW is sending it to, so they can forward it on to interested consultants.

Hymel asked for questions. Pearce said he appreciated all the work that has gone into the RFP which he has communicated by email. He said it flowed much better now. He asked Ortiz for her comments. Tackabery said he received general comments yesterday from Ortiz and talked by phone this morning. He proposed her comments could be provided in writing or they could be tasked by the Board to work together to finalize. Hymel asked Ortiz for a sense of her comments.

Ortiz said her general comments were in two areas. More clarity in the scope of work is one area, but in talking with staff, they have a good understanding of what is expected by the industry from the consultant responses to the RFP. There still could be some fine tuning there. The other area is the need for more clarity on the relationship between MERA, the County, and the consultant. From their discussion this morning, this was probably beyond the scope of the RFP. The Board might want to give direction on the development of a contract between MERA and the County that provides in detail how the Next Gen System is implemented, which would clarify how the consultant interacts with the County and MERA.

Hymel asked if existing agreements could provide for this. She said she had reviewed the current agreement, which is very general, and does not get to the level of detail needed for this Project. Clarification is needed to identify project ownership, who makes the final calls, and how all the parties work together to procure and implement the project. Rojas agreed with Ortiz on establishing the County's role and duties via an MOC or other agreement, recognizing this is a MERA project. He said we can proceed with finalizing the RFP and commence work on a separate contract with the parties' roles and responsibilities. Hymel asked if we could work off of the existing agreement via amendment versus a separate agreement. Ortiz clarified that the scope of work in the current agreement is very general, so she will review whether it can be amended to address this project. Hymel added that the agreement should reflect this is a MERA project, the County is Project Manager, we have shared goals for success, the MERA Board sets the scope of the project and is responsible for it being on time and on budget. Clear roles and responsibilities will be helpful as we go forward.

M/S Pearce/Doyle to accept the RFP as presented. Ortiz suggested that the motion include authorization of additional technical and clerical changes developed by her and Tackabery. Hymel asked the maker and seconder of the motion to consider adding this along with authorizing the Chair and Vice Chair to sign off on those changes.

M/S/P Pearce/Doyle to accept the RFP as presented and authorize additional technical and clerical changes developed by Ortiz and Tackabery with sign-off of those changes by the Chair and Vice Chair.

McCann commented on the tension at the last meeting as we are just getting started with this very complicated project we need to work together on. He is pleased to see issues are being worked out. He is not sure what is at the core of the issue but clarifying the roles may resolve it. He said MERA is the customer who has decided to hire the County to deliver the project. If we are relying on a current general services contract, it does not seem appropriate for this. A contract must nail down who is doing what, who is in charge and who is responsible. Hymel said there is structure for us to work from, which was presented to the Governing Board, namely the creation of the Next Gen Project Oversight Committee, its scope of duties and its relationship to the Boards that could be incorporated in the agreement between MERA and the County. Hymel called for the vote on the motion.

AYES: All

NAYS: None

ABSTENTIONS: None

Motion carried.

2) Other Information Items

None.

C. Open Time for Items Not On Agenda

None.

D. Adjournment

The meeting was adjourned at 3:56 p.m.

Respectfully submitted,

Maureen Cassingham
Executive Officer and Secretary

NEXT: NERA Executive Board Regular Meeting
Wednesday, March 11, 2015 – 3:30pm